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Challenges to Legal Education in A Changing Landscape—a Singapore Perspective

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I. Introduction

As a member of the Faculty of Law of the National University of Singapore (NUS) who has been involved in the management of the Faculty for some seven years now, I have found myself in the position of having to deal with some of the traditional controversies over legal education as well as confronting some of the challenges posed by globalization and the impact of technology on teaching methods. In this paper, my primary goal is to set out how the NUS law school has addressed some of these challenges and controversies as well as my personal views on these issues. In the next part of this paper, I will provide some brief historical and contemporary background to the Faculty of Law. I will then in subsequent parts explore the challenges posed to legal education by globalization and how technology may affect legal education. This paper will also consider the contemporary form of two traditional debates over legal education (between liberal and vocational education and between doctrine and theory) in the context of Singapore against the backdrop of globalization and the realities of legal practice.

II. The NUS Faculty of Law

Prior to 1956, formal legal education was unavailable in Singapore. Persons wishing to read law had to do so in England. The first local person to be called to the bar in Singapore was Sir Song Ong Siang who read law in Cambridge University on a Queen's Scholarship. He

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returned to Singapore in 1893, started a law firm and went on to become a successful lawyer.

The first public suggestion to establish a local law faculty was mooted by Professor Charles C Northcote Parkinson in an article entitled 'University Hopes of Tomorrow' published in *The Straits Times* on 3 March 1953. He argued that the university should be expanded to include a law faculty. This suggestion was supported by Sir Sydney Caine, the Vice-Chancellor of the University of Malaya, who stated that some knowledge of legal principles was a good thing for anybody who was going to study in the field of social studies and particularly if he was studying in that field with a view to entering government service or some other branch of practical affairs. Sir Sydney Caine said that he hoped to see in the fairly near future a Department, and subsequently an independent Faculty of Law.[1] Although there was strong opposition from the local bar to the establishment of a local law faculty, Vice-Chancellor Caine announced on 10 March 1956 that a Department of Law would soon be established at the University and, as a first step, some law teaching would begin in October 1957. In the 1955–56 session, 29-year old Dr LA Sheridan, a Barrister-at-Law (Lincoln's Inn), was appointed to the Chair in Law, becoming the first Professor of Law and Head of the Law Department. Dr Sheridan arrived in 1956 and commenced preliminary studies and organization with a view to starting teaching for a law degree in September 1957.[2]

On 9 July 1957, it was announced that the University of Malaya and the Bar Councils of the Federation of Malaya and Singapore had agreed that the University's Bachelor of Law degree would be recognized. Teaching for the LLB degree began in September 1957 with 42 full-time students admitted.[3] Full faculty status was obtained on 9 November 1959.[4]

The NUS Faculty of Law (the successor institution to the University of Malaya in Singapore) is today one of the eleven Faculties within NUS. The Faculty offers the following degree programmes, namely the Bachelor of Laws (LLB), the Master of Laws (LLM) and the Doctor of Philosophy (PhD). The majority of students in the LLB programme are undergraduates who complete it in four years.[5] However, a very small minority of students who already have a degree are admitted

1 See Kevin YL Tan, 'Early Legal Education in Singapore' in Kevin YL Tan ed., *Change and Continuity—40 Years of the Law Faculty* (Singapore, 1999) at 9.
2 *Ibid.*, at 11.
3 *Ibid.*, at 14.
4 *Ibid.*, at 17.
5 As at 19 September 2002, there are 656 undergraduate LLB students of whom 420 are female and 236 are male.

to read the LLB programme in three years.[6] The LLB programme generally consists of two years of 'core' subjects[7] followed by two years of elective subjects.[8]

The LLM programme is a one-year programme. Prior to the Academic Year 2002–2003, candidates could apply to read the LLM programme on a part-time basis over two years. That has since been discontinued. Aside from a general LLM degree, the Faculty also jointly offers a specialized LLM programme with the University of Nottingham in International Commercial Law. Candidates in this programme are required to spend a semester each in NUS and Nottingham, and to read a minimum number of designated international commercial law subjects.[9] From Academic Year 2003–2004, the Faculty of Law will be adding three new specialized LLM programmes, namely in Corporate and Financial Services Law, Intellectual Property and Technology Law, and International and Comparative Law. The LLM degree may also be obtained by research. A candidate working for the LLM by research must submit a thesis of not more than 40,000 words.[10] For the PhD degree, the thesis must not exceed 80,000 words.[11] The minimum period of candidature is two years, and the maximum is five years.

In addition to the above programmes, the Faculty also offers a one-year full time Graduate Diploma in Singapore Law. This programme

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6 This is similar to the Juris Doctor (JD) programme in US law schools. Higher education in Singapore is heavily subsidized and the Ministry of Education allows the Faculty of Law to admit into its LLB programme, on a subsidized basis, up to ten graduate students who have already had the benefit of a tertiary education in Singapore. The limit does not apply to students who obtained their first degree from an overseas university and therefore did not benefit from a prior subsidy. Thus for the Academic Year 2002–2003, there are 14 graduate LLB students in the First Year of their studies, with a total number of 24 graduate LLB students over the three years. Theoretically, the limit of ten may also be exceeded if graduates from a Singapore university are prepared to pay full fees (perhaps between SGD18,000–SGD22,000) but this has never been considered.

7 The core subjects in First Year are Law of Contract, Criminal Law, Law of Torts, Introduction to Legal Theory, Legal Analysis, Writing and Research I and II, and Singapore Legal System. The core subjects in Second Year are Company Law, Comparative Legal Traditions, Equity and Trusts, Land Law, Legal Case Studies, Public Law, and Introduction to Trial Advocacy. Evidence and Procedure is a core subject that is read in Third Year. For a historical survey of curriculum development at the NUS Faculty of Law, see Alexander FH Loke, 'Educating the Thinking Lawyer: The Past, Present and Future of University Legal Education in Singapore' in Kevin YL Tan ed., *The Singapore Legal System* (Singapore, Singapore University Press, 2nd ed., 1999) 325 at 327–333.

8 The Faculty has a total of 680 undergraduate and graduate LLB students, of which 47 or 7% are foreigners.

9 This programme will end after the 2003–2004 or 2004–2005 Academic Year.

10 The total number of LLM students in Academic Year 2002–2003 is 44, of which 26 are foreign students.

11 The total number of PhD candidates in Academic Year 2002–2003 is 7, all of whom are foreigners.

is for law graduates from selected Commonwealth universities[12] who wish to be called to the Singapore Bar. To qualify for this programme, applicants from the approved UK universities must possess at least a Second Class (Upper Division) bachelors degree in law. Applicants from approved Australian and New Zealand universities must be placed within the top 30% of their cohort based on academic performance.[13]

III. Globalization and Legal Education

A. *The Impact of Globalization on Legal Practice*

I graduated from the National University of Singapore in 1987 and was called to the Singapore Bar in 1988. At that time, virtually all my classmates intended to practice law in Singapore (or Malaysia). There was relatively little interest in the prospect of working overseas. Thus I can only recall two of my classmates moving to Hong Kong soon after being admitted to the Singapore bar to practice there.

The situation today in relation to the law students at NUS as well as to its graduates within the last five years or so is very different. There is now much more interest in practicing law overseas, particularly in New York and London. The Faculty of Law's alumni magazine, LAWLINK, which includes a forum for its graduates to keep each other informed of their movements and whereabouts, shows a not insignificant number of them working for law firms in jurisdictions outside Singapore and Malaysia.

There are a number of possible reasons for this. For one, the Singapore economy is entering a mature phase and the high annual growth rates of 7–8 percent are probably a thing of the past. It stands to reason therefore that any growth in the domestic legal sector is likely to be unspectacular. Secondly, as the study of law became more prestigious in Singapore, the number of persons entering the profession grew significantly in the eighties and early nineties. The legal profession has therefore become more competitive. Thirdly, legal practice in Singapore has generally been difficult since the Asian economic crisis in 1996/97 and the bursting of the technology bubble after the turn of the century. Property transactions, which may at one time have amounted to up to 50% of the practice of many law firms, have

12 As of 1 September 2002, 19 UK universities, 4 Australian universities, and 2 New Zealand universities are approved universities for this purpose under the Legal Profession (Qualified Persons) Rules. In February 2003, another 4 Australian universities were added pursuant to the Australia-Singapore Free Trade Agreement.

13 The total number of Graduate Diploma in Singapore Law students in Academic Year 2002–2003 is 54, of whom 10 are foreign students.

deteriorated significantly and this coupled with reduced scale fees for such transactions has hit many practicing lawyers hard. It is the convergence of these factors that has probably contributed significantly to the many practicing lawyers who have not renewed their practicing certificates in the last few years.[14] It has also probably caused many younger lawyers to consider working overseas. The breadth and depth of work in New York and London is also greater than that found in Singapore, thereby potentially allowing them to differentiate themselves from their peers, not to mention the usually higher starting salaries in such jurisdictions.

Beyond domestic factors local to Singapore, one can also safely say that the impact of increasing globalization has made the legal profession in Singapore (and no doubt elsewhere as well) think about law less exclusively in domestic terms. Cross-border elements in commercial transactions have always been present but have become more important with the rapid increase in international investment. Many businesses today are also global concerns with manufacturing operations located in one jurisdiction, IT facilities and support in another, and the main headquarters and other regional headquarters located in still others. The law has an important role to play in a more globalized system, as the law is one of the instruments that can play a facilitative role. The law provides a framework within which the global system operates. Multilateral arrangements such as the WTO, regional arrangements such as NAFTA and the EU, and bilateral arrangements such as Free Trade Agreements between countries, have all added to the legal framework regulating international trade and investment. This is likely to mean that an international trade in legal services will become even more prominent in the years ahead.[15] The legal profession must adjust to these new realities.[16]

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14 According to information provided by the Law Society of Singapore, the number of lawyers who did not renew their practicing certificates between 1998 and 2002 were 259 out of 3243 lawyers (1998), 237 out of 3401 lawyers (1999), 308 out of 3537 lawyers (2000), 280 out of 3524 lawyers (2001), and 295 out of 3533 lawyers (2002). I would like to thank Mr William Phua and Ms Yasho Dhoraisingam of the Law Society for providing me with this information. See also *Census of the Legal Industry and Profession, 2001* conducted by Singapore's Ministry of Law and the Department of Statistics, Ministry of Trade and Industry.

15 E Clark and M Tsamenyi, 'Legal Education in the Twenty-First Century: A Time of Challenge' in P Birks ed., *What Are Law Schools For?* (Oxford, Oxford University Press, 1996) at 24; Gary F Bell, 'World-Class Law Schools Will Teach (and are Already Teaching) the Laws of the World' in *Change and Continuity, supra* note 1 at 174–175.

16 Many years ago, the founding Dean of the NUS Faculty of Law expressed the view that 'a lawyer must not only be proficient in the legal syntax of his own system. He must strive to know other systems of law', see LA Sheridan, 'Legal Education in Malaya' (1962–63) 10 Far Eastern LR 489 at 491. See also Tommy Koh Thong Bee's Internal Circular Law/727/71, quoted in M Cheang, 'Legal Education and its Role in

B. *How Should the NUS Faculty of Law Approach Globalization?*

A law school, particularly where it is the only law school in a particular jurisdiction (such as the NUS Faculty of Law), cannot remain wholly impervious to the changing circumstances faced by the wider legal profession. At the same time, it must also be alive to the aspirations of its students. It must recognize these and other realities that may impact on its role. One thing that globalization does, or should do, is to cause us to rethink and re-analyze our assumptions.[17] If globalization is a reality that has had an effect on legal practice, legal education must provide a suitable response. It will be insufficient for law schools to provide an education that is premised on the basis that its students will only practice domestic law. As such, it is suggested that it is surely unacceptable today to have law students graduate from a common law law school with virtually no understanding of other legal traditions (or of differences within the common law world itself).

The NUS Faculty of Law has tried to meet the challenges posed by globalization in a number of ways. Since the early nineties, the Faculty has entered into student exchange agreements with good foreign law schools. The number of such agreements grew rapidly from the second half of the nineties. Today, the Faculty has around twenty student exchange agreements with law schools in Australia, Canada, China, England, Europe, New Zealand and the United States. The students who go away on exchange tend to be in their Third Year, after completion of most of the required core subjects. In the Academic Year 2002–2003, 36 students are away on exchange, or around 25% of the class of 145 students.

The Faculty of Law is keen on even more exchange agreements and several are currently being considered. Speaking for myself, I would like at least a third of each cohort to spend at least a semester abroad. Aside from allowing students to take subjects that expose them to the

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the Future of Singapore' (1973) LAWASIA: Journal of the Law Association for Asia and the Western Pacific 53 at 68; S Jayakumar and Chin Tet Yung, 'Report on the Development of the Faculty of Law (Singapore, May 1981 (unpublished)); J Flood, 'Legal Education, Globalization, and the New Imperialism' in F Cownie ed., *The Law School—Global Issues, Local Questions* (England, Ashgate Publishing Limited, 1999) [hereinafter *The Law School: Global Issues, Local Questions*], Chapter 6; DB King, 'Old and New Models of Legal Education' in DB King ed., *Legal Education for the 21st Century* (Colorado, Fred B Rothman, 1999) at 12 [hereinafter *Legal Education for the 21st Century*]; S Jayakumar, 'The Confluence of Law and Policy: The Singapore Experience' in *The Singapore Conference: Leading the Law and Lawyers into the New Millenium @ 2020* (Singapore, Butterworths, 2000) at 16–17; Chin Tet Yung, 'Educating Singapore's Lawyers for the 21st Century: The "Learning" Profession' in *The Singapore Conference: Leading the Law and Lawyers into the New Millenium @ 2020* (Singapore, Butterworths, 2000) at 281.

17 DB King, 'Globalization Thinking for Modern Legal Education', *ibid.*, at 394.

laws of a different jurisdiction, it allows them to broaden their minds and makes them more conscious of different cultural sensitivities, traits that will be more and more important in an increasingly globalized world. At the same time, those law students who will not have the benefit of spending at least a semester abroad will have a chance to interact with the students from our exchange partners who come to Singapore. Such opportunities are, I believe, particularly important in our context. Singapore is a relatively small city-state. Many law students come from the same schools, and have similar socio-economic backgrounds. There is thus less diversity in the law school than is perhaps desirable. This is not helped by the fact that the percentage of foreign students in the LLB programme is small, in large part because the annual intake is small[18] and the number of Singaporeans applying to the programme each year is several times more than the number of available places.

The Faculty has also made curricular changes to meet the challenges posed by globalization. This is in many ways a difficult and complex enterprise. The law in many respects (and I do not mean it in a derogatory manner) is insular and parochial due to its jurisdictional nature.[19] Accordingly, most of the courses that are offered in law schools are courses on domestic law. Most of the academic staff will have received their legal education from a law school within the same country, or from a law school in a country with a very similar legal system.[20] As one of the roles of almost all law schools is to prepare its students for the legal profession,[21] and this has traditionally been seen from a domestic perspective, it is not entirely clear, particularly with limited resources, how a law school can effectively teach anything other than an essentially domestic degree programme.

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18 For several years up to 2000, the Faculty of Law was only allowed to admit 150 students each year. This number has been allowed to rise slightly since then. Thus the intake in the Academic Year 2001–2002 was 178 and that in the Academic Year 2002–2003 was 196. These figures do not include graduate students admitted into the LLB programme. Each year the Faculty conducts admission interviews and tests for around 600 applicants, who are themselves short-listed from a larger pool of applicants.

19 Flood, *supra* note 16 at 127–128. See also J Webb, 'Post-Fordism and the Reformation of Liberal Legal Education' in F Cownie ed., *The Law School—Global Issues, Local Questions* (England, Ashgate Publishing Limited, 1999) at 235 who remarks that even in English law schools where the curriculum has long been dominated by a marked insularity, globalization is having an impact on both curriculum content and processes. This has led to a limited resurgence of comparative legal studies and the interpenetration of the national and supra-national legal orders of the European Union.

20 Thus the majority of faculty in the NUS law school will have obtained their first law degree either in Singapore or England. Of the rest, most would have obtained their first law degree from another Commonwealth country.

21 How this should be done is often a matter of some controversy and will be discussed in greater detail later.

One possibility is to offer courses that focus specifically on the law of another jurisdiction, or at least on aspects of the law of that jurisdiction. One example of such a course that is offered by the NUS Faculty of Law is Chinese Commercial Law, a course that is important due to the number of Singapore investments in China. While such courses are very useful, this approach has inherent limitations in the sense that it will generally be difficult for law schools to offer many subjects along these lines because with a limited operating budget, such an approach must be matched by trade-offs elsewhere. In addition, one cannot possibly have an adequate knowledge of the laws of several different jurisdictions, at least not within the three to four years that is typically spent in the law schools of the common law world.

Another approach is to attempt to foster a broader understanding of comparative approaches and different viewpoints to law through a course in comparative law.[22] Accordingly, the NUS law school has made a course on Comparative Legal Traditions a compulsory Second Year course. This course will introduce students to the wide variety of legal cultures and traditions present in Asia. The objective of the course is to make students more aware of such legal cultures and traditions, which will hopefully better enable them to be active participants in an increasingly inter-dependent world. It is also hoped that the course will increase respect for the different cultures and traditions in the region. Areas that will be covered in the course include the concepts of legal culture and tradition, and law as part of an identity; comparative law and methodology; indigenous law (including the adat law of Indonesia and Malaysia); Islamic law, in general, as well as it is practiced around the world and particularly as it is practiced in South East Asia; the Chinese legal tradition; the Hindu Tradition; the impact of colonialism; the Civil Law tradition; the meeting of traditions; laws in transition from a socialist to a market economy; and the impact of globalization on the law and the very concept of national law. As the objective is to instil awareness and sensitivity towards a number of different legal traditions and cultures, the course leans towards breadth rather than depth.[23] In addition to this general comparative law course, there are also specialized comparative law courses offered, e.g. International and Comparative Law of Sale and Comparative Constitutional Law.

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22 It will be seen that the term 'comparative law' is used here in a broader context for it may fairly be said that there is no such thing as Comparative Law, BS Markesinis, 'The Comparatist (or a plea for a broader legal education)' in *What are Law Schools For?*, *supra* note 15 at 112.

23 See also DB King, 'Additional Information and Thoughts on Comparative Perspectives' in DB Kinged., *Legal Education for the 21st Century* (Colorado, Fred B Rothman, 1999) at 382–383.

A further approach to comparative law teaching is to teach it through the pervasive method. Broadly speaking, the pervasive method involves allowing students to see, within individual courses, the different approaches and views that are taken by other jurisdictions to a particular legal problem. For example, I lecture that part of the Law of Contract that deals with the formation of contracts. In addition to material and cases from other common law jurisdictions, I also attempt to introduce civil law perspectives. For example, in the common law tradition, the existence of an agreement is generally determined 'objectively' by reference to the surrounding circumstances. If I have used words that can reasonably bear only one meaning, and those words constitute an offer to you, which you accept, there is an agreement between us however truthfully I intended something else. In the civil law tradition, a more 'subjective' approach is often adopted. Thus it would be open to a person to give evidence of that person's true intention notwithstanding the objective or reasonable interpretation of the words used. I attempt to convey such differences between the common law and civil law approaches to my students. The objective is not to teach them the civil law of contracts. The course that I teach is primarily focused on Singapore contract law. Rather, the objective is to illustrate to students that different cultures approach legal problems in different ways.[24] There is often more than one possible legal solution to a problem. The actual solution that is chosen is often a result of social, economic, cultural and/or political factors that are unique to a particular society at that point in time.[25] At the same time, do the different approaches mean that on every given set of facts different results will occur? The answer is no. For example, where words are used that are entirely unambiguous, it will be extremely difficult to discharge the burden of proving that the speaker did not mean what was said. At the same time, a common law judge who heard evidence that clearly showed that the maker of the statement had made a mistake and meant something else may be tempted to find that the words used were ambiguous, and that

24 The approach is, as Sheridan puts it, to thoroughly train students in one system and to make them aware of the existence of differences in others, LA Sheridan, 'Legal Education in Malaya' (1957–58) 4 JSPTL (N.S.) 19 at 22. Needless to say, differences in approach also exist between jurisdictions within the same broad legal culture.

25 J Sexton, 'Charting the Course for Law Schools' in *Legal Education for the 21st Century*, *supra* note 16 at 50 states that an increasing number of NYU faculty members have embraced the notion that no subject taught in law school today is purely domestic, and that virtually all of the NYU faculty have come to incorporate global perspectives into the fabric of their research and teaching. Literally dozens of faculty members now view their works in traditionally domestic areas through a global lens. See also Markesinis, *supra* note 22 at 112–113.

since both parties understood it in different ways, there was no agreement.[26] Yet it must not be forgotten that the paradigms are different and different results will occur.

Another approach to the pervasive method is to include foreign legal academics in the teaching of existing traditional courses. As Singapore is a small jurisdiction, the reading lists of many subjects already include cases from other Commonwealth jurisdictions such as Australia, Canada and England. Foreign law academics from these jurisdictions and the United States come to the NUS law school regularly to teach.[27] When they teach in existing courses with an NUS academic, they will bring to such courses their own unique perspectives. What should be done at the NUS law school is to broaden the foreign academics beyond common law jurisdictions so that more unique international perspectives can be brought to the attention of its students.[28] At the same time, I hope that more law teachers in the NUS law school will consider including civilian perspectives in their courses although I can understand the hesitation to do so as virtually none of us have any formal training in civil law.

It will be evident from the foregoing that I am of the view that to meet the challenges posed by globalization the NUS Faculty of Law should adopt combinations of the above approaches to comparative law teaching to ensure a holistic approach. Ultimately, the benefit of a holistic comparative approach to legal education (which should not detract from the need to understand domestic law) is that an understanding of different legal traditions and approaches to law can lead to a more insightful and flexible lawyer and one that is better able to operate across national jurisdictions. Such traits are surely of virtue to all lawyers whatever their specialization.[29] At the same time comparative legal studies enrich the atmosphere of learning within the law school, and enhance understanding of the strengths and weaknesses

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26 In *Falck v Williams* [1900] AC 176, the Privy Council found that the words used in a telegram were ambiguous and as both parties understood it differently, the plaintiff's action for breach of contract failed.

27 For example, the visiting academics at the NUS Faculty of Law in the Academic Year 2002–2003 include Jane Ginsburg from Columbia, Gerald Dworkin from Kings College London, Gerard McCormack from Manchester, Michael Milde from McGill, Geoffrey Morse from Nottingham, Adrian Briggs, Derek Davies, Francis Reynolds, and William Swadling from Oxford, and Kent Roach from Toronto. Of the full-time faculty, one-third are non-Singaporeans.

28 The NUS law school hopes to have at least 6 visiting academics from other Asian countries each year from the Academic Year 2003–2004. The NYU law school has a large existing programme along these lines, see Sexton, *supra* note 25 at 50–51.

29 See further DB King, 'Globalization Thinking for Modern Legal Education', *supra* note 17 at 411–416; Bell, *supra* note 15 at 176–177.

of our own legal system.[30] The comparative dimension teaches students not to take the assumptions of their own legal system for granted; it counteracts a tendency to ultra-sophisticated exegesis and quasi-scholasticism which arises when generations of scholars continue to examine the same fundamental documents within a purely national context.[31] Michael Reisman, speaking of globalism, states that two probable futures are one in which trends toward global integration are arrested and produce, instead, several large trading blocs, and another in which the essential model of the World Trade Organization triumphs and there is a substantial increase in global integration. He suggests that in both these futures, professional facility in regional or international languages, and in the law and procedure of other national and international jurisdictions, as well as the ability to operate effectively in diverse cultures, will be required. The legal curriculum will therefore have to be based on a notion of a comprehensive, transnational legal system rather than an autonomous national system that connects, through certain formal linkages, to other states and to an international system.[32]

I should add for the avoidance of doubt that I do not intend (here or elsewhere in this paper) to hold out the NUS law school as a model; I am merely outlining how we have tried to engage the issue of globalization. I am by no means convinced that we have got it right, but I hope (here and elsewhere) that we are at least on the right path. What I also hope is that more faculty will buy in to the idea that comparative perspectives should be an integral part of the curriculum to give students a broader perspective of the global legal landscape or as a window to different approaches to legal issues. At present, comparative perspectives tend to be introduced principally for their value in illuminating the understanding of Singapore law, or

30 I Dore, 'The International Law Programme at St Louis University School of Law' in *Legal Education for the 21st Century*, *supra* note 16 at 387. For law students who have aspirations to work overseas, such traits and mindsets will be invaluable, although other factors are obviously relevant in obtaining such employment.

31 B de Witte, 'The European Dimension of Legal Education' in P Birks ed., *Reviewing Legal Education* (Oxford, Oxford University Press, 1994) at 72–73. All these point strongly to the fact that comparative law 'has to be integrated into our research and teaching, across the board', P Birks' editor's preface, *supra* note 15 at viii. Similarly, Clark and Tsamenyi, *supra* note 15 at 25–26 state that 'Australian law graduates will have to be less parochial and more international in their legal outlook. Students will have to be more aware of other legal systems and have a greater understanding of international law (both public and private), comparative law and be more knowledgeable about and sensitive to other cultures.'

32 MW Reisman, 'Designing Curricula: Making Legal Education Effective in the 21st Century' in *The Singapore Conference: Leading the Law and Lawyers into the New Millenium @ 2020*, *supra* note 16 at 275–276.

its possible future development, which explains the strong comparative common law perspective. While this is valuable in itself, what is advocated here is a broader approach to comparative law (which of course does not discount the role of comparative perspectives within the common law).

IV. Liberal Versus Vocational Education

A. *The Tension Between Liberal and Vocational Education*

The NUS LLB degree is currently the main route for entry into the Singapore legal profession. Accordingly, a widely held view is that one of the primary roles of the NUS law school is to educate law students for the practice of law in Singapore. With the impact of globalization, many lawyers are encountering cross-border issues in their practice (and will increasingly do so) and this has meant the need to increase the comparative elements in the LLB curriculum while at the same time continuing to ensure a good understanding of Singapore law.

The dominant view in Singapore is that the NUS law school best discharges its educative role by providing a 'liberal' legal education (which also has the advantage of providing a good education for those law students who either do not intend to practice, or are undecided if they wish to practice for more than a few years). A liberal education should properly have as its aim that students should not merely know or know how to but understand why things are as they are and how they could be different.[33] It should focus not only on the teaching of legal doctrine but also on facilitating student understanding of legal theory and concepts. Students should also be aware of differences in approach in other legal systems. The point is well put by Professor Lee Sheridan, the founding Dean of the NUS law school. In the early days of the law school, before it was conferred faculty status, Sheridan made the following statement:[34]

> The first aim of the University of Malaya in introducing a Department of Law is to provide that broad liberal education through the medium of law which is the ideal of the British type of university law school. That is to say, the primary object of instruction placed immediately before the eyes of the undergraduates will be the law of Malaya, but this local god must be placed there in such a way

33 D Oliver, 'Teaching and Learning Law: Pressures on the Liberal Law Degree' in P Birksed., *Reviewing Legal Education*, *supra* note 31 at 78. See also PN Pillai, *Legal Education in Singapore: Its Development, Problems and Prospects* (Singapore, Maruzen Asia, 1980) at 11–14; Brownsword, 'Law Schools for Lawyers, Citizens, and People' in *The Law School—Global Issues, Local Questions*, *supra* note 16 at 27–30.

34 See LA Sheridan, *supra* note 24 at 19.

> that it will not obscure the vision of things beyond. A comparative study of other systems of law is recognized as important . . . . It has always been intended, too, that legal philosophy should be interwoven with study of positive law, and the same goes for legal sociology with an eye on law as a policy science. Nor has it ever been forgotten that there is a practical side to the law.

Nevertheless, there are views expressed from time to time that the NUS law school should adopt a more vocational approach that will produce graduates who are ready made for practice.[35] This has been referred to as the 'how-to-do-it' school, which aims to produce technicians who will perform the technical services that a society desires. One example of such a law school would be one that may teach local practice and the drafting of legal instruments. Another example would be one that aimed at technical competence even while eschewing a trade school mentality.[36] Often those who advocate such an approach are really asking the law school to produce 'ready-made' lawyers who will be immediately competent for legal practice. It is submitted that this cannot be the role of the law school. The law school can provide the foundation and many of the mind-skills which are necessary for legal practice; to achieve practical competence requires the practicing profession to play its role in the training process.[37] In fact it is arguable that with increasing globalization and the often difficult issues that a rapidly changing society throws up, the importance of a liberal education through law has never been more apparent due to the need for legally trained persons with a sufficiently flexible mindset and education who can cope with the myriad situations that arise in a highly fluid society.

At the other end of the spectrum, there is also the danger that a law school may be altogether too indifferent to subjects that are perceived as being 'vocational' in nature. Peter Birks for one has said that law

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35 For example, Tan Sook Yee, 'Legal Education in Singapore' (1979) 21 Mal LR 58 at 60 mentions that it has often been suggested to the NUS Faculty of Law that Conveyancing, which at one time was the life-blood of many practicing lawyers in Singapore, should be made a compulsory subject. Demands for a more vocational approach are also heard in other jurisdictions, see, e.g., M Thornton, 'Portia Lost in the Groves of Academe Wondering What to do about Legal Education' in I Duncansoned., *Legal Education and Legal Knowledge* (Victoria, Australia, La Trobe University Press, 1991) at 9–11; W Wilson and G Morris, 'The Future of the Academic Law Degree' in *Reviewing Legal Education*, *supra* note 31 at 101–104; D Oliver, *supra* note 33 at 80–82; A Goldsmith, 'Standing at the Crossroads: Law Schools, Universities, Markets and the Future of Legal Scholarship' in *The Law School—Global Issues, Local Questions, supra* note 16 at 71–73.

36 RM Hutchins, 'The University Law School' in D Haber and Julius Cohen eds, *The Law School of Tomorrow* (New Jersey, Rutgers University Press, 1968) at 5.

37 See also LA Sheridan, 'University Law' (1956) 22 MLJ xxviii.

schools by and large have remained indifferent to the subjects which happen to have fallen to the vocational stage of legal education. To that extent, he argues, they have themselves encouraged the false and dangerous antithesis between academic and practical, an antithesis which fathers the doctrine that practice has its own needs and nothing to gain from expensive academic study of the law. With isolated exceptions, there is extraordinarily little knowledge in the law school system about civil and criminal procedure or about any matters directly relating to legal practice, including professional ethics.[38]

B. *The Proliferation of Legal Content*

It will be suggested later that in the development of the legal mind, there is probably no real contradiction between a 'liberal' and 'vocational' education, except perhaps where those words are used in an extremely narrow sense. Both perspectives are essential and the more pressing issue is to strike the right balance between the two. At the NUS law school, the approach leans heavily toward providing a liberal education and 'vocational' subjects are taught (perhaps implicitly) with a view to facilitating such an education. It is suggested that such an approach to legal education is not only preferable in Singapore, but generally too in other jurisdictions, particularly where the legal profession has to grapple with complex issues.

Thus while knowledge of content is rightly one of the objectives of a legal education, to prepare law students effectively for practice, legal education must go further as the pursuit of content is ultimately fruitless.[39] So too is an approach that is focused largely on knowing how to 'do things'. The legal landscape sees too many changes for such approaches to have a meaningful shelf life. In addition, there is just too much knowledge to be acquired and it is impossible to acquire more than a fraction of it in the time that students spend in law school. It must, for example, strike many lawyers today that there has been an explosion of legal knowledge with the consequent proliferation of elective subjects in many common law law schools. Perhaps this explosion has taken place partly because of rapid societal changes (including globalization and advances in science and technology) which have required the adaptation of existing laws and/or the enactment of new laws. Whatever the reason, the NUS law school has not been immune to the proliferation of elective subjects. When I was a law student in the mid-eighties, the NUS law school offered

38 'Short-Cuts' in P Birksed., *Reviewing Legal Education*, *supra* note 31 at 20.
39 See also O Kahn-Freund, 'Reflections on Legal Education' (1966) 29 MLR 121 at 127.

relatively few elective subjects. In the area of financial services, for example, there was a course in Banking Law. In the corporate law field, Company Law, which was a compulsory course, was the only course in the area. Intellectual Property had just been offered as a course in the Academic Year 1985–1986. There was a course on Public International Law, a course on Carriage of Goods by Sea and a few others such as Commercial Transactions, Family Law, Administration of Criminal Justice, Insurance Law, etc. To a large extent, many of these courses continue to be available. However, the list of elective subjects has grown substantially beginning from the early-nineties.[40]

Thus, in the area of corporate law, the subjects that will be available from Academic Year 2003–2004 are Comparative Corporate Governance, Corporate Finance Law, Corporate Reorganizations, International Takeovers and Mergers, Law of Insolvency, and Securities Regulation. In the area of intellectual property, available courses include Advanced Patent Law and Policy, Biotechnology Law, Biomedical Law and Ethics, Confidential Information and Trade Secrets, Global Exploitation and Management of IPRs, Infocoms Law: Competition and Convergence, International and Comparative IP Law, Internet Law and Policy, Issues in Copyright and Designs, and Legal Issues in Electronic Commerce. In the area of public international law, electives include Aviation Law and Policy, Human Rights Law, International Environmental Law, International Investment Law, Ocean Law and Policy, Trade Dispute Mechanisms, and World Trade Law. All in there are now around 70 electives available, with several more being planned.[41]

C. *Attempting a Balance Between Liberal and Vocational Perspectives in Legal Education*

Given that it is impossible for any law student, or indeed for even the experienced practitioner, to be knowledgeable in every area of the law,

40 Going back further in time to the 1960s, it is clear that the number of elective courses available at the NUS law school was much fewer, see Tommy Koh Thong Bee, 'Legal Education in Singapore' (1968) 9 Me Judice 21 at 25.

41 According to Loke, *supra* note 7 at 332, the number of elective courses offered in the 1997–1998 Academic Year was 48. As the only law school in Singapore, and one that is substantially publicly funded, there is also a public duty to ensure that a reasonably comprehensive menu of courses is offered so that most areas of law have some coverage (see also WS Van Alstnye, Jr, JR Julin and L Barnett, *The Goals and Missions of Law Schools* (New York, Peter Lang Publishing, Inc, 1990) at 130). This puts pressure on the law school's budget which is already affected by a relatively small enrolment, the latter determined by the government. This effectively raises the 'cost per student' for the law school which can lead to further pressure on the Faculty's budget.

it has been suggested that an approach leaning heavily in favour of providing a liberal education is generally preferable. If this is correct, what can a law school do to facilitate a liberal education? In attempting to answer this question, let us pause a moment to outline the basic curricular structure found in many law schools. What a law school often does is to stipulate a number of compulsory 'core' subjects[42] that are regarded as essential understanding for lawyers. In much of the common law world, the foundational subjects include Contract, Tort, Criminal Law, Property Law, Equity and Trusts, and Public Law. At NUS, with the benefit of a four year LLB programme, there has been room to add a number of subjects that are not commonly found amongst the list of core subjects of law schools in certain other jurisdictions. These include three 'perspective courses' and courses built around a Legal Analysis, Writing and Research Programme.[43] In addition to the core subjects, many law schools also attempt to provide a reasonably comprehensive menu of elective courses which students can take, either out of interest and/or because they hope to specialize in a certain area of practice.

From a pedagogical perspective, if the aim is to advance the ideal of a liberal education through law, the various subjects taught at the law school should be approached in a manner that will facilitate student understanding of how basic theoretical concepts and legal principles cut across and apply to different areas. This is also an effective way to deepen a law student's understanding of the law. One of the weaknesses sometimes with legal education is that students tend to pigeonhole different areas due to the need to teach the law according to subject classifications, which are sometimes arbitrary. Students are not always able to make connections between different subjects and law teachers perhaps don't do enough to facilitate such connections being made. The problem is compounded where law teachers approach (no doubt unconsciously) the teaching of their subjects with very little reference to the wider legal canvas. Taking elective courses in general as an example, such courses often arise because of the need for sustained application of basic legal principles to specific industries or circumstances. They provide a wonderful opportunity (and should be approached from such a perspective) for law students to deepen their understanding of what they have learnt previously, as well as to see the inter-relationships between different legal subjects. As Birks puts it, the foundations need to be built on and revisited. Elective courses lead

42 On the different meanings ascribed to the word 'core' in this context, see W Twining, *Blackstone's Tower—The English Law School* (London, Stevens and Sons/Sweet and Maxwell, 1994) at 165.

43 These will be discussed further below.

students further into core concepts and principles thereby leading the foundation subjects to be reviewed and reconsidered by students from many different points of view.[44] Since the pursuit of content is ultimately fruitless, one principle objective of a law school education must be to develop understanding of the phenomena that is law and it is such understanding that will ultimately be most useful for legal practice. As O Kahn-Freund puts it in the context of examinations: 'As I have said, far be it from me to deny the importance of a good memory, but it is only a secondary thing compared with the insights and the skills a student should acquire and display in an examination. A good lawyer . . . is a man or woman who knows where to find the law, only fools burden their memories with details they can look up in half a minute or even in half an hour.'[45]

It follows therefore that the law school must educate law students in a manner that allows them to develop what has been referred to as 'transferable intellectual skills'.[46] Lawyers frequently encounter novel issues in practice and often have to advise on areas of law that they may not be familiar with. The pace of change in legal practice also means that lawyers will have to contend with transformation. The effective practitioner must therefore have the ability to 'get-up' on the law in areas that are unfamiliar. To do this effectively, the legally trained person must have a deep appreciation and understanding of the philosophy and methodology of the law, of its ethos and nature, rather than simply knowing rules. Without truly understanding *the law*, a practitioner will find it difficult to understand its essence, thereby rendering it difficult to find possible solutions to novel situations. Law schools have an important role to play in facilitating the development of such lawyers.[47] Through appropriate teaching methodologies and a vibrant curriculum, they can help their students to develop independent and critical learning skills, develop a spirit of inquiry, see the big picture and make connections within areas of the law and between different legal subjects, organize, analyze and synthesize large amounts

44 'Short-Cuts' in P Birksed., *Reviewing Legal Education*, *supra* note 31 at 25. See also Wilson and Morris, *supra* note 35 at 103; LA Sheridan, 'Legal Education' (1961) 27 MLJ lxxxv at xci; P Birks, 'A Decade of Turmoil in Legal Education' in P Birksed., *Examining the Law Syllabus—Beyond the Core* (Oxford, Oxford University Press, 1993) at 9–12.

45 See O Kahn-Freund, *supra* note 39 at 133.

46 Oliver, *supra* note 33 at 77–80; Wilson and Morris, *supra* note 35 at 102; Thio Su Mien, 'The Role of the Law Schools in the Developing Nations' (1969) 11 Mal LR 250 at 254–257; Loke, *supra* note 7 at 336. Twining, *supra* note 42 at 60 states that many of the so-called transferable skills of reading, writing, analyzing and arguing, enquiring, etc can be developed through the study of any number of subjects.

47 Brownsword, *supra* note 33 at 27–28.

of information, apply legal principles to difficult fact situations, and think laterally.[48]

There is a danger when teaching a subject that aside from not making sufficient connections to other areas, too much emphasis is placed on the content to be taught, without paying sufficient attention to the underlying concepts, issues, philosophy and policy considerations that underpin that area of the law. Students therefore find it very difficult to see the big picture as they spend a great deal of time grappling with an overcrowded reading list. While knowledge of cases is important, a balance must always be struck that allows students to better understand fundamental concepts and the law in its wider context. This makes for better overall understanding. Goode, writing of the perceived need to cover the field, makes the point that this 'can very easily become an obsession. . . . I have known of *general* commercial law courses in this country in which the unfortunate student . . . is driven to flit frantically from one major topic to another, desperately (and often successfully) memorizing rules without the faintest understanding of why they are there or how the underlying transaction works . . . . Better that they should understand the fundamental concepts, so that they would know how to analyse the legal effects of a fact situation not the subject of any previous reported case, than that they should become bogged down in the minutiae of technical law of little intellectual interest except to the specialist.'[49]

It is submitted therefore that there is no contradiction between a 'liberal' and 'vocational' education in law.[50] A liberal education, as outlined above, is necessary to educate effective legal professionals. At the same time, 'skills' or 'vocational' courses also have a role to play in illuminating the operation of the law in its many facets. Both perspectives can facilitate a truly meaningful understanding of the law. The existence of a meaningful skills component within a law school should not be seen of itself as evidence of a 'trade school' mentality. There is a role in law schools for subjects such as civil and criminal procedure,

48 See also Oliver, *supra* note 46; F Bennion, 'Teaching Law Management' in P Birksed., *Reviewing Legal Education*, *supra* note 31 at 9–12; Tan, *supra* note 35 at 67; Loke, *supra* note 7 at 334–335.

49 R Goode, 'The Teaching and Application of Fundamental Concepts of Commercial Law' in P Birksed., *Examining the Law Syllabus—Beyond the Core*, *supra* note 44 at 57. See also RH Hickling, 'Some Thoughts on Legal Education in Singapore' [1977] 1 MLJ xxii at xxiv.

50 See also HG Calvert, P Coomaraswamy and LA Sheridan, 'Problems of Legal Education' (1960) 2 Me Judice 11; GH Calvert, P Coomaraswamy and LA Sheridan, 'Legal Education in Malaya' (1960) 3 Journal of the Indian Law Teachers' Association 45 at 47; Koh, *supra* note 40 at 25–26; A Gewirth's and J Hall's comments in D Haber and Julius Cohen eds, *The Law School of Tomorrow*, *supra* note 36 at 58–59 and 62 respectively; W Twining, 'Intellectual Skills at the Academic Stage: Twelve Thesis' in *Examining the Law Syllabus—Beyond the Core*, *ibid.*, at 93.

and even more obviously practical courses such as Advocacy, Negotiation, Mediation and Arbitration. It is surely unsatisfactory to refine theory and doctrine while at the same time remaining cut off from the machinery through which the substantive law is applied. The two interact.[51] In addition, to see skills courses only in terms of their practical value, narrowly defined, is short-sighted. Skills courses, properly approached, can be a means through which students can better understand the other more traditional courses that they read. They should not merely serve as instructional modes on how to do things. Skills courses should attempt to place the subject matter within the wider fabric of the legal system. It has been asserted that skills-based learning can enable students to acquire a deeper, more personalized understanding of the propositional knowledge acquired in law school, or to become more critically reflective of the legal professional culture.[52]

At the NUS law school, this is (or at least should be) the rationale for the skills courses that law students have to take in their First and Second Years. In Year 1, there is a two-semester Legal Analysis, Writing and Research programme, which incorporates a mooting element (the 'LAWR programme').[53] In the LAWR programme, the law school is not much concerned with issues such as grammar. Virtually all students speak English fluently (for many English is effectively their 'mother' tongue).[54] The LAWR programme is intended to help students develop the skills of research and analysis through intensive writing. The discipline of having to write out an answer to a problem or an issue forces students to think and reflect more deeply. What seems like a good train of thought sometimes seems amateurish when first committed to paper. Being forced to write also leads students to spend time organizing their thoughts to ensure a logical and systematic presentation. In fact, there is something to be said for the notion that there is no such thing as 'bad writing' *per se*. Poor writing is often a reflection of poor thinking and one of the pedagogical reasons behind the programme is to provide a forum that forces students to think deeply about the legal issues that are raised.[55] The LAWR

51 Birks, *supra* note 31 at 21. See also King, *supra* note 16 at 9–10.
52 Webb, *supra* note 19 at 247. See also Oliver, *supra* note 33 at 81–82.
53 The LAWR programme was developed with the assistance of Professor Molly Lien, an experienced 'Legal Writing' instructor from the United States who has taught for many years and who regularly runs such programmes for US law firms.
54 The law school insists on a minimum grade of B3 for the General Paper examination taken at the GCE 'A' Levels. In addition, all short-listed applicants for the law school have to sit for a written test and undergo an oral interview, all of which is conducted in English which is the medium of instruction at the law school.
55 These will usually be issues in Contract, Criminal Law or Tort, which are the substantive courses covered in First Year, thereby reinforcing the learning that takes place in these courses.

programme is therefore not directed towards building competency in a technical process; rather, legal writing, researching, and placing knowledge into realistic contexts are cognitive arts.[56] At the same time, the practical value of such a course is self-evident,[57] and not only because advocacy in the Singapore Court of Appeal is primarily written advocacy. Thus the LAWR programme attempts to help students to learn how to analyze legal authorities and principles and to apply them effectively in problem-solving for internal and external clients; communicate their positions clearly; craft their communication for multiple audiences (lay clients, law firm partners); develop persuasive communication skills by formulating cogent arguments in support of their clients' positions and convincingly present legal support for such positions; and exercise their persuasive skills in multiple media (written, oral) and contexts (in simulated negotiations and courtroom presentations). These exercises will culminate in a hypothetical case or 'moot' problem.[58] Research assignments in the course of the LAWR programme will also cover statutory research. The research component will focus on basic research strategy, and how to find and use primary and secondary legal sources.

In Year 2, building on the foundations laid by the First Year LAWR programme, students will have to take a course in the second semester titled 'Legal Case Studies'.[59] This course is another attempt to facilitate the ability of students to think laterally across subject areas. It will simulate a legal problem that a lawyer must work on.[60] The course could very well start with a letter setting out certain facts. The law student, who plays the role of counsel, will have to consider what issues are raised and what the legal position might be, or ought to be. It may involve the law student having to ask for further information. There may follow a letter from opposing counsel that may raise a potential defence or counterclaim against any claim by the law student's 'client'. After this, the client may provide additional information to the law student. This additional information may raise issues in a different area of the law, say Tort, while the earlier facts may have raised issues in

56 N Savage and G Watt, 'A "House of Intellect" for the Profession' in P Birksed., *What are Law Schools For?, supra* note 15 at 57.

57 In a report of the Council of the American Bar Association Section of Legal Education and Admissions to the Bar titled *Long-Range Planning for Legal Education in the United States* (1987) at 29, it is said that legal writing is at the heart of law practice, so it is especially vital that legal writing skills be developed and nurtured through carefully supervised instruction.

58 On the advantages of using mooting as a medium of learning, see Oliver, *supra* note 34 at 85. As the LAWR programme team allocates almost equal time between written and oral communication, the title of the programme is a bit of a misnomer.

59 This course will begin in the 2003–2004 Academic Year.

60 The problem may well be based on actual cases.

Contract. The law student may therefore have to consider whether it is preferable to bring a claim in Tort or Contract as the measure of damages may be different depending on the choice. Along the way, one or two other issues may arise to complicate the factual matrix. Thus not only will the student have to think laterally across different subjects, but will have to do so in the context of a situation that mirrors (though imperfectly) an aspect of legal practice.

Year 2 students are also required to take a course on Trial Advocacy. In this course they are introduced to Examination-in-Chief, Cross-Examination, and Re-Examination. They also have to take part in a mock trial. The benefit of such a course is to introduce students to arguably the most important process through which disputes are resolved. Students should appreciate that whatever the law may be or ought to be, the facts must first be established and the ability to marshal facts to one's cause is an important process in the development of case law.[61] Issues relating to proof and facts should be brought to the attention of students. In addition, if the mock trial can focus on an aspect of the multi-faceted problem that the students have to work on in Legal Case Studies, it will further facilitate an appreciation of the complexities of legal problems and the importance of flexibility of mind.[62]

D. *Theory versus Doctrine*

An issue that is linked closely to the so-called liberal-vocational dichotomy[63] (and therefore some of what has been discussed previously is equally relevant here), but deserves separate treatment, is the balance between theory and doctrine. Doctrinal legal education is focused on knowing, understanding and applying legal rules. The emphasis is on 'black letter' law. Legal theory has been defined as 'any academic analyses of the law which requires a degree of abstraction from the principles stated in case and statute-based law'.[64] The term legal theory can also be understood as the study of law from the 'outside'. By this is meant the use of intellectual disciplines, external to

61 See also LCB Gower, 'English Legal Training' (1950) 13 MLR 137 at 183.
62 See also Webb, *supra* note 19 at 241–242.
63 Brownsword, *supra* note 33 at 28 says that 'whatever else the liberal mission implies, it is clear that the legal imagination has seized up if supposedly "critical analysis" never gets beyond first base familiarity with doctrine.'
64 PE Nygh and P Butt eds, *Butterworths Australian Legal Dictionary* (Sydney, Butterworths, 1997) at 681. I use the terms 'theory' and 'doctrine' here in the sense understood by common lawyers as I understand from my colleague, Gary F Bell, that civilians may understand these terms differently.

law, to carry out research on its economic, social or political implications. Typically, the techniques and approaches are borrowed from the social sciences and the humanities. The ultimate objective of this sort of interdisciplinary exercise is to secure a deeper and broader understanding of the legal system by placing it in its proper context.[65]

In the development of the legal mind, one should not underestimate the importance of legal theory (in both senses). If we are convinced that we live in a world where change is a constant, the only knowledge of permanent value is theoretical knowledge; and the broader it is, the greater the chances that it will prove useful in practice, because it will be applicable to a wide range of conditions. Persons who are most likely to become creative and to act as leaders are not those who enter into life with the greatest amount of detailed specialized information, but rather those who have enough theoretical knowledge, critical judgment, and the discipline of learning to adapt rapidly to the new situations and problems which constantly arise in the modern world.[66]

Just as there is no real contradiction between a liberal and a vocational education, it is submitted that neither is there one between a theoretical and doctrinal legal education in that there must be a proper balance of both for the development of the legal mind.[67] Any method of legal education must give an adequate foundation in theory and technical learning for the practice of a practical profession.[68] It has even been said that the law school prepares students for legal practice by helping them to an understanding of the law, and that its emphasis should be on theory because the best practical education is a theoretical one.[69] Nevertheless, that law schools should expose their students to doctrine is not seriously doubted here. Yet, as has been indicated earlier, there is often the danger that students are exposed to so much content that they fail to see the big picture. Such students

65 B Cheffins, 'Using Theory to Study Law: A Company Law Perspective' (1999) 58 CLJ 197 at 198. See also E Brunet, 'The need for legal theory at all stages of legal education' in P Grant, R Jagtenberg and KJ Nijkerk eds, *Legal Education: 2000* (Brookfield, Avebury, 1988) at 187–188.

66 See D Bell, The *Reforming of General Education* (New York, Columbia University Press, 1966) at 108; Thornton, *supra* note 35 at 19–20; Hickling, *supra* note 49.

67 See also Sheridan, *supra* note 24 at 19; O Kahn-Freund, *supra* note 39 at 128–129; Brunet, *supra* note 65 at 192; Wilson and Morris, *supra* note 35 at 104–106.

68 SP Simpson, 'The Function of the University Law School' (1936) 49 Harv LR 1068 at 1070.

69 Hutchins, *supra* note 36 at 6. See also A Phang, *The Development of Singapore Law* (Singapore, Butterworths, 1990) at 358; Sheridan, *supra* note 37 at xxix; Loke, *supra* note 7 at 333–334, 340–341; Simpson, *ibid.*, at 1073 where he makes the point that competence in the practical pursuits of the law is promoted far more by understanding of the law's underlying purposes and theories than by acquaintance with the tricks of the trade.

find it difficult to see how the various areas within a subject relate to each other. More so, they have a tendency to pigeonhole the law into different subject areas and find it difficult in complex issues or transactions to see the intersection of more than one area of the law.[70] They also have difficulty understanding the fundamentals of each subject as the law is not about rules simpliciter or logical analysis, which is what an over-concentration on doctrine implies and assumes. Rather the development of legal rules is very much dependent on the social, cultural and historical context of the society in question, which collectively also shape prevailing theories and views of the role of the law. The study of rules is not enough as rules are not self-creating, self-identifying, self-articulating or self-justifying. It is almost invariably misleading to treat rules as things in themselves without reference to the contexts of their creation, articulation, operation and so on.[71]

Thus taking Company Law as an example, do students truly understand that the law seeks to strike a balance between facilitating private enterprise and investment on the one hand, and ensuring on the other hand that the corporate vehicle is not abused to the detriment of certain interested parties? And that much of the history of Company Law can be seen as the attempt by policy makers and lawyers to balance both policies, which often pull in different directions? Again, taking another arbitrary example, do students reading the Law of Evidence really appreciate the underlying purpose of the law, namely to place limitations on the evidence that may be safely adduced during a trial, thereby ensuring a fair hearing for the parties involved? Thus evidence that is relevant may be excluded if it is inherently unreliable, or if, as is often said, its prejudicial value outweighs its probative value. In such questions there are value judgments to be formed, competing policies to weigh, not to mention the importance of the context within which the law developed, and a student better understands the subject, and will be better prepared to apply the law to novel facts, if the student has a better appreciation of the theoretical ideas that underlie the subject.

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70 See also Goode, *supra* note 49.

71 See Twining, *supra* note 42 at 175–176; Sheridan, *supra* note 37 at xxviii–xxix; Cheang, *supra* note 16 at 57–66; Loke, *supra* note 7 at 339–346. Lord Wright, 'The Study of Law' (1938) 54 LQR 185 at 192 speaking extra-judicially said of English law: 'But in a more substantial way we can see the influence of history, of current modes of social, moral, political and economic ideas, current, that is, among the classes from which the law makers, judicial or legislative, were drawn. We can often see that a rule of law is based on or adapted to conditions and ideas that have become obsolete, and we have to consider whether it is possible to apply the maxim *cessante ratione legis cessat ipsa lex*. 'See also ECS Wade, 'The Aim of Legal Education' (1947) 9 CLJ 286 at 288 where he states that the study and teaching of law should not be an exercise in professional technique, but in relation to its place in the world in which we live.

This is not to say, of course, that law teachers do not elucidate these fundamental conceptions of their subjects. While they do, the unfortunate tendency at times is to focus so intensively on doctrine that the theoretical ideas behind the subject are buried under a mass of detail. This tendency to look at law principally from a narrow internal standpoint is understandable but inadequate. Any critique of legal rules or doctrines which is more than a mere seeking after logical consistency or historical continuity must be based on materials outside the law itself.[72] At the same time, it is important for the teaching of theory to be better integrated with the teaching of doctrine. Thus at each stage of the course, the cases and principles should be discussed in the context of the theoretical ideas so that students can relate the two. It has been argued that more skillful teaching of theory can aid the student's grasp of both positive rules and normative theory. This can be done through the use of examples to illustrate the operation of the rule or theory. The use of examples to facilitate learning is as important to the jurisprudence teacher as to the clinician. Jurisprudence without example is as barren as doctrine without theory. Typical student gripes that they did not understand a particular jurisprudential theory decrease when the theory is presented initially and then followed by numerous examples of particular fact situations.[73]

At the NUS Faculty of Law, steps are being taken to shift the balance between doctrine and theory slightly in favour of theory. This does not mean that doctrine is being relegated to an unimportant role. It will still continue, at least in the foreseeable future, to be the mainstay of legal education at the NUS law school. The intention is to leaven the doctrinal element in the curriculum with a material serving of legal theory and broader perspectives. What is the proper balance or emphasis to be placed between theory and doctrine in individual subjects and in the curriculum as a whole will never be conclusively settled and will no doubt vary from time to time and from place to place, assuming it can even be said that there is ever a right balance at a particular time and/or place. Nevertheless, at this stage of the development of legal education in Singapore, I submit that it is appropriate that more 'air-time' should in general be given to theory than it has been in the past. Accordingly, the Faculty of Law's Academic Affairs Review Committee proposed in February 2002 that there should be three 'perspective' courses that should be part of the 'core' curriculum at the Faculty. The three courses are Singapore

72 Simpson, *supra* note 68 at 1075–1076; Lord Justice Denning, 'The Universities and Law Reform' (1947–1951) 1 JSPTL (N.S.) 258 at 259.

73 Brunet, *supra* note 65 at 193–194.

Legal System, Introduction to Legal Theory, and Comparative Legal Cultures.[74] The objective of these three courses is to enable students to view law from an international, comparative, theoretical[75] and historical context rather than from a principally narrow domestic and doctrinal context.[76] The study of legal history, comparative and international law, and jurisprudence enriches our understanding of the world we inhabit.[77] Such perspective subjects also compel students to appreciate and understand the individual subjects they have studied in relation to the whole legal system, show the interrelation of law and society, and focus on the purpose and function of law.[78]

While it is too early to tell if the introduction of these three courses will have their desired effect, it is important that they should be structured and approached in a manner that will allow students to see how they relate to the areas of substantive law that will form the main part of the law school's curriculum. The primary objective of Singapore Legal System should be to illustrate the historical, social and cultural issues that underpinned the development of the legal system.[79] Without some understanding of such issues, students are only learning the law in a vacuum; they are learning rules in the abstract and there cannot be true appreciation in such a context.[80] It would do Singapore law students a world of good to have a significant understanding of how the common law was introduced by our ex-colonial masters, how indigenous law and local customs had to give way substantially to the common law, how the common law was modified in limited areas, the social and cultural circumstances in existence when Singapore became a sovereign nation, conceptions of the role of law in modern Singapore society, etc. Only then can we truly understand why our Constitution is interpreted in a particular manner, why certain laws exist that some may find troubling, how the law plays a role in our society, etc. This is not to say that the present state of our legal system is satisfactory in all respects but it provides a platform upon which true debate, and with that understanding and perhaps even re-thinking, can take place.

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74 Comparative Legal Cultures is a Second Year course while the other two are First Year courses. Such courses should be read by law students at an early stage of their education before they 'have settled down to viewing law as a series of watertight compartments devoid of any social content', see Thio, *supra* note 46 at 255–256.

75 Paragraph 26 of the Report on the Compulsory Core Law Curriculum dated 19 February 2002.

76 See also King, 'Additional Information on Law Teaching', *supra* note 16 at 195.

77 Wilson and Morris, *supra* note 35 at 103. See also Chin, *supra* note 16 at 287.

78 Tan, *supra* note 35 at 59.

79 See also Simpson, *supra* note 68 at 1079–1080.

80 See also Cheang, *supra* note 16 at 68–69; Wade, *supra* note 71.

Introduction to Legal Theory should relate topics such as law and morality, natural law and positivism, law and economics, just to name a few of the topics that will be covered, to the core substantive law subjects that will also be read in the First Year. A course on Jurisprudence, even an introductory one, will be difficult for most First Year students. As such, for Introduction to Legal Theory to meaningfully provide an introduction to fundamental concepts, issues and controversies in the theory of law, it is essential that connections be drawn with some of what students will cover in Contract, Crime or Tort. This will also have the benefit of deepening their understanding in these core areas. Thus to illustrate the practical application of law and economics theorizing, examples from Contract and/or Tort can be provided. Criminal Law on its part will easily provide specific examples where one can reflect on law and morality. At the same time, as Birks puts it, 'in the course of legal education there must be an opportunity to pursue some of the larger doubts and to discover the history of their treatment and the current state of the debate. In short there must be time for jurisprudence, in the sense of legal philosophy.'[81]

While the introduction of these three perspective courses is a very positive step in the right direction, it should take place concurrently with developments in the substantive law subjects themselves.[82] Here again there is a move to leaven subjects with more theory, which should facilitate the understanding of doctrine. I can best speak of Company Law, the subject I am most familiar with. In the Academic Year 2002–2003, the course was revamped in three ways.[83] First, a historical introduction to the subject was included. The objective of this is to illustrate to students the often fierce policy debates that took place in England prior to the enactment of the Joint Stock Companies Act of 1844 and the Limited Liability Act of 1855 which marks the beginning of modern company law as we know it today in Singapore and many other Commonwealth countries. Much of the law today can best be understood by reference to the circumstances that led to the passing of both those statutes. History shows us the eventual triumph of laissez faire views over those who advocated personal responsibility and who were concerned over possible abuses of the corporate form. Nevertheless, the views of the doubters were accommodated in that the freedom to incorporate was tempered by certain safeguards, particularly those in favour of creditors. An understanding of history shows us

81 *Supra* note 31 at xiv. See also Sheridan, *supra* note 37.
82 Cheang, *supra* note 16 at 73–78 advocates a similar approach.
83 It is likely that the course teachers will have to take stock of how well the revamp has worked and I have no doubt that it will require some tinkering before we are satisfied that the new course is adding value to student learning.

that these policy considerations remain very much alive today. Company Law is ever the attempt by certain societies to balance the need to facilitate entrepreneurship and investment on the one hand, and to place limitations lest the corporate form be abused. An understanding of this should lead to a deeper appreciation of the legislation relating to companies in its current form.[84]

Secondly, the reading list for Company Law refers students to a sampling of articles that discuss the theoretical underpinnings of the subject, particularly the views of law and economics scholars. These theories of the company potentially affect the mode in which the balance spoken of in the previous paragraph is struck. Thus if the right to incorporate is seen as a privilege granted by the state, state activism through corporate legislation is easily justified. If, on the other hand, the corporate vehicle largely provides a framework for the intersection of different standard form agreements between different stakeholders, e.g. shareholders, management, creditors, suppliers, employees, etc, market forces and economic efficiency should largely dictate the content of the legislation and state intervention through mandatory rules should be allowed only in those cases where there is the prospect of market failure.

Thirdly, the course has introduced some comparative material. As the search for the right balance is an on-going one, there is value in seeing how other legal systems deal with the corporate vehicle. The course therefore spends some time considering how the civil law tradition looks at corporate personality and corporate governance. The choice of these two areas is not arbitrary. While it is impossible to consider the whole of the area from the civil law perspective, these

84 For further reading of the history of corporate law, see PL Davies, *Gower's Principles of Modern Company Law* (London, Sweet and Maxwell, 6th ed., 1997), Chapters 2 and 3; W Holdsworth, *A History of English Law* (London, Methuen and Sweet and Maxwell, 1966), Volume VIII, at 192–222; TB Napier, 'The History of Joint Stock and Limited Liability Companies' in *A Century of Law Reform: Twelve Lectures on the Changes in the Law of England During the Nineteenth Century* (London, Macmillan, 1901), Chapter XII; BC Hunt, *The Development of the Business Corporation in England: 1800–1867* (Cambridge, Massachusetts, Harvard University Press, 1936); CA Cooke, *Corporation Trust and Company: An Essay in Legal History* (Manchester, Manchester University Press, 1950); A Chayes, 'The Modern Corporation and the Rule of Law' in ES Masoned., *The Corporation in Modern Society* (Cambridge, Massachusetts, Harvard University Press, 1966) at 32–37; JW Hurst, *The Legitimacy of the Business Corporation in the Law of the United States: 1780–1970* (Charlottesville, The University Press of Virginia, 1970); LM Friedman, *A History of American Law* (New York, Simon and Schuster, 1973), Part III, Chapter VIII; WR Cornish and GN Clark, *Law and Society in England: 1750–1950* (London, Sweet and Maxwell, 1989) at 246–262; F Evans, 'The Evolution of the English Joint Stock Limited Trading Company' (1908) 8 Columbia LR 339; M Schmitthoff, 'The Origin of the Joint-Stock Company' (1939) 3 University of Toronto LJ 74; W Horrwitz, 'Historical Development of Company Law' (1946) 62 LQR 375.

two areas have been chosen because they provide a good window into how the corporate vehicle is managed in the civil law tradition.

The importance of theory in legal education is perhaps best summarized by a distinguished English judge. Lord Sankey, speaking extra-judicially once said:

> The Courts are becoming more and more concerned with great social experiments. Law joins hands as never before with problems in economics, problems in political science, problems in the technique of administration. It is important that the curricula of our law schools should send out lawyers trained to appreciate the meaning of these relationships. They must shape the mind to a critical understanding of the foundations of jurisprudence. Unless the training we give supplies these perspectives there is grave danger that the lawyer will not prove adequate to the big problems he has to help in solving. We are now on the threshold of an epoch of profound legal transformation. Our educational methods have to breed a race of lawyers able to utilise the spirit of law reform for the highest uses. They have to teach the importance at once of stability and change. To do so they must know not only how to grasp the philosophic foundations of those decisions. We must also turn out lawyers with a courage to criticise what is accepted, to construct what is necessary for new situations, new developments, and new duties both at home and abroad.[85]

The noted company lawyer, Professor Gower also expressed similar views. He felt that every lawyer, whether he devoted himself to private practice or public service, had to make policy decisions demanding a knowledge of economics, political science and sociology, and that somehow an attempt should be made to teach him something about them.[86] One way of doing this, according to Goldsmith, without abandoning the comfortable habits of law teaching altogether, is to promote the contextualization of doctrine. Thus the historical

85 Quoted in WPM Kennedy, 'Legal Subjects in the Universities of Canada' (1933) JSPTL 23. See also Lord Wright, *supra* note 71 at 199: 'Law in its own way covers the whole range of human activity; there is no side of life which it does not touch. And the student of law must know the course of national history under which it developed; he must appreciate the affinity of his ideas with the social, moral, and economic ideas alongside of which it developed.'

86 Gower, *supra* note 61 at 171. See also Sheridan, *supra* note 16 and Sheridan, *supra* note 44 at lxxxviii where he says: 'This is not to say that a law student must become an expert in all branches of the social sciences. That would in any case be impossible. But social scientists are working around us, they will grow in number and in the extent to which they can make available to us knowledge of what Malayans do and need, and it will become increasingly possible for the university to approach law as a policy science as well as an exercise in logic, grammar and analogy.'

emergence of particular doctrines might be shown, to establish their contingency; also the social interests served by particular case law or statutory developments might be made explicit, in part by drawing attention to the consequences of legal actions. Students can therefore be encouraged to undertake evaluations of doctrinal developments on a deeper basis rather than simplistic 'policy' analysis. Varieties of social, economic and political theory would clearly be useful for these purposes. Cross-faculty teaching and collaborative research on areas of doctrinal significance might assist legal academics in developing these kinds of orientation to doctrinal scholarship.[87]

V. Impact of Technology on Teaching Methods

The ubiquitous computer, the Internet, developments in information technology and advances in telecommunications raise important and interesting questions of how technology will impact on teaching methods and how it can be harnessed by law teachers.

Technology has already had an impact on the way students learn. One obvious manifestation of this is the posting of questions through e-mail communication, where in the past they would have come in person. Speaking personally, this is a development which I regret, inevitable though it may be. For one, it reduces the personal contact between student and teacher, which is an important aspect of social and intellectual development. Secondly, a written answer to a question is not as satisfactory as a face-to-face discussion. In the latter, one can better put forward a point with all the emphasis and subtlety that it may entail. The teacher is better able to gauge if the student truly understands the discussion. It is also easier for the student to put forward supplementary questions, or to move the inquiry into a different topic. E-mail tends to define the discussion in terms of the original question(s) posed.

Electronic discussion forums where participants can pose questions and state views that may be viewed by all persons who have access to the forum also suffer from some of the same limitations as e-mail. However, such discussion forums have the advantage of being able to involve a large group of persons beyond the teacher and the specific student who has posed the question or expressed the view. In addition, if there is active participation, the exchange of views will usually lead to a fleshing out of the point being discussed in a manner that is conducive to student learning as there will be a gradual

87 Goldsmith, *supra* note 35 at 92–93.

development of the issue in question and one can 'see' the thought process at work.

Legal databases are also widely in use and many law schools around the world facilitate student access to such databases. At the NUS Faculty of Law, for example, all students have access to LEXIS and Westlaw. With legal databases, the amount of knowledge that is easily accessible is enormous. Students who go into legal practice will often have to use such databases for research purposes. There is something to be said for the law school providing the means for students to learn how to manage such information. It has been said that if the academic stage is concerned to provide not only a knowledge of the law but also the ability to manipulate, apply, and convey that knowledge, then the acquisition of these computer skills which will form an important ingredient of how these jobs will be performed in legal practice can be regarded as appropriate for the academic stage of legal training. If legal research by lawyers will be conducted substantially through the medium of computers, then it is essential that the academic stage of legal training should provide students with the necessary skills and experience to perform this task to a high standard.[88]

What is likely to hold great promise in teaching and learning is the more wide-spread use of video-conferencing. Video-conferencing holds great promise for law schools that wish to inject a more international and comparative flavor to their curricula. Video-conferencing will allow guest lectures to be given by foreign academics thousands of kilometers away. Even more exciting is the prospect of a global classroom involving students from several law schools taking the same course taught by teachers from the different law schools. The NUS Faculty of Law has experimented with this. One course captioned 'Law, the Individual and the Community' was jointly run by the NUS and the University of Toronto law schools in the 1997–1998 Academic Year.[89] The students from both law schools would meet in real time via video-conferencing each week, with follow-up contributions via the Internet. Another two law schools were added in the following Academic Year—Emory in Atlanta, United States, and the Abo Akademi at the Turku University in Finland.[90] Another course that utilizes video-conferencing technology and the Internet

88 H Collins, 'The Place of Computers in Legal Education' in P Birksed., *Reviewing Legal Education*, *supra* note 31 at 61. See also Clark and Tsamenyi, *supra* note 15 at 29; King, *supra* note 16 at 10.

89 The teachers were Kevin Tan and Thio Li-ann of NUS and Craig Scott of University of Toronto.

90 See *Change and Continuity*, *supra* note 1 at 57.

is 'Comparative Environmental Law in Global Legal Systems' taught with Pace University.[91]

Further developments in video-conferencing technology together with price reductions in the hardware are likely to make video-conferencing more widely used in future. This holds great promise for breaking down geographical barriers to legal education. It also potentially makes it easier for law schools to share limited teaching resources. Law schools can make arrangements between themselves for a course taught in one school to be taken by students from another law school through video-conferencing and other means of remote communication.[92] One of my hopes is that the NUS Faculty of Law can enter into a series of bilateral or multilateral agreements with other leading law schools where each will make available to the other(s) a number of courses that will be taught and examined by the offering law school. This would immediately expand the course offerings of each school at a relatively low cost. Better still if courses can be co-taught to some degree at least so that comparative perspectives and different ideas can be discussed. Over time, joint degrees may even be contemplated.

A further implication of what has been discussed thus far is the potential for remote/distance learning. Lectures can be uploaded on to a server in video and/or audio formats for a student to watch or listen from home. Reading lists and selected materials can also be accessible from remote locations and these, coupled with access to legal databases, mean that the student may have little reason to be on campus except for small group sessions, or for social purposes. Indeed, when lectures in Company Law were videotaped and made available on-line in an academic year some time back, attendance at such lectures fell by around 50%. This in itself is not a bad thing. If lecturers use the lecture slot essentially for information transmission, it is hard to see what is lost if students don't attend the lectures but view the video or listen to the audio stream from a remote location. One might even say that in such a case the lecture could even be dispensed with and the notes made available on the website for students to download.[93] However, if a lecture is taught in an interactive manner, with questions being posed to students and student responses elicited, with students being required to discuss issues with their immediate

91 See Lye Lin Heng, 'Environmental law course goes global via the internet', CDTLink, July 1998 issue, at 11 (available at http://www.cdtl.nus.edu.sg/publications/CDTLINK/Jul1998.pdf). The teachers are Koh Kheng Lian and Lye Lin Heng from NUS and Nicholas Robinson from Pace University.

92 See also Clark and Tsamenyi, *supra* note 15 at 28.

93 Criticisms of traditional lectures are legion, see e.g. Sheridan, *supra* note 44 at xc.

neighbours in the class, and with students being encouraged to pose questions to the teacher during the lecture, a great deal is lost if the student is not present. For this pedagogical reason, my Company Law colleagues decided to cease the videotaping of the lectures. My own preference in a small country like Singapore where traveling to the campus is generally not difficult is to encourage students to be in the law school. The process of socialization, group discussions, and other forms of interaction are part of the educational process and should not be underestimated. The position would be different where education has to reach great distances and certainly the developments in technology will make distance learning both easier and more effective.

Computer assisted learning is another way in which technology may impact on teaching methods. Computer assisted learning involves structured learning materials that can introduce students to a particular area of the law, pose questions and issues, provide hyperlinks to relevant material, provide hints and signposts, etc.[94] They may be useful in supplementing traditional methods of teaching and have certain advantages over traditional methods of teaching[95] but are unlikely to be able to replicate all the advantages of traditional teaching methods. For one, a computer cannot respond to questions from students,[96] at least those questions that are outside the parameters of the programme, nor can the computer sense doubts or unease amongst students. Similarly, there is the danger of the constant reduction of complex patterns of legal reasoning to simple rule application. This is a particular danger in a discipline such as the law where so much of what makes up the 'right' answer is dependent on many considerations including social, economic and political ones.[97] However, it may be that many of these shortcomings can be minimized as better 'courseware' is developed.[98]

In the ultimate analysis, it is important that any use of technology in teaching should be preceded first by consideration of how such use will enhance student learning. There is always a danger that driven by the need to appear IT-savvy, to please administrators who justifiably wish to exploit technology, or for other reasons, teachers use technology without thinking clearly whether it enhances the teaching process, or how it can do so. Technology applied unthinkingly can be counter-productive. For many years now, for example, a visual aid that

94 See Collins, *supra* note 88; M Le Brun and R Johnstone, *The Quiet Revolution: Improving Student Learning in Law* (Sydney, The Law Book Company Limited, 1994) at 243–245.
95 Collins, *ibid.*, 61–63.
96 *Ibid.*, 63–64.
97 *Ibid.*, 64–65.
98 Brun and Johnstone, *supra* note 94 at 246–253.

is frequently used in lectures is *Powerpoint*. Unfortunately, *Powerpoint* is often used in a manner that detracts from the learning process, rather than enhances it. For one, teachers sometimes spend so much time being focused on the slides that these slides end up dictating what goes on in the lecture. The over-reliance on the slides also distracts the teacher from focusing on the students. We can sometimes forget that the educational process involves not merely a presentation, but a discussion with our students, a dialogue that they should participate in actively. This is not to say that aids such as *Powerpoint* should be discarded; rather that there are so many instances of it being used in a mechanical manner that we should be alive to the fact that technology cannot cure bad pedagogy and can contribute to it. Ultimately, technology can only be usefully harnessed by teachers if they have thought deeply about teaching and learning and how technology can be used to aid the learning process.

VI. Conclusion

Law is not an autonomous discipline. It is shaped by different forces within society. Globalization and advances in science and technology, including information technology and telecommunications, have provided additional dimensions that will have an impact on legal education. Law schools must be alive to these forces. Legal education must therefore strike a balance between theory and doctrine within a liberal degree programme that will facilitate the development of the practical lawyer. Legal education must also adapt to globalization and developments in science and technology, which will affect the nature of legal practice as well as push the boundaries of legal doctrine. It has been suggested that a liberal education that strikes a good balance between doctrine and theory will provide a secure foundation for law students who will have to operate in such a fluid environment. At the same time, law schools must consider how best to harness technology effectively in teaching and learning. These are huge challenges and will require law teachers to think carefully about how they should adapt existing teaching methods and courses.

For the NUS law school, I have suggested that it must approach the teaching of law from a more comparative perspective. At present, most of the comparative elements are introduced from a common law perspective and principally to illuminate domestic law. I am of the view that the approach should be broadened so that while the domestic focus will continue to be the mainstay of many courses, global

perspectives can be better integrated and students can see the issues through a global lens[99] and as part of an international system.[100]

In a world where change is a constant, it has been suggested in this article that a liberal legal education continues to be the best approach to producing legally trained persons with the necessary transferable intellectual skills as well as a deeper and more meaningful understanding of the phenomena that is law. This does not mean that a law school such as the NUS Faculty of Law should not offer any subjects that may be perceived as 'vocational'. Such subjects should be offered but they will not be taught simply to teach students how to do things. While this will often be the result of such a course, the principal purpose of such subjects is to better illuminate how legal principles operate, thereby enabling students to obtain a deeper, more personalized and more critical understanding of the law.

In addition, the courses offered should give more 'air-time' to theoretical concepts even though doctrine will continue to remain important. As a former practitioner, I have often heard other practitioners lament that many new law graduates (both from NUS and recognized overseas law schools) do not have an adequate understanding of how the law operates. As a result, their approaches to the legal issues that arise in practice are often mechanistic and technical. I venture to suggest that this arises in part because of the over-emphasis on doctrine which tends to limit the vision of the law student. It is therefore important that legal theory plays a material role in the curriculum to enable students to see the bigger picture, whether from the 'inside' or the 'outside'. Only by understanding the underlying basis for the doctrine that dominates the curriculum in many law schools around the world can they better understand the operation of the law.

In conclusion, my personal view is the NUS law school has taken important steps to meet the challenges highlighted in this paper. The immediate challenge in the near future is for the law school to deepen the process by integrating comparative and theoretical perspectives better into its curriculum.

99 Sexton, *supra* note 25.
100 Reisman, *supra* note 32.