FORGING A NEW EQUILIBRIUM IN SINGAPORE LEGAL EDUCATION

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I. INTRODUCTION

Since the publication of my article, "Educating the Thinking Lawyer,"[1] much has happened in Singapore legal education. The most salient changes are found in the curriculum.[2] Beginning in 2001, the Law School of the National University of Singapore[3] began a process that led to a radical rethinking of the qualities that its graduates should possess.[4]

This process culminated in many changes. The school implemented a new curriculum that took effect in 2002.[5] The composition of faculty has changed perceptibly. The Law School has hired, and continues to hire, more foreign legal scholars.[6] The steady stream of visiting appointments has grown into a noticeable current, bringing with it an exciting variety of perspectives. Complementing the increasingly international faculty, overseas student exchanges are at levels never seen in the history of this law school.[7] For each cohort eligible to go on student exchanges

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[1] Alexander F. H. Loke, *Educating the Thinking Lawyer: The Past, Present, and Future of University Legal Education in Singapore*, *in* THE SINGAPORE LEGAL SYSTEM 329 (Kevin Y. L. Tan ed., 1999).

[2] See Appendix A for a summary of the changes to the compulsory core law curriculum.

[3] The official designation of the Law School is the Faculty of Law, National University of Singapore. In this article, American terminology is adopted to avoid confusion for the audience. As such, "Law School" is used instead of "Law Faculty"; similarly, "faculty" is used instead of "academic staff."

[4] *See infra* note 23 and accompanying text. **R**

[5] *See infra* note 23 and accompanying text. **R**

[6] A record of resident and visiting faculty may be found in past issues of the *Singapore Journal of Legal Studies*. Publication of the faculty list ceased with the July 2004 issue. Updates on resident and visiting faculty can be found in *LawLink: The Alumni Magazine of the National University of Singapore Faculty of Law*. For a current list, see National University of Singapore: Faculty of Law, Academic Profiles, http://law.nus.edu.sg/faculty/staff/staffdiv.asp (last visited Feb. 14, 2006).

[7] *See infra*, Tables 1, 2 & 3.

abroad, about one third of the class may be sent overseas on an exchange.[8] At the same time, the law school hosts foreign students—both graduate students and exchange students—in numbers and variety that give substance to Singapore's desire to be an international education hub.

The tensions that forge the structure and substance of legal education in Singapore reflect themes that resonate in other jurisdictions. Inherent to the nature of legal education—indeed, any educational undertaking—is a dynamic working out of diverse, and often opposing, conceptions of what legal education involves. At a theoretical level, the elaboration of these themes is useful, insofar as they provide a basic analytical framework by which to consider the aims and purposes of legal education. One will readily admit that how these themes are worked out is as much a contextual question, as it is a matter of judgment.

Different stakeholders will have differing opinions on whether the current state of legal education has reached a happy equilibrium. That is to be expected. The view that a stakeholder takes will invariably be informed by his background and the kind of work he does. The practicing lawyer will want the potential employee to be further up the learning curve of legal practice. For him, courses that teach the craft of drafting pleadings or that examine conveyancing documentation[9] will understandably be preferred to courses on international human rights. The government lawyer who advises on Singapore's international legal commitments will have greater appreciation for courses on international law and, perhaps, international politics. On the other hand, the judge whose daily work consists principally of issues involving domestic law will predictably take a different view of what is (and is not) ideal for a law school curriculum.

The fact that the vast majority of students reading the NUS Bachelor of Laws (LL.B.) degree are undergraduates raises additional issues for the law school's role. The notion that the law school's role lies in preparing future lawyers has to be set against

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[8] There were 137 semester places for the current third year cohort of 210 based on Faculty-to-Faculty exchange agreements. To these are added places available under the University-to-University exchange agreements. The number of semester places available is only one factor. Students are also assessed on suitability for international exchange.

[9] In British English, "conveyancing" refers to real property transactions.

the reality that not every graduate aspires to work as a lawyer in the long term. In a system where law is a graduate degree, the typical student bears high opportunity costs when embarking upon the law program. His undergraduate education should have equipped him with portable skills. The decision to read law as a graduate degree carries with it high opportunity costs. The decision, therefore, would tend not only to be a considered one, but also one made by someone with greater purpose and maturity than an undergraduate. In Singapore, a typical female student enters law school at 19 years of age.[10] Her male counterpart, after fulfilling his national service obligations, is typically 21 years old.[11] That such an undergraduate has not quite decided whether he or she will stay in the law for the long term is to be expected.[12] Without a component of liberal education inculcating portable skills, these students might end up with industry-specific knowledge that does not necessarily translate well in other contexts.

This raises one of the issues to be discussed below: whether a law school defines its role too narrowly if it concentrates on equipping lawyers for practice. In addition, this article will address other issues currently debated among legal academics and

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[10] *See infra* note 11. **R**

[11] Singapore men typically undergo two years (previously two and a half years) of national service before they go for undergraduate studies. *See* Enlistment Act, 1970, c. 93, §§ 10, 12 (Sing.).

[12] Indeed, the statistics show that lawyers with less than seven years of practice (based on date of admission) are decreasing (if slightly) in both numbers and percentage of the population of practicing lawyers in Singapore:

Number of Practitioners, 1999-2004						
Year ending	31 Mar 99	31 Mar 00	31 Mar 01	31 Mar 02	31 Mar 03	31 Mar 04
No. of Practitioners	3,401	3,537	3,524	3,533	3,515	3,522
No. of practitioners with less than 7 years of practice (based on date of admission	NA	NA	1537	1490	1381	1272
% of practitioners with less than 7 years of practice (based on date of admission)	NA	NA	44%	42%	39%	36%

The Law Society of Singapore, General Statistics, http://www.lawsociety.org.sg (follow "About Us: General Statistics" hyperlink) (last visited Feb. 15, 2006).

administrators, and how they apply within the Singaporean context. The first debate this Article analyzes is whether there is greater value in teaching content or skills, and how even to teach those skills. The second debate, rules versus theory, concerns the importance of theory in the ability to think critically about legal doctrine. The third debate, global versus local, is particularly pertinent given the degree of globalization: how should the law school address the challenges of globalization to state sovereignty, or to the traditional premises of regulation? Finally, now that technology has created new opportunities for teaching, how exactly should these new technologies be incorporated into the classroom? The debates are important, and in trying to answer the questions they raise, legal academics and administrators will affect the course of legal education.

II. Content vs. Skills

What good is a lawyer if he does not know the law? And indeed, what good is a law school if its graduates do not have a good grounding in the law?

Few will argue with the proposition that basic competence is non-negotiable. That is a non-issue. The design of the compulsory core curriculum must, at a minimum, provide students with a solid grounding in the rules and institutions fundamental to the operation of the legal system. The issue, rather, is how much content to provide, for with a single-minded devotion to content comes the question: what is given up as a consequence? We are, therefore, not debating issues such as whether the young lawyer should know the difference between a claim in debt and an action for damages. A better characterization of the debate is whether he must have at his fingertips details such as the priority of claims amongst the various classes of preferred creditors when a company is insolvent. Such detailed knowledge, though undoubtedly useful in some contexts, has to be balanced against the broader question of what other aspects of the lawyer's education are compromised if we insist upon such detail.[13] As education

[13] As my colleague Eleanor Wong points out, a few good minutes spent on thinking or analytical skills can so enhance the subsequent uptake that, in the end, one might actually know more content rather than less. Her experience with students in *LAWR* indicates that those who respond well to classes on reading and analysis are able to handle content more intelligently in other modules.

specialist Darling-Hammond reminds us, the coverage of large quantities of material is apt to produce two consequences.[14] First, in-depth inquiry is precluded.[15] Second, the content is likely to be characterized and tested at a superficial level.[16]

In reviewing the research on how experts wield knowledge differently from novices, the U.S. National Research Council identified adaptive expertise as one of the differentia.[17] The distinction has been characterized as one between "artisans" and "virtuosos," or more prosaically, between the "merely skilled" and the "highly competent."[18] The artisan sushi chef perfects the recipe, while the virtuoso creates new recipes. The artisan information systems designer solves the problem as framed by his clients, while the virtuoso sees through to the client's real needs and helps the client reframe the issue for a more efficient solution. Adaptive expertise refers, therefore, to the capacity to approach new challenges as points for "departure and exploration."[19] There is a mastery of one's tools of trade, but more than that, the virtuoso builds new expertise upon the current. This involves metacognition—the ability to ascertain the limits of one's current understanding and recognize where working on one's inadequacies is necessary.[20] In the context of lawyering, then, a lawyer with adaptive expertise augments and

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[14] LINDA DARLING-HAMMOND, THE RIGHT TO LEARN 55-56 (1997).

[15] *Id.*

[16] *Id*.

[17] HOW PEOPLE LEARN: BRAIN, MIND, EXPERIENCE, AND SCHOOL 45-48 (John D. Bransford et al. eds., 1999) [hereinafter HOW PEOPLE LEARN]; *see also* Giyoo Hatano & Kayoko Inagaki, *Two Courses of Expertise*, *in* CHILD DEVELOPMENT AND EDUCATION IN JAPAN 262 (Harold Stevenson et al. eds., 1986) (providing an in depth discussion of "adaptive expertise").

[18] HOW PEOPLE LEARN, *supra* note 17, at 45.

[19] R. B. Miller, *The Information System Designer*, *in* THE ANALYSIS OF PRACTICAL SKILLS 278, 280 (W. T. Singleton ed., 1978).

[20] Ann L. Brown, *Metacognitive Development and Reading*, *in* THEORETICAL ISSUES IN READING COMPREHENSION: PERSPECTIVES FROM COGNITIVE PSYCHOLOGY, LINGUISTICS, ARTIFICIAL INTELLIGENCE 453, 453-54 (Rand J. Spiro et al. eds., 1980); *see also* JOHN H. FLAVELL, COGNITIVE DEVELOPMENT (1993); John H. Flavell, *Understanding Memory Access*, *in* COGNITION AND THE SYMBOLIC PROCESSES: APPLIED AND ECOLOGICAL PERSPECTIVES 281 (R. Hoffman & D. Palermo eds., 1991).

refines his expertise as he practices his trade, consciously treading an upward spiral. This involves a mastery of the tools of one's trade.

The skills courses introduced in the 2002 curriculum review exercise resonate this theme vis-à-vis mastering one's trade. "Skill" has a wide compass. Effective negotiation is a skill, as is good mediation. Other essential skills include one's ability to identify the legal issues that lie at the heart of a case, to conduct exhaustive legal research, and to marshal the issues and present the arguments. The skills courses aim at developing these latter kinds of skills.[21]

For generations, legal research and analysis skills were taught through the first-year "Legal Method" course. In Legal Method, law students were taught to read cases, to tease out their *ratio decidendi*, to research issues, and, importantly, to draft legal memoranda and client letters. As the only skills component in the first-year curriculum before the curriculum change in 2002, it comprised one-eighth of the total load borne by the first-year student.[22] Under this curriculum, students had year-long classes in contracts, torts and criminal law. Legal Method and Legal Systems were compacted into the unit weightage for one subject. This first year curriculum is reflective of the relative importance of content, skills, and perspective.

The metaphorical pendulum had swung too far. Informal feedback from legal practitioners prompted a commissioned study on the need for an enhanced legal skills curriculum.[23] For the study, the consultant interviewed seventy-five practicing lawyers as well as all the faculty teaching legal skills courses.[24] The feedback warranted the impression that "the superb doctrinal analytical and theoretical knowledge of many NUS graduates is not

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[21] The LAWR curriculum is designed to require students to adapt the skills they have just acquired as they graft on new skills. This kind of adaptive learning is reflective of the adaptive expertise mentioned in the main text. The Legal Writing team has consciously adopted a 'spiral method' to curriculum design viz. the frequent revisiting of basic ideas even as their understanding is deepened and their complexities explored (thanks to Eleanor Wong for her input on this point).

[22] *See* Loke, *supra* note 1, at 330-31, 357. **R**

[23] *See* Molly Lien, Report Submitted to the Faculty of Law, National University of Singapore (Oct. 24, 2001) (on file with author).

[24] *Id*.

used to [the] best advantage because they often do not research or write well enough to express or apply their reasoning."[25] The consultant's report was reviewed by the Academic Affairs Review Committee (AARC), which sought further feedback from the law school's stakeholders.[26] In its report, the AARC termed its recommendations on Legal Skills Courses its "most fundamental reform."[27] The Report sets out why it recommended that skills courses be taught in each of the four semesters in the first two years of the LL.B. curriculum:

> This reform is a result of feedback provided to the Committee by members of the Steering Committee, the Law Society and others. The feedback indicated that there is a general consensus that there should be greater emphasis in the core curriculum on developing skills in writing, speaking, research, analysis and problem-solving.[28]

The result was four skills courses (broadly termed). "Legal Analysis Writing and Research" (LAWR) I and II are taught in the first and second semesters of the First Year, while "Introduction to Trial Advocacy" and "Legal Case Studies" are required courses in the first and second semesters, respectively, of the second year.

In LAWR I, the focus is on developing objective communication skills. This entails case analysis, research on particular legal issues, rule synthesis, and the presentation of legal opinion in different "voices." Students work out how writing for the senior partner of a law firm is different from writing a client letter to advise a client on his legal position. The process is a highly dialogical one. A form of process writing is practiced, wherein detailed comments to the first draft are intended to lead students toward a thoughtful and considered second draft.

LAWR II develops upon LAWR I. The writer assumes a new voice, now that of the advocate. The technique shifts from objective communication to persuasive communication, with the

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[25] *Id.* at 3.

[26] Academic Affairs Review Committee, Report on Compulsory Core Law Curriculum (Jan. 4, 2002) [hereinafter AARC Report] (on file with author).

[27] *Id.* para. 15.

[28] *Id.*

instructional tool being first, the written memorial,[29] and second, oral arguments culminating in a moot.

The first skills course in the second year, "Introduction to Trial Advocacy," introduces students to the rudiments of trial advocacy: the opening speech, the elements of examination-in-chief and cross examination, and case and fact management. "Legal Case Studies" requires students to handle complex legal problems that cut across the subject areas they have studied; more than that, the course requires students to research issues that they may never have encountered.[30] In short, it reinforces the notion that the lawyer is not in a position to throw up his hands at unfamiliar legal issues. As with the lawyer confronted with a novel matter, the student is expected to "get up" on areas that he might never have encountered. The course aims to enhance students' abilities in three areas: (a) problem-solving skills, (b) analysis and research in areas they have not studied, and (c) ability to find linkages across subjects and dispel the tendency to compartmentalize learning into discrete areas.[31] The exercise is also a highly practical one, since the process also involves interviewing clients for the lawyer to assess the factual and legal queries to be pursued.

The intention is for the skills courses to be integrative in nature. The skills courses pick selected aspects of the substantive law courses. Upon these are practiced case reading, brief writing etc. In doing so, they serve to provide an enhanced appreciation of the substantive subjects. This is accomplished, in the first instance, through exhaustive research in narrowly specified legal issues, and in the second instance, by relying on one's existing knowledge and industry to research unfamiliar subjects. That students are made to write in different "voices" emphasizes the importance of expressing views in a manner appropriate to the context. To adapt the old adage, one must speak Greek to the

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[29] "Brief" (American English).

[30] Each case study fact pattern also requires research into one non-legal issue. For example, a pharmaceutical distribution agreement might have embedded within it an issue whether it meets the scientific standards set by the regulatory authorities. The investigation of such a factual issue requires students to ask the right questions and systemically track down information sources. The skills acquired in *LAWR I* and *II* are reiterated.

[31] AARC Report, *supra* note 26, para. 20.

Greeks. Process writing, the process in which one's writing is further refined through a re-writing that takes into account the instructor's comments, is a luxury that few substantive law subjects can afford. This is not to say the substantive law subjects are lacking in writing assignments. The difference lies in the number of assignments and what the writing assignments set out to do. Thus, while writing assignments in substantive law subjects tend invariably toward objective communication, the skills courses direct students to consider how writing should be differently crafted if it is meant as a piece of advocacy.

The expanded instruction in "skills" does not, therefore, occur *in vacuo*; rather, it is intended to complement the content learned in the substantive law subjects. It was recognized very early on that the instructional skill-set is a different one from that required of a teacher in content-heavy subjects. Accordingly, three new full-time positions—the Director and two Deputy Directors of Legal Writing—were created.[32] The three are charged with the responsibility of developing and refining the skills courses. A substantial number of part-time instructors were recruited to form the Legal Writing Team for the first-year courses,[33] while practitioners were co-opted to assist with the second-year skills courses.

III. Rules vs. Theory

Unpacking content, we find the tension between rules and theory. The tension is, in some senses, an odd one. Rules are not devised *in vacuo*, but in accordance with some theoretical construct. Such theoretical constructs arise by the sheer necessity to give order and congruity to the mass of rules. Birks's schema of restitution,[34] with its two broad branches comprising unjust enrichment by subtraction and restitution for wrongs, organizes for the common lawyer the mass of rules permitting the disgorgement of benefits in the hands of another. In so doing, it gives

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[32] *See* Eleanor Wong, *New Legal Skills Programme*, LawLink, July-Dec. 2002, at 10-11; *Faculty Update*, LawLink, Jan.-July 2004, at 10.

[33] The First Years are divided into twenty groups. Each part-time instructor has an option to take one to three groups. For A/Y 2005/2006, there are eleven part-time instructors in the Legal Writing Program.

[34] Peter Birks, An Introduction to the Law of Restitution 106 (rev. ed. 1989).

doctrinal coherence to the case law. At the same time, it provides a doctrinal superstructure by which to assess further developments.[35] In other words, this theoretical construct provides the internal logic that ties together disparate legal rules.[36] By giving method and structure to the law, it leads the way toward a systematic analysis of the rules. Thus framed, the tension between rules and theory might appear to be an odd one. After all, if the choice is between having an organizational framework and not having one, the choice is an obvious one.

From a pedagogical perspective, the construction of doctrinal framework is consistent with the idea of chunking. Research studies show that compared to the novices, experts organize their information in meaningful patterns.[37] Their edge over the novice lies in organized conceptual structures and schemes that frame the presentation and the issues. To the extent that a theoretical framework enhances the learner's capacity to recognize meaningful patterns of information, it is a desirable pedagogical tool. Moreover, the chunking of information through theoretical perspectives has also been shown to assist in the fluent retrieval of knowledge.[38] It unclutters the mind and frees up capacity for other tasks.[39]

The common lawyer's ambivalence toward theory lies, I would suggest, more with the prescriptive than the descriptive

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[35] *See id.*

[36] Scientific research on the difference between experts and novices show that the key lies in "how experts organize, represent and interpret information in their environment." HOW PEOPLE LEARN, *supra* note 17, at 31. These materially affect their memory, reasoning and ability to solve problems. *Id.*

[37] The experiments have been conducted in a variety of settings involving higher learning, including: electronic circuitry, radiology and computer programming. For electronic circuitry, see Dennis E. Egan & Barry J. Schwartz, *Chunking in Recall of Symbolic Drawings*, 7 MEMORY & COGNITION 149, 149 (1979). For radiology, see Alan Lesgold, *Problem Solving*, *in* THE PSYCHOLOGY OF HUMAN THOUGHT 189 (Robert J. Sternberg & Edward E. Smith eds., 1988). For computer programming, see Kate Ehrlich & Elliot Soloway, *An Empirical Investigation of the Tacit Plan Knowledge in Programming*, *in* HUMAN FACTORS IN COMPUTER SYSTEMS 113 (John C. Thomas & Michael L. Schneider eds., 1984).

[38] *See* Egan & Schwartz, *supra* note 37, at 149.

[39] David LaBerge & S. Jay Samuels, *Toward a Theory of Automatic Information Processing in Reading*, *in* 6 COGNITIVE PSYCHOL. 293, 293, 314-19 (1974); Walter Schneider & Richard Shiffrin, *Categorization (Restructuring) and Automatization: Two Separable Factors*, 92 PSYCHOL. REV. 424, 425-26 (1985); *see generally* JOHN

aspects of theory. Few common lawyers will disagree with the proposition that under *Lister v. Stubbs*, the principal's right to a bribe in the hands of his agent is a personal, not a proprietary, one.[40] To go further and prescribe as illegitimate any attempt to extend that right into a proprietary one would strike some as doctrinaire—especially if such prescription proceeds out of an attempt to maintain consistency with a theoretical construct.[41] The construction of abstract meta-theories stands at odds with the common lawyer's preference for working out the development of the law on a case-by-case, fact-sensitive manner. Yet, it is when theory informs the development of the law that legal theory is most exciting.

In jurisdictions where the interpretive tradition continues to have a strong English influence, the use of abstract legal theories to instigate legal change does not represent the dominant mode of legal discourse. Two contrasts serve to demonstrate this.

The first contrast lies in the different patterns of legal reasoning. In civil law systems, most general principles of law are set out in the Codes. In such systems, particularly where the general law of obligations is found in the Civil Code, a basic component of each lawyer's toolkit involves the ability to reason from the abstract to the particular. In common law systems, in comparison, the general law of obligations is found in cases, rather than in statutes. In dealing with common law subjects, then, the

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R. ANDERSON, COGNITIVE SKILLS AND THEIR ACQUISITION (1981); John R. Anderson, *Acquisition of Cognitive Skills*, 89 PSYCHOL. REV. 369 (1982); Alan Lesgold et al., *Expertise in a Complex Skill: Diagnosing X-ray Pictures*, *in* THE NATURE OF EXPERTISE 311 (Michelene T.H. Chi et al. eds., 1988).

[40] Lister v. Stubbs, (1890) 45 Ch.D. 1, 15 (Eng.). This proposition was first rejected in Sumitomo Bank Ltd. v. Kartika Ratna Thair (1993) 1 S.L.R. 735 (Sing.). This was followed by the Privy Council in Attorney Gen. for H.K. v. Reid (1994) 1 A.C. 324 (Sing.). In turn, this decision was referred to by the Court of Appeal in affirming the judgment of Lai Kew Chai J in Sumitomo Bank Ltd v. Kartika Ratna Thair. *See* Kartika Ratna Thahir v. PT Pertambanagan Minyak dan Gas Bumi Negara (1994) 3 S.L.R. 257 (Sing.).

[41] Birks' proprietary base theory asserts that a proprietary remedy should only be available where there is subtraction from the claimant's ownership. BIRKS, *supra* note 34, at 386-89. For criticism of this theory, see CRAIG ROTHERHAM, PROPRIETARY REMEDIES IN CONTEXT 325-39 (2002). In case law, Birks' proprietary base theory was rejected by the House of Lords in Westdeutsche Landesbank Girozentrale v. Islington LBC [1996] A.C. 669 (Eng.).

lawyer relies principally on reasoning by analogy, and secondarily on abstract principles. Indeed, insofar as the abstract principles are themselves derived from case law, they are not infrequently subjected to review, re-interpretation and re-crafting. In such a legal culture, the theory with which the lawyer deals would tend to be at a fairly low level of abstraction, lower at least when compared to a civil law system. The law on civil obligations, being foundational to the skill-set required of a lawyer, informs the relevance of theory to a considerable degree. The nature of the theory used in common law reasoning will also point to what is or is not considered useful in the system.

This pattern of legal reasoning permeates even those subject areas that are almost entirely the creation of statutory law. An example from securities regulation illustrates the point. Companies are required under regulation to issue a prospectus before offering securities to the public. Until the statute was amended in 2005, an exception to the requirement existed for offerings that were not made to the public.[42] The text of the statutory requirement and carve-out was inspired by Australian law.[43] What constitutes an offer to the public was considered by the High Court of Australia in *CAC v. ACCU*.[44] The U.S. Supreme Court had interpreted a similar phrase purposively; in its view, the applicability of the exemption "should turn on whether the particular class of persons affected needs the protection of the Act."[45] The High Court of Australia declined to use the purposive approach.[46] The difference in the texts, as well as the history associated with the Australian provisions, prompted it to take a more subtle, analytical approach. It set out multiple factors that might be relevant.[47] None of these was normally to be determinative. In the case before the court, a credit union was desirous of conveying a piece of property through a unit trust; members of the

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[42] Securities and Futures (Amendment) Act, 2005, § 44(a) (Sing.).

[43] WALTER WOON ON COMPANY LAW § 1.29-30 (Tan Cheng Han ed., 2005).

[44] Corp. Affairs Comm'n v. Austl. Cent. Credit Union (1985) 157 C.L.R. 201 (Austl.).

[45] S.E.C. v. Ralston Purina Co., 346 U.S. 119, 125, 73 S. Ct. 981, 984 (1953).

[46] *Corp. Affairs Comm'n*, 157 C.L.R. at 210-11.

[47] *Id.*

union were invited to purchase an interest in the unit trust.[48] The offer was characterized as one involving an offer to the public because members of the credit union already had an existing interest in the property and therefore, the offer had a palpable and rational connection with union membership.[49] Given that the Singapore provisions were derived from the Australian provisions, it was likely that *CAC v. ACCU* would have been followed. I have, in an earlier article, critiqued the analytical approach for having no underlying theory to resolve the hidden competing policy values.[50] It is thus gratifying to see the recent statutory changes rationalizing the public fund-raising regime. The amorphous "offer to the public" has been expunged; in its place are clearly specified safe harbors from the prospectus requirement. The approach of the High Court of Australia is illustrative of the nuanced approach that the common lawyer prefers. Compared to the bolder theory adopted by the U.S. Supreme Court, the theory advanced as to how "offer to the public" should be interpreted was much more tentative. It avoided fitting facts onto a procrustean bed created by a meta-theory. Instead, the approach proffered a host of parameters that can be adapted to suit the context.

The second contrast lies in constitutional interpretation, the subject area *par excellence* for the development of norms. The room for judicial development of constitutional norms is indubitably affected by how the norms are framed. If the norms are stated in broad terms—say, in the manner of the right to free speech found in the First Amendment to the U.S. Constitution—it falls to the judiciary to work out its limits. Thus, we find in U.S. constitutional law judicial sub-categorization of expression into political speech, commercial speech, and so on, each permitting a differential level of restriction.

While the Singapore Constitution does have a couple of fundamental liberties stated in broad, and even absolute, terms,[51] many of the norms are subject to broad carve-outs. Such is the

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[48] *Id.* at 204.

[49] *Id.* at 209.

[50] *See* Alexander Loke, *Working Out the Private Offer Exemption: From Concept to Safe Harbours*, 13 AUS. J. CORP. L. 39 (2001).

[51] SINGAPORE CONST. art. 10(1) ("No person shall be held in slavery"), art. 13(1) ("No Citizen of Singapore shall be banished or excluded from Singapore").

case for the right to free speech and the right of assembly. One's right to free speech is expressly subject to the caveat that Parliament may, by law, impose "such restrictions as it considers necessary or expedient in the interest of the security of Singapore . . . public order or morality."[52] The right to peaceful assembly is subject to "such restrictions as [Parliament] considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order. . . ."[53] The right to practice one's religion is, again, subject to a broad exception; it does not authorize "any act contrary to any general law relating to public order, public health or morality."[54] The room for scrutiny of legislative enactment is accordingly narrowed. It is questionable whether any degree of theorizing—whether proceeding from natural law, Dworkinian theory, or that of any jurist—can get around the constitutional mandate given to Parliament to delineate the contours of these fundamental liberties. Other constitutional rights are somewhat more open-textured. Article 9 prescribes: "No person shall be deprived of his life or personal liberty save in accordance with law." "Law" has been interpreted to mean more than Parliament-sanctioned legislation. It includes the norms of customary international law.[55] It includes also those "fundamental rules of natural justice that had formed part and parcel of the common law of England that was in operation in Singapore at the commencement of the Constitution."[56]

At no point should the above be taken to suggest that theory is irrelevant. The argument, rather, is that theory has to suit the

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[52] *Id.* art. 14(2)(a).

[53] *Id.* art. 14(2)(b).

[54] *Id.* art. 15(4).

[55] Nguyen Tuong Van v. Public Prosecutor (2005) 1 S.L.R. 103 ¶ 91 (Sing.). In the event of a conflict between express domestic legislation and a norm of customary international law, however, the courts have indicated that the domestic legislation is to prevail. *Id*. ¶ 94.

[56] Ong Ah Chuan v. Pub. Prosecutor (1981) 1 M.L.J. 64 at 71 (Sing.). Singapore courts have tended to take a positivist approach. *See* Jabar v. Pub. Prosecutor (1995) 1 S.L.R. 617, 631 ("Any law which provides for the deprivation of a person's life or personal liberty, is valid and binding so long as it is validly passed by Parliament. The court is not concerned with whether it is also fair, just and reasonable as well."); Thio Li-ann, *Trends in Constitutional Interpretation: Oppugning Ong, Awakening Arumugam?*, 1997 SING. J. LEGAL STUD. 240, 282.

context. It should not surprise anyone that the theories developed for interpreting the open-textured U.S. Constitution have little room for application in a constitution like that of Singapore.[57] Indeed, if one constructs a theory that underpins the rights to free speech, peaceful assembly, and freedom of religion, it might be one most unappealing to the liberal jurist—that the constitutional norm underlying these provisions is that of parliamentary sovereignty. Rather than foist legal theories developed in other jurisdictions upon these constitutional provisions, recognition of what these provisions point to might lead to a more fruitful debate. To the extent that legislation has been delegated the task of balancing between individual liberties and other norms, the arrangement invites scrutiny of how well that task has been performed, and whether there are adequate institutional checks for protection of minorities.

Theory is most valuable when it has a predictive value or is generative of change. The latter might consist of doctrinal change, as when a court revisits a precedent thought well-entrenched. It might be legislative, as in law reform. It might be institutional, as in the appointment of a consumer protection body to carry out certain statutory functions.

Consider judicial development of the law. It is through achieving a deep understanding of the values the law propagates—and importantly, the limits of pursuing those values—that one understands where the potential for interpretative change lies. The creative potential of the common law lies in its pragmatic streak, even as it attempts to maintain doctrinal coherence. Witness, therefore, the subversion of the principle that a promise, to be enforceable, must be supported by legally sufficient consideration. Prior to *Williams v. Roffey Bros.*,[58] it was thought that the performance of a contractual duty owed to the promisor is not legally sufficient consideration to bind the latter to his promise.[59] The matter came to a head in *Williams v. Roffey.* The promisor, a construction contractor, reneged on his promise of

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[57] As stated by Lord Diplock in *Ong Ah Chuan v. Pub. Prosecutor*, "decisions of the Supreme Court of the United States on that country's Bill of Rights, whose phraseology is now nearly two hundred years old, are of little help in construing of the Constitution of Singapore. . . ." *Ong Ah Chuan*, 1 M.L.J. at 70.

[58] Williams v. Roffey Bros., (1991) 1 Q.B. 1 (Eng.).

[59] Stilk v. Myrick, (1809) 2 Camp. 317, 170 Eng. Rep. 851 (K.B.).

additional payment to his subcontractor that had been given as an inducement to finish the work on time.[60] The promisor received his bargain,[61] but according to precedent, the promisee did not furnish legally sufficient consideration.[62] The English Court of Appeal, however, created an exception based on the concept of "practical benefit."[63] This exception is at odds with the very notion of *legal* benefit, or rather that which the law recognizes as consideration. The notion of practical benefit also sits uneasily with the bargain theory of consideration. But there it is in our texts, applauded by the pragmatists and scorned by those appalled by the doctrinal havoc it has wrought.[64] We see in *Williams v. Roffey* the sanctity of the bargain over a technical rule of consideration. If it represented the triumph of a meta-theory over established doctrine, it was borne less by the force of that theory than by the sheer unacceptability of letting the technical rule unpick a *bona fide* agreement.

Theory, for this commentator, has a number of manifestations. Doctrinal coherence shapes the rules, as does the very analytical framework one adopts. The human mind's very yearning to construct meaning out of a mass of particular rules tells us that the quest for an internal logic to the law will not go away. It goes without saying that the attractiveness of how one argues the contours of a rule will be related to the coherence of the doctrinal framework upon which one relies. Without diminishing the importance of the quest for doctrinal coherence—what might be termed "the internal perspective"—the external perspective is equally important. Indeed, this perspective is essential if legislative and institutional change is to be holistic and considered.

It is through the external perspective that we unmask the values animating the rules, and confront its hidden assumptions, prejudices, and biases. This, I venture to suggest, is integral to law school education if our students are to shape the rules and

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[60] *Williams*, 1 Q.B. at 6.

[61] *Id.*

[62] *Id.* at 11 (citing *Stilk*, 2 Camp at 319).

[63] *Williams*, 1 Q.B. at 115-16.

[64] For a literature review of the reactions to the case, see J.W. Carter et al., *Reactions to* Williams v Roffey, 8 J.C.L. 248 (1995).

institutions of our legal system. To those who say that the analysis thus engaged in is not law, my reply is that we do our students—and society—a disservice by hermetically sealing the discipline of law. We run the risk of being so mesmerized with *legal* values and the *legal* perspective that we become overly preoccupied with the internal perspective. Insofar as the law has real impact on society and people's lives, these should inform how we shape legal rules and legal institutions.

The theoretical perspectives that inform the development of law must necessarily go beyond *legal* theory to encompass the learning from other social science theories. Allowing transaction-cost economics to inform the design of corporate law makes one mindful to avoid inhibiting value creation with quick fixes in regulation. Behavioral studies inform us of behavioral modification strategies alternative to the simplistic ratcheting-up of punishment to deter antisocial behavior.[65] Studies on the linkage between political freedom and creativity reveal the impact of fundamental liberties on the vibrance of a society.[66] These may not be *legal* theories, but they critically inform the rules we should devise and the institutions we should set up.

Theory and perspective are given special attention in the 2002 Report on the NUS core compulsory law curriculum.[67] Three compulsory perspective subjects were introduced: "Singapore Legal System," "Introduction to Legal Theory" and "Comparative Legal Traditions."[68] As its name suggests, "Introduction to Legal Theory" is the most theory-intensive course of the three. The course introduces students to various general jurisprudential theories like legal positivism, natural law, legal realism, and critical legal studies. The general part is supplemented by legal theory of particular subject areas, like criminal law and tort law. This is not to say that values and theoretical underpinnings are

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[65] *See, e.g.*, GERALD C. DAVISON, ABNORMAL PSYCHOLOGY (9th ed. 2004); BRIAN SHELDON, COGNITIVE-BEHAVIORAL THERAPY: RESEARCH, PRACTICE AND PHILOSOPHY (1995).

[66] *See* Harlan Cleveland & Gary Jacobs, *Human Choice: the Genetic Code for Development*, 31 FUTURES 959 (1999); William R. Di Pietro, *Country Creativity and IQ*, 29 J. SOC. POL. & ECON STUD. 345, 351-53 (2004).

[67] AARC Report, *supra* note 26.

[68] *Id.*; Wong, *supra* note 32, at 10-11.

explored only in this course. In contract law courses, we are constantly confronted with the limits of the liberal theory of contract and society's response to the unequal bargains. In criminal law, a fundamental question is whether a particular activity is or is not a crime, and this relates to deeper theories of why we punish. If theory permeates all the core subjects, I tease my jurisprudence colleagues, we might well think of doing away with the general theory course.

The perspective provided by "Singapore Legal System" lies in examining the institutions that make up the legal system, as well as the underpinnings of its public and private law. "Comparative Legal Traditions" seeks to give a different kind of perspective. By examining the different legal traditions that exist in the world, students gain an insight on the values embedded in the other legal systems. It provides a platform for understanding how lawyers and other legal actors in foreign legal systems regard the legal rules and institutions.

IV. Global vs. Local

Singapore policymakers have no need for persuasion on the subject of globalization. International trade and the investment of multinationals were instrumental to the development of Singapore.[69] The relatively stable international environment, maintained in no small part by the international norm on the use of force provided, sustained the development of those economies that were open to international trade.[70] With the accession of member states to the dispute-resolution mechanism operative under the WTO, the international law on what nation states can or cannot do in restricting trade across its borders counts as never before.[71]

One obvious dimension of globalization lies in international law. Unsurprisingly, the number and range of international law

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[69] *See* Hon Sui Sen, Strategies of Singapore's Economic Success *passim* (2004).

[70] *See id.*

[71] *See generally* World Trade Org., Understanding the WTO: Settling Disputes, http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm (last visited Feb. 17, 2006).

courses has grown in tandem with the significance of international law today.[72] Apart from the basic course, "Public International Law," the electives offered for this academic year range from "World Trade Law" to "International Environmental Law & Policy" and "Human Rights."[73]

Another dimension to tackling globalization lies in understanding of foreign legal systems. In many respects, municipal law has the most immediate and material effect upon the interests of the individual. Even if international law exerts an influence upon the shape of municipal law, the law that most directly affects the individual continues to be the product of the nation-state.[74] While one may speak of a globalized economy and technology transcending borders, law continues to be very much a territorial phenomenon. An act considered legal on one side of a border may very well be illegal across the boundary line. A contract made in Thailand requires a doctrinal analysis quite different from one made in Malaysia. Law is a phenomenon in which local knowledge looms large. There is thus a great element of truth to the notion that all law is local.

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[72] *See*, *e.g.*, National University of Singapore: Faculty of Law, Course Listings: International Law, http://law.nus.edu.sg/current/course/electives.htm (follow "Law Electives" hyperlink) (last visited Feb. 17, 2006) [hereinafter Course Listings: International Law].

[73] See Appendix B for a list of international and comparative law courses offered in the A/Y 2005/2006.

[74] This was played out more recently in *Nguyen Tuong Van v. Pub. Prosecutor* (2005) 1 S.L.R. 103 (Sing.). The accused had been charged with drug trafficking and one of the issues which arose was whether a violation of Article 36(1) of the Vienna Convention on Consular Relations (VCCR) affected the accused's rights in the criminal justice process. *Id.* It did not, as Article 36(2) VCCR subjects the rights to the laws and regulations of the receiving state. *Id.*; Vienna Convention on Consular Relations, art. 36(2), *done on* Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261. An interesting issue is whether the norms of customary international law are incorporated into municipal law without express local legislation. This continues to be an issue of local law, depending on whether the state operates under a monist or dualist system, and more specifically whether the norms of customary international law are channeled into domestic norms through the constitutional provisions. For a discussion of this issue, see Thio Li-ann, *The Death Penalty as Cruel and Inhuman Punishment Before the Singapore High Court? Customary Human Rights Norms, Constitutional Formalism and the Supremacy of Domestic Law in* PP v. Nguyen Tuong Van (2004), 4 OXFORD U. COMMONWEALTH L. J. 1 (2004); C. L. Lim, *The Constitution and the Reception of Customary International Law:* Nguyen Tuong Van v. Public Prosecutor, 2005 SING. J. LEGAL STUD. 218.

Proceeding from such a premise is understandable. After all, if there is a legal dispute between a foreigner investor and the host government, the legal solution is likely to be found in the laws of the land. One possible result from the premise that all law is local will be that we should have courses on foreign law. Indeed, a dispute-centric view of the law will accentuate the importance of positive foreign legal rules over the habits and traditions of that legal system. The former solves concrete problems, while the latter is background.

Local knowledge, however, does not prescribe a dispute-centric treatment. Local legal knowledge points, rather, to a broader approach. Just as the learning of positive legal rules does not guarantee a holistic understanding of our domestic legal system, so too does the appreciation of a foreign legal system require more than an understanding of rules. The habits of problem-solving, the institutions that can be drawn upon, and—gasp!—the politico-economic setting all integrally affect how law is fashioned. Indeed, they might be the very occasion of future legal disputes. A transaction lawyer who understands the foreign legal environment and its socio-economic and political ramifications is likely to deliver more value to his client than one whose advice is confined to the positive law. The former's insight into the need to provide for future contingencies is likely to be greater, as will the range of solutions he may contemplate. Understanding foreign legal environments improves legal practice in the domestic sphere, as well. If one seeks to borrow ideas from a foreign legal system for solving problems, the need for a holistic appreciation of why the idea works is crucial. A multitude of factors determine whether an idea works. Attitudes, culture, and the very manner by which a society frames an issue, among others, will materially determine whether a transplanted idea will blossom and grow.

It is with the aim of enabling students to be active participants in the globalized economy that "Comparative Legal Traditions" was introduced into the Core Compulsory Law Curriculum.[75] As its name suggests, the course is less about rules

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[75] AARC Report, *supra* note 26, at 22; *see also* Comparative Legal Traditions Course Description, http://law.nus.edu.sg/current/course/compulsory.htm (follow "LLB" hyperlink; then follow "Comparative Legal Traditions" hyperlink) (last visited Feb 24, 2006).

and doctrine than about the way different traditions frame issues and the attitudes or assumptions toward legal authority, legal rules, and institutions. Students are equipped with a set of tools for comparative analysis. The student who is interested in exploring in greater depth foreign legal systems or traditions has ample opportunity to do so. For the academic year 2005-2006, the courses that students might choose from include "Islamic Law," "The Indian Legal System," "European Union Law," "Indonesian Law," and as many as ten optional courses on Chinese law.[76] Predictably, the options available will change from year to year. "Korean Law Business & Society" and "Commercial Law in Vietnam," which were offered during the academic year 2004-2005, are not offered in the current academic year.

Further opportunity to experience a foreign legal system is available through the Student Exchange Program. As the tables below show, the availability of places has grown significantly since 2000.

TABLE 1: NO. OF STUDENTS ON INTERNATIONAL EXCHANGE OVER THE PAST SIX YEARS[77]

ACADEMIC YEAR	INCOMING	OUTGOING
	SEMESTER PLACES*	SEMESTER PLACES*
1999/2000	35	44
2000/2001	43	42
2001/2002	44	56
2002/2003	54	72
2003/2004	60	85
2004/2005	90	89

*The hosting of one student for one semester counts as one semester place. Accordingly, a student takes up two semester places should she be hosted for the academic year.

[76] The NUS offers an LL.M. (Chinese law), taught by permanent faculty and professors from Peking University and East China University of Politics and Law. To graduate, students must read at least six courses from the Chinese law cluster. *See* National University of Singapore: Faculty of Law, Subject Registration Information for Graduate Students AY2005/2006 Semester 2, http://law.nus.edu.sg/current/Postgraduate/ay0506/reginfo_llm.htm (last visited Feb. 17, 2006). The courses are open to upper year undergraduate law students. For a list of the electives on Chinese law, see Appendix B.

[77] Figures on file with author.

Table 2 shows a breakdown by region of the partner universities who are hosting NUS law students for the academic year 2005-2006. The total number of NUS students going abroad for either one or two semester totals seventy-nine for the current academic year.

TABLE 2: NO. OF NUS LAW STUDENTS SELECTED FOR INTERNATIONAL EXCHANGE, ACADEMIC YEAR 2005-2006[78]

Country / Region University	NO. OF NUS LAW STUDENTS
Australia / New Zealand (University of Sydney, University of Queensland, University of Melbourne, Australian National University, Victoria University of Wellington, University of Auckland, University of Canterbury)	12
East Asia (China / Hong Kong / India / Japan) East China University of Politics & Law, Fudan University, Peking University, Tsinghua University, Wuhan University, University of Hong Kong, National Law School of India (Bangalore), Kyushu University (Japan)	18
Europe Catholic University of Leuven (Belgium), Aarhus University (Denmark), University of Copenhagen (Denmark), Stockholm University, School of Law (Sweden), Bucerius Law School Hamburg (Germany), Erasmus University (Netherlands), Utrecht University (Netherlands),	13
United Kingdom University of Bristol, University of Edinburgh, University of Leicester, University of Nottingham, University of Southampton	12
Canada Dalhousie University, McGill University,University of British Columbia, Queen's University at Kingston, University of Victoria, University of Toronto, University of Western Ontario, York University (Osgoode Hall Law School)	18
United States New York University,Columbia University Law School, Northwestern University, Washington University (St. Louis), Duke University	6

[78] Figures on file with author.

As Table 1 shows, the number of incoming students on international exchange has increased in tandem with the number of NUS law students spending time abroad. For Academic Year 2005-2006, the law school expects to host a total of sixty-six international students. Table 3 summarizes the distribution of incoming international exchange students according to region/country for the academic year 2005-2006.

TABLE 3: NO. INCOMING INTERNATIONAL STUDENTS EXPECTED, ACADEMIC YEAR 2005-2006[79]

Country / Region University	NO. OF INCOMING INTERNATIONAL STUDENTS
Australia / New Zealand (University of Sydney, University of Queensland, University of Melbourne, Australian National University, Victoria University of Wellington, University of Otago)	9
East Asia (China / Hong Kong / Indonesia / India / Japan) Asia University (Japan), Gadjah Mada University (Indon), University of Indonesia, National Law School of India (Bangalore), Sun Yat-sen University, East China University of Politics & Law, Xiamen University, Chinese University of Hong Kong, Vietnam National University (Ho Chi Minh City)	22
Europe Bucerius Law School, Erasmus University (Netherlands), Reprecht-Karls-University of Heidelberg (Germany), Tilburg University, University of Copenhagen (Denmark), University of Lueneburg, Lund University, Stockholm University, School of Law (Sweden), University of Bonn, University of Poitiers, Uppsala University , University of Amsterdam	20
United Kingdom University of Bristol, University of Edinburgh, University of Leicester, University of Nottingham, University of Southampton	8
Canada University of Alberta, McGill University, York University (Osgoode Hall Law School)	3
United States Duke University, University of California, University of North Carolina at Chapel Hill	4

[79] Figures on file with author.

The presence of international students in our classes potentially creates new dynamics in classroom interaction. These students bring new perspectives. They ask fundamental questions that local students may have taken for granted. If the class is conducted in a dialogical mode, an atmosphere can be created in which local students and international students mutually benefit. To be sure, there might be a number of international students who are less serious-minded about the academic aspects. To each one of such students, there will be one or more students who are engaged in the learning process. Even for the student in the former category, an engaging course will prompt, at the very least, some thought; a student's contribution—albeit comprising raw and even uninformed ideas—can be molded and refined to have value.

Given opportunity and the right incentives, the contributions of international students potentially enrich our learning environment to no small degree. In this, I expect that the professor instructing a heavily doctrinal course will have a different impression from one who teaches international human rights. The benefits to be reaped from "comparative analysis" (loosely termed) depend as much on the nature of the material as on the mode of instruction adopted.

As with the growth in the number of international exchange students, there has been a rise in the number of international graduate students at the NUS law school.[80] The figures over the last six years are summarized in Table 4 below:

[80] *See infra* tbl. 4.

TABLE 4: NUMBER OF GRADUATE STUDENTS DURING ACADEMIC YEARS 2000-2005

Academic Year	G.DipSingLw/ LL.M./ Ph.D. (local and foreign)	LL.M./Ph.D.			G.Dip.Sing.Lw
		Total	Local	Foreign	
2000/2001	78	41	24	17	37
2001/2002	116	39	24	15	77
2002/2003	95	41	26	15	54
2003/2004	100	42	13	29	58
2004/2005	148	75	23	52	73
2005/2006	150	78	5	73	72

Key:
G.Dip.Sing.Lw: Graduate Diploma in Singapore Law[81]
LL.M.: Master of Laws, including: LL.M. (Chinese Law), LL.M. (Corp. & Financial Services), LL.M. (Intellectual Property and Technology Law), LL.M. (Int'l Bus. Law) and LL.M. (International and Comparative Law).
Ph.D.: Doctor of Philosophy

Predictably, the graduate students bring an added level of sophistication and maturity to the classes that they attend in common with the LL.B. students. The advantages of each group are quite distinct. The LL.B. students are the "insiders." Since only the upper-year LL.B. students attend classes in common with the graduate students, they would be expected to have a firm grasp of common law methodology and culture, in particular the nuances found in Singapore law. To greater or lesser extents, the graduate students are "outsiders." The graduate student trained in a common law system will be more familiar with what he sees at the NUS Law School than the student who hails from a civil law jurisdiction. These students bring with them a vast array of perspectives. Depending on their work experience, these perspectives are seasoned by practical realities and leavened by contact with local culture. In a class comprising students with diverse backgrounds, it is easy to descend into a "show and tell" session: "The Chinese constitution does not embody a right to [named fundamental liberty]." "Such a right is recognized by the Indian constitution . . ." ". . . but in Australia, it was implied as a

[81] Law graduates from stipulated overseas law schools may gain admission to the Singapore bar, but generally must have obtained a Diploma in Singapore Law. *See* Legal Profession Act, 2002, c. 161, § 2(2)6-9 (Sing.). For a complete list of the stipulated overseas law schools, see *id.* § 2(2)16.

fundamental right by the judicial construction." Such factoids, while interesting, beg for a synthesis. Here, it behooves the professor to prompt students to rise from a descriptive exercise into an analytical one. Returning to the earlier section on theory, it is by appropriating some theoretical framework and inquiring into the underlying values or policies that a meaningful analysis can be made.

V. High Technology vs. Education Philosophy

Information technology is a great leveler between the law school located in a developing country and one located in a developed country. If the comparative advantage of a well-endowed law school once consisted of the rich stock of primary materials, that particular advantage is now much less so. We have reached the stage where the legislation and judicial decisions are readily available—and then accessible cost free—on the World Wide Web. What matters is the quality of internet connectivity.

In information technology, the NUS has spared no expense in ensuring that its computing facilities are world-class. The campus-wide computing network, NUSNET, provides more than thirty thousand secure network points for data and video transmission.[82] Network services include a supercomputer and a host of servers ranging from database servers and web servers to course online servers.[83] One thousand wireless access points have been installed throughout the 150-hectare campus,[84] providing pervasive coverage at a maximum transmission speed of 54 mbps for its thirty-two thousand students and four thousand staff.[85]

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[82] Nat'l Univ. of Sing., Computer Centre: Networking, http://www.nus.edu.sg/comcen/winzone (follow "Networking" hyperlink) (last visited Feb. 17, 2006) [hereinafter Computer Centre: Networking].

[83] Nat'l Univ. of Sing., Computer Centre: Wireless Information Network, http://www.nus.edu.sg/comcen/winzone (last visited Feb. 17, 2006) [hereinafter Computer Centre: Wireless Information Network].

[84] *Id.*

[85] The principal users of the wireless network are its students. Computer Centre: Networking, *supra* note 82. The desktop computers of the university's 4,000 academic, research and administrative staff are connected through multiple faculty-based VLANS. *Id*. Wireless access points have been installed along the staff corridors, so that staff with wireless modems connected to laptops may additionally

Information technology changes the way we research. Staff and students alike are only too familiar with "Googling" the World Wide Web for information. For legal information, LexisNexis and Westlaw have become such convenient one-stop-shops that there is now very little need to search for physical law reports or law review articles in the law library. Even for journals not available on Lexis and Westlaw, many are now published in an electronic format. Older issues are compiled by aggregator services, making thorough research a much less exhausting task than before the advent of the IT revolution. Another great advantage of the IT revolution is the ease of access. Students and staff can work from off-campus sites, whether in one's hostel room, at the bus-stop or at home.

To foster multifunctional online-learning, the NUS Centre for Instructional Technology (CIT) developed the Integrated Virtual Learning Environment (IVLE). The IVLE supplies a set of user-friendly web-based tools and resources that eases the burdens of course administration. No longer does the professor have to send reading lists and tutorial questions for printing; he may simply make files available for downloading by students. No longer need one wait for the office staff to post announcements on the faculty notice board. Upon uploading a document or an announcement on the IVLE, the professor is prompted to select whether he wishes a message to be sent to students by SMS informing them of the new posting. In addition to providing for assignment dissemination, the IVLE affords a workbin which may be programmed to close at a specified time. The burdens of assignment distribution and collection having been reduced to virtually nothing, it is entirely feasible for written responses to be submitted just one to two hours prior to a tutorial. There is enough time for the professor to have a sense of how well students have thought through the material. The deadline is also sufficiently close in proximity to the time of the class the material to still be fresh in the minds of the students. Indeed, more than course management, the functionalities of the IVLE invite a rethinking of one's pedagogy. The Internet's chatrooms and blogs

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access the wireless network. *See* Computer Centre: Wireless Information Network, *supra* note 83.

are important modes of interaction for today's learners; the forum culture extends beyond face-to-face interaction to the electronic platform. Insofar as the IVLE provides electronic chatroom and forum facilities, these may be harnessed to further class discussion and, indeed, to bring the quality of discourse to a higher level.

For all the connectivity and the sophistication of online portals by which communication can take place, these are but tools for teaching. They present us with new ways of interaction and for conveying information. They are channels by which our philosophy of teaching is effectuated. They may shape how we do things—but they do not tell why we do what we do. In other words, the core questions of what is education, what is knowledge, what does "coming to know" mean—are not addressed by these tools. These are critical questions which, I am afraid, are not reflected upon often enough.

The traditional notion of knowledge centers around facts and theories that have been accepted as valid. One implication of this conception of knowledge for education is the premium on transmission of content. To put it simply, learning consists of the digestion of a set menu of information. While acknowledging the importance of appropriating the wealth of objective knowledge that society has accumulated, progressive educationalists critique the transmissory conception of communication. A pithy summary of this critique is found in the statement that "knowledge cannot be handed over as if it were the intellectual equivalent of a bag of groceries to be delivered, or a message to be transmitted and received over the Internet."[86]

The transmissory conception of knowledge communication, which implicitly rests on the premise that knowledge is passively acquired, is challenged by Piaget's demonstration from his experiments that knowing is invariably an active, constructive process.[87] Constructivism, as Piaget's theory has come to be known, posits that knowledge is only truly known when connections are made between the new information and what is already known to

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[86] Gordon Wells, *The Case for Dialogic Inquiry*, *in* Action Talk and Text: Learning and Teaching Through Inquiry 171, 175 (Gordon Wells ed., 2001).

[87] Jean Piaget, Science of Education and the Psychology of the Child *passim* (1970).

the student.[88] Vygotsky's contribution lies in his emphasis on the influence of culture and social interaction on individual development.[89] Learners should engage in activities that reveal the application of that knowledge. While the process focuses on the learner's construction of knowledge, it is a process that involves the guidance and assistance of those who have greater insight into the subject matter.[90] The argument that education should involve a dialogic inquiry is thus built upon these ideas. Compared to the learning of decontextualized or abstract general knowledge, knowledge constructed from solving specific problems tends to be deeper and more susceptible to manipulation and development. The dialogic inquiry places a premium on discourse—coming into knowledge through learning opportunities that make up the curriculum, and, importantly, discourse. An educational theory which holds similarities to dialogic inquiry is active learning. This posits (amongst other things) that learning is best facilitated by the learner searching out information, applying that information and either conveying or interacting with others on the findings of his inquiry.[91]

The dialogic inquiry stands in contrast to the monologic communication of knowledge. There is a clear hierarchy. The teacher or text is treated as the repository of information; it is

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[88] [S]tudents engaged in hands-on learning opportunities, projects, discussions, and research aimed at higher-order thinking are better able to remember and apply what they have learned than are rote learners. People learn best when they make connections between what they already know and what they are learning, when they can draw on their experiences and make greater meaning of them, when they can see how ideas relate to one another, and when they can use what they are learning in concrete ways.

DARLING-HAMMOND, *supra* note 14, at 55. For research supporting this proposition, see HOWARD GARDNER, THE UNSCHOOLED MIND: HOW CHILDREN THINK AND HOW SCHOOLS SHOULD TEACH (1991); Ann L. Brown, *The Advancement of Learning*, 23 EDUC. RESEARCHER 4 (1994); Linda Darling-Hammond, *Reforming the School Reform Agenda: Developing Capacity for School Transformation*, 74 PHI DELTA KAPPAN 753 (1993); L. Shulman, *Knowledge and Teaching: Foundations of the New Reform*, 57 HARV. EDUC. REV. 1 (1987).

[89] *See* LEV VYGOTSKY, MIND IN SOCIETY: THE DEVELOPMENT OF HIGHER PSYCHOLOGICAL PROCESSES (Michael Cole et al. eds., 1978); LEV VYGOTSKY, THOUGHT AND LANGUAGE (Alex Kozulin trans. & ed., MIT Press 2nd ed. 1986) (1934).

[90] Barbara Rogoff, *Developing Understanding of the Idea of Communities of Learners*, 1 MIND CULTURE & ACTIVITY 209, 213 (1994). Wells, *supra* note 86, at 178.

[91] DARLING-HAMMOND, *supra* note 14, at 107.

from this repository that the learner acquires knowledge.[92] It follows that a premium is placed on the transmission of information. Knowledge, under this conception of learning, is demonstrated by the accuracy with which the learner reproduces the information.[93] In the classroom, the interaction is typified by what educationalists term the Initiation-Response-Evaluation/ Follow-up (IRE/F) sequence.[94]

The tools afforded by the IT revolution can be used for instruction in both the monologic and dialogic modes. In monologic modes, the tools point to (or link to) sources of information; in a law course, this might consist of a legal proposition with links to the case authorities. In a dialogic mode, the tools point to resources to be consulted in working out a query; this is exemplified by an open-ended poser, which requires the law student to inquire into the case law of different jurisdictions, and the scholarly opinion on the question. The discussion forum is no less susceptible to being appropriated for monologic instruction. After all, the communication can assume the mould of the one directing another toward the "right answer." How we teach continues to be fundamentally driven by our conception of what it means to know. Why we teach the way we do is an output of one's philosophy, not of the tools for communication.

IT can, however, provoke a rethinking of one's education philosophy. If IT can deliver a pre-recorded lecture for students to call up at their convenience, why do we still have the formal classroom lecture, confined as it is by time and space? Would it not be more effective for the lecturer to record in a studio what he wishes to convey? After all, in such a recording, he can re-record parts that appear less effective, edit out a peripheral point to make presentation tighter and in general, produce a better lecture "performance." We attend live music performances for the atmosphere and the "moment"; the same cannot be said of a typical lecture in an information transmission mode.

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[92] *Id.*

[93] *Id.*

[94] Wells, *supra* note 86, at 185. This is not to say that the IRE/F is not a valid mode of instruction. The caution, rather, is against an over-reliance on the IRE/F mode since this can result in the recitation of information without the investigation that conduces toward deep understanding.

Seen in perspective, therefore, information technology is exciting for the promise in facilitating communication. It prompts the teacher to reflect on why he teaches the way he does. For all the bells and whistles that it provides, it does not transform our conceptions of education and what that entails.

VI. Conclusion

The tensions that have forged the current shape of legal education in Singapore are not unique to Singapore. What is unique, perhaps, is how these tensions have been resolved—for they reflect past experiences of the Law School, the collective wisdom of its stakeholders, as well as the needs unique to Singapore. There will undoubtedly come a time for another major revamp of the law curriculum. Until then, the current model will hopefully be sufficiently adaptable to face the new challenges that come its way.

Appendix A: A Comparison Between Compulsory Core Law Curriculum prior to and from Academic Year 2002-2003[95]

Curriculum Prior to Changes	Curriculum Post-Changes
First Year	First Year: Semester One
Contract	Contract
Tort	Tort
Crime	Singapore Legal System
Method & System	LAWR I
	First Year: Semester Two
	Contract
	Crime
	Introduction to Legal Theory
	LAWR II
Second Year	Second Year: Semester One
Property I (Land Law)	Property (Land Law)
Public Law	Evidence and Procedure
Company Law	Comparative Legal Cultures & Traditions
Intro to Dispute Resolution	Trial Advocacy
Basic Accounting	
	Second Year: Semester Two
	Company Law
	Equity and Trusts
	Legal Case Studies
Third Year	Third Year: Semester One
Property II (Equity & Trusts)	Evidence & Procedure
Fourth Year	
Evidence & Procedure	

[95] Source on file with author; National University of Singapore: Faculty of Law, Graduate LL.B. Programme (GLP), http://law.nus.edu.sg/prospective/undergrad/glp.htm (last visited Feb. 17, 2006) (curriculum post-changes).

Appendix B: International and Comparative Law electives[96]

International and Comparative Law Electives for A/Y 2005-2006	
Semester 1	Semester 2
Comparative Public Law (LL4012) Human Rights Law A (LL4023) International & Comparative Law of Sale (LL4027) International Commercial Arbitration (LL4029) International Environmental Law & Policy (LL4031) International Legal Process (LL4033) Public International Law (LL4050) Trade Dispute Mechanisms (LL4058) World Trade Law (LL4060) Islamic Law (LL4097) Development of the Indian Legal System (LL4122)	Environmental Law in S'pore & SE Asia (LL4020) Globalization & International Law (LL4022) Intro to Indonesian Law (LL4024) International Commercial Arbitration (LL4029) Ocean Law & Policy (LL4046) European Union Law (LL4069) International Law and Asia (LL4109) Topics in Trade Law: Trade & Competition Law (LL4123) Trade, Law and Development (LL4124)

Chinese Law Electives for A/Y 2005-2006	
Semester 1	Semester 2
Chinese Legal Tradition & Legal Chinese (LL4009) Chinese Contract Law (LL4088) Chinese Intellectual Property Law (LL4093) Chinese Public Law (LL4120) Introduction to Chinese Civil Law (LL4121) Law and Development in China (LL4125)	Chinese Legal Tradition & Legal Chinese (LL4009) Chinese Corporate and Securities Law (LL4089) Chinese Foreign Investment Law (LL4090) Chinese Foreign Trade Law (LL4091)

[96] Course Listings: International Law, *supra* note 72.