

BOOK REVIEWS

THE DEVELOPMENT OF SINGAPORE LAW. By ANDREW PHANG BOON LEONG.
[Singapore: Butterworths. 1990. xxviii + 593 pp. (including index).
Hardcover: S\$280.00].

THIS is not an easy book to read. Not, I hasten to say, because it is badly written but simply because of the sheer volume of material it contains. Having taken far longer than usual to review the work (*mea maxima culpa*), I have come to the conclusion that reviewing this book is more difficult than reading it. To try to summarize the author's arguments and conclusions in something as superficial as a review is an impossibility. There is simply too much for a review to do justice to.

Singapore has not been well served as far as legal literature is concerned. In particular, there is hardly anything on the legal system as a whole, as opposed to tomes on particular parts. As the author points out, what there is tends to be descriptive. The author has set out to write a book that is not purely descriptive but which attempts to "link legal development to wider socio-economic as well as political developments."

This of course is a massive brief, cutting as it does across several disciplines at one go. Of necessity, the author has had to focus his discussion. He has concentrated principally on the development of contract law, criminal law and legislation to illustrate the development of Singapore law from its colonial roots to the present day.

Those looking for "black letter" law will probably be disappointed. The author spends the first part of Chapter 2 discussing the history of Singapore law in the context of the "big picture" of the time. While this is interesting to those with a historical bent, I fear that for most lawyers it will be hard going. One only gets into territory familiar to lawyers when the author discusses the legislative reception of English law, concentrating on section 5 of the Civil Law Act. There follows a brief discussion of the doctrine of *stare decisis* as it applies to Singapore. Both these topics have been done to death by academics over the years, and to the author's credit he keeps the discussion short and sharp. His admirable notes (which throughout the book are excellent and comprehensive) allow the interested reader to refer to the literature on the subject if further research is necessary.

The core of the book starts on page 52 when the author starts discussing the development of the common law in Singapore. Here the author is breaking new ground; all the other books purporting to survey the legal system of Singapore have been narrative. The author goes far beyond narration into analysis of the "why" factors that moulded the law into the form that we see it today. His discussion and analysis of the development of contract law is particularly interesting. This portion of the work takes up the rest of Chapter 2 and the first part of Chapter 3. The author appears to have read practically every contract case decided in Singapore in doing his analysis. Appendices 1 and 2 contain an analysis of "Material Cited in Local Contract Cases" from 1833 to 1990. These two appendices list 334 cases. For each case, the author has listed the number of English, local and other authorities cited together with books quoted. One can only marvel at the immense effort **that must have** gone into these two appendices alone. However, again the "black letter" lawyers will be disappointed; the author is not so much interested in expounding the principles of contract as in analysing the factors which moulded the law in the local context.

Chapter 3 also contains a critical analysis of the attitude of the legal profession itself. The author argues that "perhaps the single most important factor contributing to the present rather impoverished system of local common law is the attitude of the legal profession itself (page 118). The author forays into a discussion not only of the legal profession but also the political and sociological context in which the profession exists.

Chapter 4 contains the author's analysis of the criminal law. He starts the chapter with a description of the legislative framework, discussing the genesis of the Penal Code, the Criminal Procedure Code and the Evidence Act. He then proceeds to try to explain the success of Singapore in preserving a relatively crime-free environment. In this context, the author focusses on two areas to illustrate "law in action": the secret societies and the drug problem.

The fifth chapter is an excursion into political science and history. The author here discusses the legislation promulgated by the PAP government during the **post-1959** period. In this chapter, the author covers the transformation of family law, family planning, labour law and public housing. The book concludes with a final chapter on the author's conclusions and a bit of crystal gazing as the author touches - very briefly - on the future of the Singapore legal system.

What then can one say about a book like this? No one who even briefly browses through it can fail to be impressed by the amount of work the author has put in. The notes alone take up 170 pages (**irritatingly**, these are not footnotes but are lumped together at the end of the book; perhaps in a future edition this could be corrected). However, I cannot truthfully say that this is a book that every lawyer should have. It is certainly a major

work of jurisprudence; but its utility to the average lawyer is limited. Paradoxically, its main virtue is also its main drawback; because there is so much in it, and because the author cuts across so many different fields of knowledge, it is not a book that one can easily "dip into" for discussion of specific points.

My own feelings about the book are mixed. Academically speaking, it is an excellent text and an impressive achievement. Dr **Phang's** academic reputation is firmly established by this work. It will henceforward be a standard against which similar works will be measured. However, I rather fear that its fate will be that of the Booker Prize nominees; bought, skimmed and consigned to the library shelves. This is a pity, as there is an enormous amount of interesting information in it. Unfortunately, practising lawyers like their books to be short, compact and **cut-and-dried**. I fear that few lawyers will invest the time necessary to really read this one.

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CANADIAN FORMS AND PRECEDENTS - **BANKING AND FINANCE**. By VARIOUS CONTRIBUTORS. [Toronto and Vancouver: **Butterworths**. 1991. Three volumes.]

THE three volumes in this work constitute the first of six modules which together comprise Canadian Forms and Precedents. The other five modules are on Commercial Transactions, Debtor and Creditor, Estates, Corporations and Partnerships, and Real Estate. As can be seen, each module represents a major area of specialization. In the Banking and Finance module (and presumably in the other modules as well), there is a further classification in terms of various types of transaction or type of document.

The Banking and Finance module begins with an Introductory chapter entitled, "An Introduction to the Documentation of Lending and Security Transactions". It contains a useful outline of the matters which a solicitor should be aware of in drafting loan and security agreements and is especially useful to the young lawyer. There is, for instance, a section on "approaches to drafting". The contributor to the chapter quite rightly encourages the drafting of contracts in terms that are as simple as the subject matter will allow. After all, contracts that are drafted in a convoluted manner are open to difficulties of interpretation and can lead to disputes at a later stage. He cautions, however, against the oversimplification of documents as this can lay the basis for problems that could otherwise easily have been avoided. Stylistic conventions, *i.e.* the style in which most solicitors subscribe to in drafting loan agreements, are also outlined. Apart from such practical