

## BIRTHING THE LAWYER: THE IMPACT OF THREE YEARS OF LAW SCHOOL ON LAW STUDENTS IN THE NATIONAL UNIVERSITY OF SINGAPORE

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This article examines the impact of law school and legal education on the moral and professional identities of law students through surveys and interviews of law students from the Class of 2010 at the National University of Singapore. Questions were asked to ascertain how students viewed the relationship between their personal convictions and professionalism, what they thought of lawyers and the work they would do as lawyers in future, students' opinions as to law's relationship with justice, morality and other social phenomena, and students' expectations of legal education. This article seeks to increase consciousness of how law school is remaking students and developing the moral and professional identities of future lawyers, and to facilitate conversation that reshapes legal education to achieve its aims.

### I. INTRODUCTION: OBJECTIVES, METHODOLOGY AND OVERVIEW OF TRENDS

In *Making Elite Lawyers*,<sup>1</sup> Robert Granfield does a provocative study of how legal education at Harvard Law School impacts its students, the majority of whom enter as

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\* Associate Professor of Law, Singapore Management University. This article is the result of a project that began when I was at the National University of Singapore, and which was funded by the NUS Academic Research Fund (R241-000-042-112). The findings of the final phase of this project have been presented at the International Legal Ethics Conference IV (July 15-18, 2010) at Stanford Law School. I thank the following persons for making this article possible: the LL.B students of the Class of 2010 at Faculty of Law, National University of Singapore for participating in the survey (with special thanks to the students who agreed to be interviewed—I am privileged to be able to tell your stories); my assistants who helped in the final phase of the project (the third sets of surveys and interviews), Lavanesan Swaminathan and Elan Krishna who interviewed many of the students, and Elgin Tay, Lynette Lim, Kang Zhi Ni, Lim Yu Hui, Seah Hui Wen, Melvin Loh and Koo Zhi Xuan who transcribed the interviews during their busy school term. A word of thanks also goes to Justin Yeo for helping me with the conference presentation slides.

<sup>1</sup> Robert Granfield, *Making Elite Lawyers* (New York: Routledge, 1992) [*The Harvard Study*]. Other studies include Gregory J. Rathjen, "The Impact of Legal Education on the Beliefs, Attitudes and Values of Law Students" (1976) 44 *Tenn. L. Rev.* 85; Howard S. Erlanger & Douglas A. Klegon, "Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns" (1978) 13 *Law & Soc'y Rev.* 11; William M. Sullivan *et al.*, *Educating Lawyers: Preparation for the Profession of Law* (San Francisco: John Wiley & Sons, 2007); Elizabeth Mertz, *The Language of Law School: Learning to Think Like a Lawyer* (New York: Oxford University Press, 2007); and Lani Guinier *et al.*, *Becoming Gentlemen: Women, Law School and Institutional Change* (Boston: Beacon Press, 1997).

liberal or leftist but are ‘conservatized’ in three years to pick the “psychological and material path of least resistance”.<sup>2</sup> Instead of the public interest work that one might have expected many of the leftist students to embark upon, corporate careers are favored.<sup>3</sup> Through questionnaires and interviews with students, Granfield uncovers the moral transformation that students undergo and the professional identity they acquire.

This article reports the findings of a similar study of law students in the National University of Singapore (‘NUS’). I examine the impact of law school and legal education<sup>4</sup> on the moral and professional identities of law students through an empirical study of the Class of 2010 at NUS over three years. The study comprised three surveys and three rounds of interviews. Questions were asked to ascertain how students viewed the relationship between their personal convictions and professionalism, what they thought of lawyers and the work they would do as lawyers in future, students’ opinions as to law’s relationship with justice, morality and other social phenomena, and students’ expectations of legal education. These questions sought to decipher whether students, after going through law school, acquired a sense of professional identity that more strictly demarcated the enterprise of law from personal ideals.

The first survey was a questionnaire of 50 mostly multiple choice questions and some questions that required students to rank choices. These questions were divided into three main sections, titled ‘Personal’, ‘Lawyers’, and ‘Law & Morality’. The first section probed students’ reasons for coming to law school, possible sources of inspiration, their aspirations, personalities, personal religious and moral convictions, and expectations of law school. The second section consisted of questions which asked what they would do in various scenarios that a lawyer might encounter, and what they thought of lawyers. The third section sought their views as to law’s relationship with justice and morality. The first survey was conducted in the first month of the first year of legal education, and the first round of interviews was completed by the second month of the students’ legal education. The questionnaires were administered at the end of a lecture for a compulsory course. 204 students out of a cohort of about 220 responded. 67 students, randomly selected with some allowance for ensuring a representation of male and female students of different races, were interviewed.

The second survey comprised 36 questions from the first survey, asked again so that changes in students’ opinions on legal philosophy and ethics could be noted and

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<sup>2</sup> *The Harvard Study*, *supra* note 1 at book cover.

<sup>3</sup> By way of clarification, I do not regard salutary practice and corporate careers as mutually exclusive. The conclusion of Granfield about the careers of the students was made in the context of their original visions. As will be seen in this article too, the remarks about the corporate careers are made not because such careers are to be disdained, but because students who make such remarks sometimes assume that such careers pose fewer ethical challenges.

<sup>4</sup> Legal education and law school are not synonymous. Law school encompasses the whole coterie of factors beyond the subjects taught and the classroom experience. It includes the nature of legal studies (with much time required for reading), the prestige that attaches to each law student from her membership in law school as perceived by the outside world, the culture of law students, their backgrounds, and so on. See, *e.g.*, “Making docile lawyers: An Essay on the Pacification of Law Students”, Note, (1998) 111 *Harv. L. Rev.* 2027 at 2030-2031. In this article, I shall, however, refer to the terms interchangeably unless the context suggests otherwise.

analyzed. Questions to ascertain students' ambition and nature were not repeated in the second survey, though questions about their religious and moral convictions and how these were perceived to impact their views of law and professional ethics were asked. The second survey was conducted at the end of the first year of the students' legal education, while the second round of interviews was conducted in the first semester of the second year. 196 students participated in the second survey. 60 out of the 67 students who participated in the first interviews agreed to be interviewed again.

The third survey, reproduced in the appendix, was administered at the start of the fourth year of legal education. It repeated most of the questions from the second survey.<sup>5</sup> As there was no core module for which the entire cohort gathered as a class, the survey was conducted using an online survey tool which also aided in the collation of data.<sup>6</sup> 177 students did the surveys.<sup>7</sup> 50 students amongst the batch that was interviewed in the first two rounds were located and agreed to be interviewed. Two assistants<sup>8</sup> and I conducted the interviews of the students during the first semester of their fourth year. Of the 50, three students who were not available for face-to-face interviews as they were spending that semester in a university outside of Singapore were interviewed via email. By the time of the third survey, a majority of the students had completed all their core modules required by the school, while some who had gone on a year-long exchange program overseas in their third year had one remaining core module, Evidence Law.

The style of the interviews was casual and 'chatty'. Assistants were told not to ask leading questions as far as possible, and to follow up on points raised by the students. Although the qualitative results (what was said during the interviews) would have been more representative if all students were asked exactly the same questions, in view of time constraints, my assistants and I did not run through the same list of questions with all students. We reacted as far as possible to interesting answers given by the students, bearing in mind the purpose of this project. While the first round of interviews sought to elicit the reasoning of students for their answers to survey questions, the second and third rounds of interviews focused on reasons for changes. In the third round of interviews, many students were also asked general questions about whether they perceived law school to be a positive or negative experience and how they would describe any transformation that they had gone through. In light of the approach to the interviews, I shall use the qualitative results for two purposes: first, they serve as anecdotal evidence; second, they indicate a range of positions or possibilities on the different points. As the students were not asked exactly the same questions, the qualitative results are not absolutely representative.

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<sup>5</sup> Because the third survey was conducted online, the numbering of questions had to be changed to accommodate online tools that led students from one question to the next depending on which option they chose for an earlier question.

<sup>6</sup> SurveyMonkey, "Free Online Survey Software & Questionnaire Tool", online: <<http://www.surveymonkey.com>>.

<sup>7</sup> As the survey was conducted in the beginning of the first semester of the fourth year of legal education, this survey did not include the minority of students who were doing law as a graduate degree, who graduated after their third year.

<sup>8</sup> They were former students in my Jurisprudence elective and had been briefed on the purpose of the questions within the project.

The nature of legal education and the demographics of the law student community in NUS were described in an earlier article<sup>9</sup> that assessed the impact of the first year of legal education on law students. I request that readers who are unfamiliar with the structure of legal education in NUS refer to the earlier article. I shall refer to the impact of one year of legal education as ‘the earlier phase’ of the project.

In the following parts, I shall examine the students’ changes in the course of slightly over three years in three main areas: how students viewed lawyering and their future work and its interaction with their personal convictions; their views as to law’s relationship with justice, morality and other social phenomena; and their expectations of legal education. The statistics will be tabulated in percentage points, and the results of the first survey will be presented without brackets, those of the second survey will be denoted by ‘{ }’ and those of the third survey by ‘( )’. I hope readers will read this article alongside the earlier article. In this article, I shall present only new hypotheses about the final phase of the project insofar as findings differ from the earlier phase. I shall not repeat the hypotheses and findings presented in relation to the earlier phase. Further, in this article, through a sampling of the students’ opinions expressed in the interviews, I shall endeavor to give as much a sense of how the students have changed—in their own words.

As legal education in NUS is similar to that in other law schools in common law jurisdictions, this study is relevant beyond the Singapore context. Indeed, some of the findings of Granfield in the Harvard study are shared in my study, suggesting that by and large, the law school experience in different places may share common trends. What are some of these trends?

First, students grew, in different degrees, to ‘think like a lawyer’, learned to depersonalize legal issues under the guise of “objectivity”, and experienced increasing cynicism or skepticism—an experience which they described as a process of becoming “more realistic”.

Second, any negativity that might be suggested by the preceding was, however, tempered by the description of the law school experience by many students as, on the whole, a positive one: students felt they learnt things through classes and conversations which they could not have picked up elsewhere.

Third, students experienced a change in their second and third years of law school (between the second and third surveys). This was evident in some of the statistics as well as many of the interviews. While students experienced a moral transformation and acquired a professional identity from the time they entered law school, many had, since the second survey, become more aware of the personal responsibility and latitude they had as future lawyers. They acquired a greater understanding of their potential as lawyers to make a difference to actual decisions when advising clients. They saw opportunities to engage with the open texture<sup>10</sup> of the law—the fact that existing laws might not cover particular fact situations and the availability of different canons of interpretation that determine the applicability of particular laws—to make a difference in the manner they wanted. Compared to when they did the second

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<sup>9</sup> Seow Hon Tan, “Law School and the Making of the Student into a Lawyer” (2009) 12 *Legal Ethics* 125. See, also, National University of Singapore, “Faculty of Law—Asia’s Global Law School”, online: <<http://www.law.nus.edu.sg>>.

<sup>10</sup> See, e.g., Herbert Lionel Adolphus Hart, *The Concept of Law* (Oxford: Oxford University Press, 1994) c. 7 [Hart].

survey, more students felt less confined by the law and more empowered by the 'gaps' that existed in the law as well as their acquisition of legal reasoning skills and knowledge. In relation to several questions, there was a similar trend in relation to the demarcation of the professional or legal from the personal: in the second survey, there was a heightened sense of a professional identity strictly demarcated from the personal one; in the third survey, there was a shift back to the initial state in which the professional was not strictly demarcated from the personal, or in which the personal was emphasized over the professional. I shall refer to this as the '1-2-4' phenomenon whenever it crops up, with '1' denoting the students at the start of law school, '2' denoting their year when the second set of interviews was done, and '4' denoting the year of the third surveys and interviews. What happened to the students in the first year of law school (between the first and second surveys)? What was different about the second and third years of law school (between the second and third surveys) that accounted for the shift back to a position closer to their original position? Through interviews with a sample of the students, I shall attempt to account for the 1-2-4 phenomenon.

The increased sense of autonomy and power did not have the same effect on every student. While it led some students to think of their powerful advisory roles in the lawyer-client relationship, others felt it would be fair to act according to the clients' wishes as they were representatives for helpless lay persons in an unfamiliar technical domain. Accompanying the increased sense of autonomy was a personal sense of growth. Based on the sampling of how students felt, as seen in the interviews as well as through a correlation of statistics for different questions, I shall examine the factors of influence.

What aspects of law school or legal education led students to the place where they found themselves close to graduation? Were they at a desirable place? The aim of this project is to increase consciousness of how law school is remaking students and developing the moral and professional identities of future lawyers, and to facilitate conversation that reshapes legal education to achieve its aims.

## II. LAWYERING

An oft-debated issue in relation to lawyers' ethics is whether lawyers are subject to a different morality in their role as lawyers than in their personal lives. In particular, are personal views of lawyers relevant in the conduct of their clients' case? Or, is it only right that lawyers defer to their clients in all matters, employing their legal abilities blindfolded to the social and ethical consequences of the larger purpose their services are being put to, in what has been called the 'amoral model' of lawyering?<sup>11</sup> Students were questioned in relation to lawyering, its moral foundations (if any), the nature and dynamics of the lawyer-client relationship, and professional identity.

A preliminary point of interest should be noted. Where did students acquire their basic sense about a lawyer's duty? From what surfaced during the interviews, some

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<sup>11</sup> See, e.g., David Thunder, "Can a Good Person be a Lawyer?" (2006) 20 *Notre Dame J.L. Ethics & Pub. Pol'y* 313. Compare with Stephen Pepper, "The Lawyer's Amoral Ethical Role: A Defense, a Problem, and Some Possibilities" (1986) *American Bar Foundation Research Journal* 613, and Joram Graf Haber & Bernard H. Baumrin, "The Moral Obligations of Lawyers" (1988) 1 *Canadian J.L. & Jur.* 105.

gained their insights through observing lawyers during internship, or conversations with mentors assigned to them during internships. For others, it was through the things that practitioners amongst their professors<sup>12</sup> said in classes, or an impression formed as a result of the totality of courses the students studied. These occasions were not necessarily inspiring; sometimes, students were outraged or disappointed with what they saw, and vowed to be different in future. One student, for example, expressed disappointment at the observation that lawyers doing pro bono work did not give as much as the student thought they should to the case. Several others expressed surprise at some of the views that were expressed by their adjunct professors, which led them to infer that as lawyers, these professors would take certain courses of action that students would not agree with. A third source of insight, apart from internships and classes, was the behavior and transformation of peers. A student noted that people around her became less idealistic, and she resolved not to give up her own ideals. Another student observed unethical behavior of students in relation to graded take-home assignments, and thought that they would do unethical things in practice in future. She felt strongly she had to be ethical in the small things in order to be able to do the right thing in future. The reaction to negative examples, however, was not uniform, as will be seen in the anecdotal evidence presented. Some students resolved to be different; others increasingly doubted they could live according to their ideals. The causes of the students' responses might thus be innate, though external circumstances might have been instrumental in triggering an indignant righteous response or chipping away at ideals, as the case might be. Of course, how this pans out in future might hinge upon the strength of the students' characters as well as future pressure or support from external circumstances. But, for now, how did students think?

#### A. *Metaphors of Lawyers*

Students were given metaphors of lawyers and asked to choose one or more of the best descriptions.<sup>13</sup> Students who were interviewed were asked for explanations of their choice of metaphors.

Even in the fourth year and close to becoming lawyers, a few students described their future career as akin to a prostitute whose services were hired for a fee, and close to a quarter of the students picked 'hired gun' as one of their choices. One student explained that when he read cases in which unmeritorious arguments were advanced, he could not explain the decision of the lawyers to advance such arguments

<sup>12</sup> These are adjunct lecturers, and are engaged for doctrinal as well as legal skills courses.

<sup>13</sup> 20.1{23.0}(23.9) per cent picked 'hired gun', 13.7{18.9}(29.5) per cent picked 'friend of the client', 33.3{28.6}(39.8) per cent picked 'counsellor', 4.9{7.7}(19.3) per cent picked 'cog in the wheel', 6.9{7.1}(4.0) per cent picked 'prostitute', 37.7{33.2}(37.5) per cent picked 'advocate for truth and justice', 2.5{2.0}(0.6) per cent picked 'liar/cheat', 4.4{6.1}(8.0) per cent picked 'high class secretary', 37.3{39.8}(49.4) per cent picked 'legal technician', and 1.5{7.1}(4.0) per cent picked 'others'. The percentages for each survey do not add up to 100 as students were permitted to pick more than one metaphor. I apologize for the miscalculation of the percentages for this question on the metaphors of lawyers in relation to the two earlier surveys, the results of which were presented in footnotes 37 and 38 and their accompanying text in my earlier article, "Law School and the Making of the Student into a Lawyer" (2009) 12 *Legal Ethics* 125. The results for the other questions and the conclusions of the article are not affected.

except on the ground that they would do anything to help clients who had the money to pay for their services. It seemed that whether one would do everything that a client wanted was a critical factor in the choice of the extremely negative metaphor of a prostitute. A student who ditched the metaphor of prostitute said that in being exposed to corporate work and arbitration, he realized that lawyers could, in advising clients, talk their clients out of doing something and advise them as to what was best for them, even though the final decision was the client's. Some students who picked the metaphor of a 'hired gun' did not see the job as irredeemably bad because even a hired gun could decide how and when to open fire.

While not all saw their future career in a bad light, some students, particularly after doing a majority of corporate courses or experiencing internships, expressed angst over the banality of lawyering. Half of the students picked 'legal technician' as one of their choices. Some said that lawyers were 'legal technicians' because of the mundane and technical work that lawyers had to do. A student, amongst a small fraction who perceived lawyers to be 'high class secretaries', attributed her angst to her experience at internships. She said: "Lawyers after three years of practice are still doing almost the same stuff as I was doing in my internships, like discovery, writing the dates on the emails, and basically they have boxes of stuff and just have to label everything... it seemed like that is the bulk of what lawyers do..." While law school gave her a sense that justice and fairness mattered, the "mundane" work that she observed lawyers doing suggested the opposite. The impression that law school imparted a sense of justice and fairness, and not just a sense of law as a technical discipline, seemed, anecdotally, to be more prevalent amongst students who did a broad range of courses. While some students could see that justice and fairness mattered in corporate subjects too, one student expressed that she could see these ideals imbuing even corporate courses only because she gained a broader perspective through taking a majority of what others regarded as "fluffy" courses. A theoretical course in law and economics, for example, brought a different perspective to her corporate courses.

A metaphor that straddled the set of metaphors which suggested the dominance of the client's autonomy ('hired gun' and 'prostitute'), and the set which emphasized the grind of lawyering ('legal technician' and 'high class secretary'), was that of a 'cog in the wheel'. It was not clear if students who picked this metaphor saw it as neutral or derisory. While some students picked it, another set of questions suggested that more students believed in their autonomy as lawyers, and will be analyzed later.

Each of the salutary metaphors of 'counselor', 'advocate for truth and justice' and 'friend of the client' received more votes in this survey than the derogatory or neutral metaphors, apart from 'legal technician'. This suggested that while students recognized the technical skill sets a lawyer must have, they saw the worth of the profession. Within the set of salutary metaphors, however, the explanations offered by individual students for some shifts were not necessarily encouraging. For example, a student said his perspective of lawyering shifted from that of being an advocate for truth and justice to that of being a friend of his client. He described this as a cynical shift from the "macro to the micro". Instead of thinking that he could facilitate a valuable development of the law through the cases he would undertake in future, the good he could do in future was for individual clients in particular cases. In that sense too, he felt that he would be prepared to make an argument that he did not believe

in, in this role of serving his client, whereas he would not be willing to do so in the earlier phase. The student saw this as a regrettable transformation.

### B. Traits of a Good Lawyer

The students' perception of traits of a good lawyer changed significantly in the third survey, while their perceptions in the first two surveys were more closely related. Students were asked to rank amongst these traits: intellectual ability, honesty, good interpersonal skills, integrity, passion for truth, passion for justice, oratorical skills, good morals, and ability to win cases (Tables 1 and 2).

While previously 'intellectual ability' had been ranked top, and above 'integrity', by a greater percentage of students, the positions had been swapped by the start of the fourth year of legal education. A student noted that exposure to courses that taught legal reasoning and skills, alongside learning doctrine throughout the first year, caused a temporal loss of moral attachments when students were exposed to many conflicting doctrines but did not have the time to think about the relation of their personal convictions to the law. Moreover, some tutors gave a sense that detachment was required in legal argument. The student suggested that the upper years of law school provided time for students to "stabilize... before you actually start to do damage to society".<sup>14</sup> For other students, negative experiences during internships

**Table 1.**  
Student Rankings of Traits of a Good Lawyer.

Traits ranked in first place	Percentage of students
Intellectual ability	34.3 {33.7} (21.3)
<b>Integrity</b>	<b>24 {22.4} (34.5)</b>
Ability to win cases	10.8 {10.7} (7.5)
Passion for justice	6.9 {8.2} (8.0)
Passion for truth	6.4 {6.6} (3.4)

**Table 2.**  
Student Rankings of Traits of a Good Lawyer.

Traits ranked in either first or second place	Percentage of students
Intellectual ability	55.4 {55.1} (39.7)
Integrity	33.3 {32.1} (50.6)
Honesty	23.6 {21.9} (24.1)
Good interpersonal skills	20.6 {21.4} (27.0)
Passion for justice	19.2 {19.9} (16.1)
Ability to win cases	18.2 {18.4} (14.9)
Passion for truth	13.3 {13.7} (9.2)

<sup>14</sup> More will be said about the transformation in the upper years as contrasted with the transformation in the earlier phase.



were instrumental. A student said that lawyers he had interacted with did not conduct themselves in a way that he thought they should, and he realized that clients would lose respect for such lawyers. He thus chose ‘integrity’ over ‘intellectual ability’. For another student, doing a legal ethics elective in law school gave her a different perspective of professionalism: “We’re called professionals because we are able to juggle all these obligations before compromising our integrity.”

Amongst the morally neutral traits of ‘intellectual ability’, ‘good interpersonal skills’, ‘oratorical skills’ and ‘ability to win cases’, it was interesting that the ‘softer’ and people-centered trait of ‘good interpersonal skills’ was the only trait that rose in the ranking of more students. It was the third most well-ranked trait, both in the first place (11.5 per cent), and when the rankings in the first and second places were summed. Not all students chose it because they became more people-oriented, though. One student mentioned that such skills gave one “persuasive power” and would help “strengthen your position”.

### *C. Lawyers and Personal Autonomy*

A smaller percentage of students thought of themselves as being mere extensions of their clients in unfamiliar technical domains than in the earlier surveys. Indeed, while there had been an increase in the percentage of students who thought of themselves as extensions of clients after one year of legal education (the second survey), there was an increased sense of autonomy in the cohort at the start of fourth year when compared even with the start of law school (Table 3)—an instance of the 1-2-4 phenomenon.

Students were also asked about using a law which was, in their eyes, unfair to their client’s opponent. Had they committed a personal wrong? Or, was the wrong ‘a wrong of the system’? In a 1-2-4 trend similar to the question about whether they were extensions of their clients, about 18 {13.8} (16.7) per cent thought they had committed a personal wrong.

45.1 {43.9} (35.6) per cent of students agreed with, and 28.9 {24.0} (23.0) per cent said ‘maybe’ to the following statement: “What I do in my capacity as a lawyer is just my professional identity and what is required by my role. I remain a separate person. How I treat my family and friends—that’s the real me.” The decrease that started at the end of the first year continued. What accounted for the disagreement with the statement, and was it a good thing? A student said that she came to believe, in part through her personal growth and in part through taking a jurisprudence elective,

**Table 3.**  
Are Lawyers Extensions of Clients?

Are lawyers just extensions of their client in an unfamiliar technical domain?	Percentage
Yes	26.5 {32.1} (21.3)
Maybe	34.3 {32.7} (27.6)
No	39.2 {35.2} (51.1)

that one could not hide behind ‘institutional morality’: “Just because [a course of action] is hard and rare doesn’t make it any less the right thing to do. And cowardice is a grievous wrong.” Another student, in contrast, noted that role assumption was part and parcel of life, and was “healthy” in the case of lawyering as one should not take one’s aggression in the court room to one’s personal relationships. That said, he acknowledged that one would find “what you do as a lawyer creeping into your personal relationships”. He noted:

We all know that in practice, we shouldn’t be so trusting of what people tell us, so because of that, we suddenly develop that character trait that we are doubtful of what people tell us, we always view whatever people say with some hint of suspicion. The problem comes in when we are interacting with our friends or family, and we suddenly adopt that trait as well. I think that’s not healthy at all, so that’s definitely troubling. Or if you’re aggressive in the courtroom, and suddenly when your friend says something, or your family says something which... doesn’t gel with what you are thinking, suddenly you just blow up and act as if you’re acting in court, you start questioning them the way you question suspects in court... I’m not sure whether *vice versa* applies, that in your personal relationships, the way you interact outside of the court room can go into the courtroom, but somehow it’s always the other way in [*sic*].

This was understandably so, one might add, in the modern world where the lawyer’s work was all-consuming, which perhaps led another student to say that people were entitled to be entirely different outside of their work life as long as it did not interfere with their work. Indeed, the student noted that it was “quite sad” if one’s entire life comprised of one’s work. These opinions, read as an inversion of priorities in life—where one was primarily a lawyer and secondarily a person, might not be so much of a bad thing as it was a sad fact. The affirmation of the statement by some students might, at first blush, suggest that students saw the importance of what in recent years had been called ‘the work-life balance’. Yet, it might also be a derisory commentary of a profession that was no longer seen as a salutary calling; thus, it was better to revert back to one’s self after work. It was symptomatic of the postmodern inclination to compartmentalize and reject one’s work as a worthy vocation of serving one’s fellows—a vocation that could be very much part of one’s being.

#### D. *Impact of Personal Convictions*

Given the possible connections between law and morality, between law and religion, and between personal ethical convictions and professional lawyering, students were asked about their religious and moral beliefs. 50.5 {59.7} (56.3) per cent said ‘yes’ and 24.5 {14.8} (10.8) per cent said ‘maybe’ to having religious convictions. 73.5 {93.4} (85.9) per cent said ‘yes’ and 24.5 {5.1} (11.9) per cent said ‘maybe’ to having moral convictions.<sup>15</sup> In relation to those who were certain about having

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<sup>15</sup> When one student who indicated she had no moral convictions was asked about what she meant, it turned out that she thought having moral convictions meant having strong opinions on issues that were hotly debated in the public square in Singapore in the last few years, such as the criminalization of homosexual acts.

**Table 4.**  
Students' Rating of Strength of their Religious and  
Moral Convictions.

Strength	Religious Convictions	Moral Convictions
Strong	26.1 {27.4} (42.4)	30 {27.5} (40.1)
Moderate	53.6 {54.1} (36.4)	55.5 {66.8} (47.7)
Weak	9.2 {11.6} (10.2)	1.5 {2.6} (–)
Varying	11.1 {6.8} (11.0)	13 {3.1} (12.2)

either religious or moral convictions, the greatest shift in percentages of students was after one year of legal education. After the second and third years, there was a smaller shift downward in both percentages. Table 4 shows how students rated the strength of religious and moral convictions amongst those who said 'yes' or 'maybe' to having these convictions. The most notable change in the final phase was the increase in the percentage of students who felt their moral convictions were varying.

Students who indicated 'yes' or 'maybe' to having moral or religious convictions were asked how such convictions would impact their view of law or legal justice, and how they would impact their view of what a lawyer should or should not do (Table 5). Students were also quizzed about how a good lawyer would act in the event of contradiction between the professional code and their personal beliefs (Table 6).

### 1. *Religious convictions*

While more were certain in the second survey than in the first survey that they had religious convictions, the total percentage of students who indicated 'yes' or 'maybe' to having religious convictions dropped in the third survey when compared with the

**Table 5.**  
What is the Impact of your Religious or Moral Convictions?

	Yes	Maybe	No
Impact of religious convictions (and associated moral beliefs) on view of law or legal justice	43.1 {50.7} (60.2)	35.3 {30.1} (16.1)	21.6 {19.2} (23.7)
Impact of religious convictions (and associated moral beliefs) on view of what a lawyer should or should not do	48.4 {54.8} (61.0)	33.3 {24} (22.0)	18.3 {21.2} (16.9)
Impact of moral convictions on view of law or legal justice	56 {71.5} (75)	33.5 {19.7} (18.0)	10.5 {8.8} (7.0)
Impact of moral convictions on view of what a lawyer should or should not do	57 {61.7} (73.3)	31.5 {25.9} (20.3)	11.5 {12.4} (6.4)

**Table 6.**  
What would a Good Lawyer do, in the Event of Contradiction?

Should a good lawyer only follow the professional code of ethics, in the event that the code contradicts:	Religious beliefs?	Moral beliefs?
No	27.5 {22.6} (39.0)	22.5 {27.5} (33.1)
Maybe	47.7 {41.8} (40.7)	46.5 {48.7} (38.4)
Yes	24.8 {35.6} (20.3)	31 {23.8} (28.5)

fairly constant percentage in the same category in the earlier phase. There was similarly a dip in the percentage of students with strong or moderate religious convictions amongst those who said 'yes' or 'maybe' to having religious convictions, even though there was a clear increase in the percentage with strong religious convictions. A few students expressed that the demands of law school made it hard for them to prioritize religious practices or reflect upon their faith.

There was a significant increase in the percentage of students who felt their religious convictions (and associated moral beliefs) would definitely impact their view of law and legal justice, as well as their view of what a lawyer should do. There was, however, also a slight increase in the percentage of students who felt their religious convictions (and associated moral beliefs) would not impact their view of law and legal justice. Interviews in the earlier phase had suggested that students did not see the impact on their views of law and legal justice as the same as impact on lawyering. The former pertained to laws which regulated everyone and it was thus possibly more abhorrent for a religious view not held by all to become part of the law. The latter, in contrast, might simply lead a lawyer to refuse to act for a client whose case he did not believe in for religious reasons. The client could still get another lawyer. This difference might again account for the smaller percentage of students who thought that religious convictions (and associated moral beliefs) would definitely not impact lawyering, than that of students who thought that religious convictions would definitely not impact law or legal justice. More could envisage lawyering being impacted than general law or legal justice being impacted.

One possible explanation for the increase in the percentage of students who thought that religious convictions would certainly not impact their view of law or legal justice was the occurrence of various events in the public square of Singapore in the year the third survey was done (as well as in the preceding years). One student mentioned an incident in the public square that made him more "wary" about imposing his religious beliefs on others. He referred to a debate over religion in the public square<sup>16</sup> in 2009 when a handful of new members who attended the same church

<sup>16</sup> A note of thanks to my former student Ervin Chan for his research assistance on the AWARE issue. Chua Mui Hoong, "The Roles for Faith-based Groups" *The Straits Times* (16 May 2009); Kishore Mahubani, "The Virtues of Secularism" *The Straits Times* (20 May 2009); Shirley Kok, "Countries that have Allowed Religion in Politics have Created More Issues" *The Straits Times* (21 May 2009); Ace Kindred Cheong, "What a Secular Organization Means in Singapore" *The Straits Times* (22 May 2009); Thio Li-ann, "Secularism Practised in S'pore 'does not Exclude Religion'" *The Straits Times* (27 May 2009); Felicia Tan, "Facts Outshine Faith" *The Straits Times* (28 May 2009); Tan Kok Kee, "Disingenuous Absence

in Singapore won the seats of the executive committee of a civil society group, the Association of Women for Action and Research ('AWARE'), at their annual general meeting.<sup>17</sup> They were opposed to the pro-gay agenda that AWARE was said to be pushing.<sup>18</sup> The episode culminated in statements by major religious and government leaders in Singapore on the role of religion. The President of Singapore emphasized the need for tolerance, restraint and mutual respect for all to live peacefully in a multi-religious society, and said this applied not only to religious groups in the secular domain, but also to secular groups wishing to campaign for their norms.<sup>19</sup> The government noted that religious individuals had the same rights as other Singaporeans to express their views on public policy issues, but had to be mindful of the fact that others had different views in a multi-religious society. There would be cause for concern if religious groups campaigned to change government policies, or used the pulpit to mobilize followers to pressure the government, or pushed aggressively to gain ground at the expense of other groups; in particular, "[k]eeping religion and politics separate is a key rule of political engagement."<sup>20</sup> In the context of public decisions and laws:

Our laws and policies do not derive from religious authority, but reflect the judgments and decisions of the secular Government and Parliament to serve the national interest and collective good. These laws and public policies apply equally to all, regardless of one's race, religion or social status. This gives confidence that the system will give equal treatment and protection for all, regardless of which group one happens to belong to.<sup>21</sup>

Another student, who talked about public square events such as a debate in the preceding years over the possible decriminalization of homosexual acts, was asked why he thought about this issue, rather than, for example, about fairness in contract law when asked about whether one's personal convictions should impact law. Would convictions not embrace more than one's opinions over such moral controversies? Would personal convictions not touch on other issues of justice and fairness? He said that it was because most students had never been involved in a contract or tort case, whereas some students were homosexual or had homosexual friends, and such issues affected their daily lives. In the same vein, one student mentioned that public square events caused her to be very fearful about expressing her personal views as

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of a Vital Fact in NMP's Speech" *The Straits Times* (29 May 2009); Lai Nam Khim, "Reflecting One's Spiritual View not the same as Imposing One's Religious Sensibilities on Others" *Straits Times Online* (29 May 2009); Leonard Lee, "Militant Secularism and Takeover by Stealth—What's the Difference?" *Straits Times Online* (29 May 2009); Tan Teck Howe, "A Different Opinion of Secular Humanism" *Straits Times Online* (29 May 2009); Sing., *Parliamentary Debates*, vol. 86, col. 264 (26 May 2009) (Thio Li-ann).

<sup>17</sup> A vote of no confidence was secured against this committee at a subsequent extraordinary general meeting (Wong Kim Hoh, "New guard ousted" *The Straits Times* (3 May 2009)).

<sup>18</sup> This included AWARE's sexuality education program offered in schools, which the Ministry of Education suspended ("Sexuality 101" *The Straits Times* (10 May 2009)).

<sup>19</sup> Sing., *Parliamentary Debates*, vol. 86, col. 9 (18 May 2009) (Mr. S. R. Nathan). See, also, Kor Kian Beng, "3 recent events show importance of harmony" *The Straits Times* (19 May 2009).

<sup>20</sup> Jeremy Au Yong & Zakir Hussain, "Religious Groups must be Mindful of Differing Views, says DPM" *The Straits Times* (15 May 2009), and "Exercise Restraint, Mutual Respect, Tolerance" *The Straits Times* (15 May 2009).

<sup>21</sup> "Exercise Restraint, Mutual Respect, Tolerance" *The Straits Times* (15 May 2009).

she saw that people who expressed certain views were labeled “conservative” or “extremist” and she saw the backlash upon several faculty members who had made their views known. In view of such anecdotal evidence of students’ narrower intuitive interpretation of the question, their opinions as to whether religious (and associated moral beliefs) or moral convictions would impact their views of law and legal justice might actually apply in relation to a narrower area of law than immediately evident to someone unfamiliar with Singapore’s public square.

The percentage of students who felt that a good lawyer should not only follow the professional code of ethics in the event of contradiction with religious convictions had dipped in the second survey but risen in the third survey to a level beyond that in the first survey<sup>22</sup>—an instance of the 1-2-4 phenomenon. A student noted that “being professional [was] not everything” and that the code did not deal with everything. In future practice, he would be thinking about how the code contradicted his beliefs too. He felt that he took the idea of professionalism “too far in the first couple of years”, but thereafter, law school taught him to “think for [himself]”.

## 2. Moral convictions

The statistics for those who said ‘yes’ or ‘maybe’ to having moral convictions remained roughly the same across three surveys. As in the case for religious convictions, there was a significant increase in the percentage of students with strong moral convictions, but a dip compared with the second survey when the percentages of students with strong and moderate moral convictions were summed up. One student who experienced a shift from ‘strong’ to ‘moderate’ in his moral convictions from the earlier phase to the final phase said it might be due to internships or “just tiredness in general”.

A greater percentage of students in the third survey than in the first two surveys thought that moral convictions would impact views of law or legal justice, and views of what a lawyer should or should not do, though the percentages did not correspond to the percentages that held the moral convictions strongly or moderately. What reasons accounted for their views? A student said:

I think that it is much easier for a person to function if he has one consistent internal normative system which guides him whether in his private life or work. So it would be very helpful if your moral convictions guide what you do; instead of you having to, within yourself, partition yourself into your private self, where your moral convictions will guide whatever you do, and then your work self, which you feel that anything goes. It’s just quite incoherent, and will probably cause some mental problems later in life [*sic*].

In contrast, another student said that he would abide by his professional duty in the case of a conflict with his personal conviction because the profession was “bigger” than him.

Across three surveys, there was an increase in the percentage of students who thought that a good lawyer should not simply follow the code of ethics, but also

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<sup>22</sup> The 39.0 per cent was, however, less than the 61.0 per cent who thought that their religious convictions (and associated moral beliefs) will certainly impact their view of what a lawyer should or should not do. The hypotheses as to why this was so had been dealt with in the earlier article.

an increase (from the second to the third survey) in the percentage of students who thought that a good lawyer should follow the code of ethics in the event of contradiction. In other words, students became more certain of their views either way. Why did some reject the idea of abiding by the code as the determinant of good lawyering? One student said that the code was ultimately “what other people feel”, and “rules laid down by people aren’t everything”. Moreover, “it’s how you feel that will carry you for the rest of your life [*sic*]” and he had to be able to live with the decision he made. On the other hand, a student who had said he would not just follow the professional code in the earlier phase, but now thought he might, said that the imminence of joining the profession made him more circumspect about his answer. He also said: “If it is a code of ethics, it can’t be very bad; it can’t be asking you to do something wrong.”

The percentage of students who thought a good lawyer should not just follow the professional code of ethics in the event of contradiction with moral convictions was lower than the corresponding percentage for religious conviction. This might suggest that religion was a stronger influence than morality on ethical lawyering, or that religious convictions were less readily compromised than moral convictions. A student noted, though, that unless it was a case whereby what professional ethics demanded struck at the “fundamental root” of his religion, he would generally follow the rules: “I would grumble, curse and swear but I think at the end of the day, I will follow that set of rules.”

#### E. *The Good and Bad that Lawyers Do*

More students became certain in the final phase that they could do good as lawyers.<sup>23</sup> A larger percentage of students, however, believed that being a lawyer might also require them to negatively affect another’s life or well-being for profit, and were also certain they had negatively affected, or would negatively affect, another’s life or well-being for profit (Table 7). The two sets of statistics suggest that while more students saw the worth of the profession, they also saw the tension and dilemmas that would surface in their work. The percentage of students willing to fiercely cross-examine opposing witnesses even when the well-being of witnesses was affected showed an opposite trend. On the assumption that such cross-examination techniques were an instance of negatively affecting another’s well-being, the opposing trends suggest that students were prepared to live according to their conscience when certain concrete scenarios were presented to them.

#### F. *Professional Duties*

One mantra that students chanted during interviews, whenever called to justify or think about what they perceived to be their duties, was that they had to act in the best

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<sup>23</sup> 82 {81.1} (92) per cent said ‘yes’ and 17.6 {17.3} (7.4) per cent said ‘maybe’. Of those who were certain of doing good, 16 {13.8} (13.0) per cent believed it would be on a large scale, 22 {33.3} (34.7) per cent thought it would be on a small scale and 62 {52.9} (52.2) thought it was possible to do good on both scales. Of this same group, 31 {28.9} (31.1) per cent thought it would be in particular cases, 6 {11.3} (8.1) per cent thought it would be on a societal level, and 63 {59.7} (60.9) per cent thought it would be on both levels.

**Table 7.**  
The Possibility of Affecting Another's Well-being.

	Yes	Maybe	No
Have you or would you ever negatively affect another's life or well-being for profit?	7.4 {8.2} (13.1)	29.6 {39.3} (34.9)	63 {52.6} (52.0)
Do you think being a lawyer might require you to negatively affect another's life or well-being for profit?	40.2 {40.3} (48.6)	46.6 {41.3} (39.4)	13.2 {18.4} (12.0)
If you can stay within the law in fiercely (and perhaps sarcastically) cross-examining a witness of your opponent, would you do it when it is obvious that the well-being of the witness is affected?	35.8 {40.3} (34.5)	50.5 {48} (50.6)	13.7 {11.7} (14.9)

interest of the client. Anecdotally, this stood out more than the idea that they had to act justly or had a duty to the court. Asked whether law school taught them explicitly that they had to act in the best interest of the client, one student said that she formed the impression after being asked what they would do for clients in every question that tested students on application of the law to hypothetical scenarios. Another said that lawyers he met during internship repeated the mantra.

To flesh out students' understanding of their duties to clients, students were given hypothetical scenarios and asked about whether they thought there was a professional duty to act in a particular manner, an ethical duty to do so, or a moral duty to the contrary. Was there a perceived deviation of the professional from the moral? Was there a greater deviation after three years of legal education?

In one hypothetical scenario (Table 8), students were asked whether they would help a client get off a criminal offence such as murder or rape on a technicality, although the client would be regarded, apart from the technicality, as having committed the crime. After three years, a greater percentage of students indicated they would rely on the technicality for their client and believed they had a professional duty and an ethical duty to do so. Similarly, a greater percentage believed they had no moral or ethical duty not to do so. The findings here are interesting in view of the greater percentages of students who suggested that their moral convictions would impact their views of what a lawyer should do (Table 5) and that a good lawyer should not just follow the professional code in the event of conflict with moral beliefs (Table 6). Even though in theory a greater percentage of students were willing to abide by their moral beliefs rather than the professional code, their moral beliefs appeared to have shifted such that they became better 'assimilated' into the profession. The hypothesis here is that transformation in the students' moral opinions meant that there were fewer occasions for conflict between what the professional code demanded and what their personal moral code suggested. Indeed, one student who rated his moral convictions as 'moderate' instead of 'strong' in the final phase, for example, paradoxically said that his personal convictions would prevail over the



**Table 8.**  
Getting a Client off on a Technicality.

	Yes	Maybe	No
Would you help the client get off on the technicality?	30.4 {33.7} (46.0)	29.9 {41.8} (29.9)	39.7 {24.5} (24.1)
Do you think you have a professional duty to bring up the technicality?	76 {75.5} (85.6)	15.7 {15.3} (8.0)	8.3 {9.2} (6.3)
Do you think you have an ethical duty to bring up the technicality?	27.9 {34.7} (42.0)	20.6 {28.1} (20.7)	51.5 {37.2} (37.4)
	No	Maybe	Yes
Do you have a moral or ethical duty not to bring up the technicality?	26.5 {29.1} (41.9)	32.8 {37.8} (35.6)	40.7 {33.2} (22.4)

code. When probed, he explained:

[T]o be a good [lawyer], it's even more important to separate your moral convictions. I mean, for example, do you have a moral conviction to win the case for your client? In a sense, you could argue that that's moral because you're taking his money, so you're under a duty of utmost loyalty and all that. So, I think, the more important thing is being able to distinguish which moral convictions should apply, and being able to absolve yourself from moral convictions that shouldn't apply [*sic*].

By morally justifying their decision to abide by their code, students had rationalized their way around what would otherwise have been a moral dilemma.

How did students understand the difference between the professional duty and the ethical one? A student who thought that there was a professional duty, but not an ethical one, to help the client get off, explained that the professional duty was to act in the best interest of the client who, even if he was a murderer or a rapist, was deserving of some kind of defense. But she felt there was no ethical duty if the defense would absolve him of criminal liability altogether because there existed a "higher ethical duty" that trumped the ethical duty to act in the best interest of the client. This "higher ethical duty" presumably derived from the moral reprehensibility of the crime in question and the gravity of harm suffered by the victim.

In another scenario, students were asked what they would do if a retailer who sold a washing machine to a poor old lady and a car to a young executive wanted to exercise its legal right to repossess both items as both buyers had each failed to pay one of the installments. The results were vastly different for the two cases (Table 9), with clear sympathy for the old lady. Students remained affected by the fact that the old lady might not have anyone looking out for her, and that the item in question might be a necessity from her point of view. One said: "I feel more [of an] obligation to... look out for the old lady, and maybe if I don't, my grandmother will come after

**Table 9.**  
Acting for a Retailer in its Exercise of a Right to Repossess.

Would you act for the retailer?	Poor old lady	Young executive
Yes	10.3 {18.4} (6.9)	72 {75} (69.0)
Will try to persuade the retailer not to pursue its right, but if it does, will act for it	52.5 {58.2} (70.1)	19.6 {19.4} (27.0)
I can't decide as of now	16.7 {12.2} (8.0)	5.9 {3.1} (3.4)
No	20.6 {11.2} (14.9)	2.5 {2.6} (0.5)

**Table 10.**  
Have You Acted as a Lawyer should?

Do you think you have acted as a lawyer should?	Poor old lady	Young executive
Yes	44.1 {67.9} (67.8)	75 {83.7} (89.1)
Not sure	44.1 {24.5} (23.0)	22.5 {14.8} (10.9)
No	11.8 {7.7} (9.2)	2.5 {1.5} (—)

me.” Here, the 1-2-4 trend was observed in the percentage of students who were certain they would act for the retailer against the poor old lady—a spike in the second survey and a dip in the third survey. A student who said he was not sure in the first survey, and chose the second option in the second survey, and finally decided he would not act for the retailer in the third survey, said that his most recent answer reflected how he would like to practice, now that he was closer to such an eventuality. In the face of such an eventuality, a greater percentage of students were willing to let their heartstrings be tugged at in certain situations. What did the presence of the 1-2-4 trend here signify, in view of the fact that such a trend was not present in relation to helping the client get off the technicality (Table 8)? While the trend in relation to the poor old lady (Table 9) might have suggested a reversion to an emphasis on the personal over the professional, the trend in relation to the client in Table 8 did not. Perhaps the answer lies in what students said when asked whether they thought they had acted as lawyers should (Table 10). One should not place too much credence on the 1-2-4 trend in relation to the old lady in Table 9, as roughly the same percentage were sure or thought they might have acted as lawyers should. This suggests that they were not emphasizing the personal over the professional, even though it also suggests that they had a more ‘humane’ or ‘personal’ view of the professional. In this sense, the trend here stands in contrast with the trend in Table 8.

### III. LAW’S RELATION TO JUSTICE, MORALITY AND OTHER SOCIAL PHENOMENA

In the second survey, there was a marked increase in the percentage of students who rated the strength of law’s connection to morality as ‘4’ and above (Table 11). This

**Table 11.**  
Strength of Law's Connection with Morality.

Strength of law's connection with morality	Percentage of students
5	1.4 {6.6} (8.6)
4	34.8 {52} (42.5)
3	36.8 {32.1} (37.4)
2	26 {7.1} (8.6)
1	1 {2} (2.9)

dipped by the final phase. Perhaps legal reasoning in classes lent to a decreased sensitivity to law's connection to justice, fairness or morality. A student said that he took an increasingly "legal perspective" to things as "the first port of call is the law", and fairness was relevant only when the law was unclear. Another said that there was "no room for arguing from first principles", especially in the legal skills courses, and professors were generally "very dismissive of arguments from first principles". Another student said:

After a while, you tend to lose sight of the macro view of the law. You start going into the minor details. You start going into the small cases, what they stand for and all that. You get very absorbed with the technical substance of the law. You tend to lose sight of the big picture, and you don't ... link law so much to morality because you can't see the linkages.

Further questions were asked to elicit opinions on law's specific relation with morality and justice.

#### A. *Liberty and the Enforcement of Morality*

Several questions were asked that could give a flavor of the extent to which students believed laws should restrict the autonomy of persons (Table 12). Views were sought on different types of laws. A law requiring the wearing of helmets served as an example of a law that protected persons where no others were physically harmed but which evoked little resistance as it involved a minor infringement of liberty. Laws regulating homosexual practices between consenting adults were more controversial. In relation to homosexual practices, students were asked for their views on the morality of such practices. This was not to gauge the students' morality, but to discern whether students believed in criminalization of whatever they perceived to be immoral.<sup>24</sup> A different law involved consent to being killed—an act which

<sup>24</sup> The questions were phrased differently in the third survey than in the first and second surveys. When the first two surveys were done, what was then section 377 of the *Penal Code* (Cap. 224, 2008 Rev. Ed. Sing.) [*Penal Code*] was in force and wide enough to cover sexual acts between consenting adults of the same gender. The survey question had asked the students:

Consider s377 of the Penal Code:

**377.** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animals, shall be punished with imprisonment for life, or with imprisonment for a term which

**Table 12.**  
Criminalizing Certain Acts.

	Should laws require helmets of motorcyclists?	Should laws continue to regulate sexual acts between consenting adults of the same gender? [Do you think such acts are immoral?]	Should another be liable for a criminal offence if a victim consents to the other intentionally causing the victim's death?
Yes	90.2 {88.3} (88.5)	20.1 [37.7] {15.8 [39.3]} (16.6 [35.1])	51.5 {40} (48.3)
Maybe	4.4 {7.1} (8.6)	18.6 [16.7] {10.2 [12.8]} (14.9 [16.1])	26.9 {34.2} (31.6)
No	5.4 {4.6} (2.9)	61.3 [45.6] {74 [48]} (68.4 [48.9])	21.6 {26} (20.1)

involved undeniable physical harm. The last question would reveal whether students thought consent of the victim implied that there should be no criminal liability.

The percentages of students who thought that homosexual acts were moral or immoral or who were undecided remained roughly the same across three surveys. In all three surveys, there was no correspondence between the percentage that believed in criminalization and the percentage that believed in the immorality of the acts, suggesting that students did not believe that morality always had to be enforced through criminal laws. The differential between the percentages of students who believed in the immorality of such acts, and of those who believed in criminalization, was the biggest in the second survey, whereas the differentials were roughly the same in the first and third surveys. It might be that students saw the need for criminalization for reasons other than their belief in the immorality of such acts, but if criminalization of such acts could be justified on the ground of morality only, then the shift in the differentials indicated the greatest reluctance to criminalize on the ground of morality in the second year, and was another instance of the 1-2-4 trend. Students became more willing to link law to morality in the final phase.

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may extend to 10 years, and shall also be liable to fine. Explanation.

Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Do you think sexual acts of this nature between consenting adults of the **same gender** should continue to be a criminal offence? YES/NO/MAYBE

Do you think homosexual sex is immoral? YES/NO/MAYBE

Do you think sex with an animal is immoral? YES/NO/MAYBE

By the time of the third survey, the section had been repealed, leaving homosexual acts to be dealt with by section 377A of Singapore's *Penal Code*. To simplify matters, students were asked Question 28 in the Appendix.

**Table 13.**  
Criminal Law and Harm.

Criminal law should prohibit only acts that harm others	23.5 {32.7} (21.8)
Sometimes, it should prohibit acts that harm no one but the actor	43.6 {51} (63.8)
Not sure at this point in time	32.8 {16.3} (14.4)

When the question was asked at a general level (Table 13), a greater percentage of students took the view that criminal law should only prohibit acts that harm others in the second survey than in the first survey, and the percentage dipped again to close to that in the first survey by the time of the third survey. The belief that criminal law should interfere with as little as possible held sway with the greatest percentage of students in the second year. One possible reason was that the demarcation of law from morality was strictest in the second year. If so, this was another instance of the 1-2-4 phenomenon.

#### B. *Unjust Laws*

The perception of the connection between justice and law was discerned through opinions on several statements (Table 14). The 1-2-4 trend was observed for the connection between legal validity and manifest injustice in relation to judges and officials. The percentage of students who thought that legal validity depended on moral status had dipped in the second survey, particularly in relation to what judges should do about manifestly unjust laws (but not significantly when officials were

**Table 14.**  
Unjust Laws.

	Yes	Maybe	No
Judges should say that manifestly unjust laws that the legislature tries to pass are not laws	51.5 {45.4} (58.0)	35.3 {28.6} (25.3)	13.2 {25.9} (16.7)
Manifestly unjust laws are not laws, and every citizen should be allowed to decide whether a particular law is or is not law	32.4 {32.7} (23.6)	37.2 {39.3} (29.9)	30.4 {28} (46.6)
Officials/judges should consider a rule formally passed by parliament to be so heinous or evil or morally repugnant that they should say it is not law, and therefore refuse to follow it	36.8 {34.2} (48.9)	37.7 {34.2} (28.2)	25.5 {31.6} (23.0)
Officials/judges should suggest that they would not follow the law in question 'as a matter of conscience'	43.1 {52} (52.9)	36.8 {31.6} (29.3)	20.1 {16.4} (17.8)

added to the equation,<sup>25</sup> though the percentage was not high to begin with). It rose in the third survey for both judges and officials,<sup>26</sup> suggesting that students shifted from being classically positivistic<sup>27</sup> to being sympathetic to the natural law positions of such as Gustav Radbruch.<sup>28</sup> The percentage of students who thought individual citizens should make a similar judgment (that manifestly unjust laws were not laws) dipped.<sup>29</sup> A student who remained squeamish about letting each citizen decide said that “taken to the extreme, [doing so] might lead to a great deal of instability”.

Given a more concrete example of a heinous law that required an official to put someone to death on the basis of race, however, almost all the students who were asked to place themselves in the shoes of the official said they would not carry out the act (Table 15). The percentage that said they would not carry out the act as the ‘law’ in question was not law was exactly the same as that for the third statement in Table 14. The percentage of students affirming Radbruch’s position that linked legal validity to moral validity showed a 1-2-4 trend, as did the percentage of students who were certain they would refuse to punish the officials who would have been subject to three months’ imprisonment if they did not carry out the ‘law’ that required them to put someone to death on the basis of race (Table 16). The latter statistic suggested that students shifted away from thinking like a lawyer in the final

**Table 15.**  
Officials and Enforcement of Laws.

Would you, as an official, enforce a law that requires you to put someone to death on the basis of race?	Percentage
Yes, it is the law	2.5 {6.6} (0.6)
No, such an absurdly unjust rule is not really law	55.4 {42.9} (48.9)
No, it is so obviously against my conscience that I would not do it	35.3 {43.9} (45.4)
I’m not sure at this point in time	6.9 {6.6} (5.2)

**Table 16.**  
Punishing Officials.

Would you punish the officials?	Percentage
Yes	28.4 {19.4} (18.4)
Maybe	42.6 {39.8} (48.3)
No	28.9 {40.8} (33.3)

<sup>25</sup> See the third statement in Table 14.

<sup>26</sup> See the first and third statements in Table 14.

<sup>27</sup> Positivists are of the view that unjust laws remain law unless the ultimate validating rule of the legal system includes the criterion of justice in its test for validity.

<sup>28</sup> The German professor who survived the Nazi regime was of the view that unjust laws were not laws, but not all natural law theorists think that unjust laws are not laws. See, *e.g.*, Seow Hon Tan, “Validity and Obligation in Natural Law Theory” (2003) 15 Regent U.L. Rev. 195.

<sup>29</sup> See the second statement in Table 14.

phase, and recognized that sometimes, one could be culpable even when authorized by ‘law’ to do something. Of those who were sure they would or thought they might<sup>30</sup> punish the officials, 20.7 {12.9} (11.1) per cent would punish the officials as if they had committed murder, 51.7 {68.1} (63.2) per cent for something lesser, and 27.6 {19} (25.6) per cent were not sure. The relatively higher percentage of students who were sure of the punishment they would mete out in the second survey than in the other two surveys might well be another instance of a 1-2-4 trend where one year of legal education gave a false sense of certainty by directing students towards a narrower frame of reference, calling upon them to exercise clear ‘legal thinking’.

### C. *Fundamental Principles of Morality in (Statutory) Law*

Students were given the brief facts of *Riggs v. Palmer*.<sup>31</sup> A grandson murdered his grandfather who had left everything to him in his will. The statute suggested that the grandson had the right to inherit as long as the will, which was signed in the presence of two witnesses, named him. They were asked if he should be given the inheritance (Table 17).<sup>32</sup> In the second survey, there was a marked decrease in the percentage of students who suggested the grandson should inherit because the statute said so, and this remained in the third survey. In the third survey, there was a rise in the percentage of students who preferred to give effect to the purpose of the statute (the second option) with a corresponding dip in the percentage of students who preferred the approach of subjecting statutory laws to fundamental principles in all civilized countries (the third option).

**Table 17.**  
Riggs v. Palmer.

Should the grandson inherit?	Percentage
Yes, the statute says so	14.2 {5.1} (4.6)
No; if absurd consequences follow from reading the statute literally, and the lawmakers didn't foresee this case, the courts are to give effect to the purpose of the statute, which cannot be to let a murder inherit	13.7 {18.4} (25.3)
No; all laws are read subject to the general, fundamental principles recognized in all civilized countries, such as the idea that no man may take advantage of his own wrong	13.7 {19.9} (12.6)
Both the second and the third options are right	57.8 {56.6} (57.5)

<sup>30</sup> 71.0 {59.2} (66.7) per cent, when the ‘yes’ and ‘maybe’ percentages in Table 16 are added.

<sup>31</sup> (1889) 115 N.Y. 506 (C.A. New York). That this was an actual case was not mentioned to them.

<sup>32</sup> Ronald Dworkin employed this in Ronald Dworkin, *Law's Empire* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1986) c. 1 as an illustration of the nature of disagreement about law. Dworkin suggested that people did not empirically disagree about the sources of law; rather they disagreed about what the grounds of law were—whether they were exhausted by the words of a statute or whether they included fundamental principles of morality. See, also, William H. Simon, “Ethical Discretion in Lawyering” (1988) 101 Harv. L. Rev. 1083 at 1121-1123.

**Table 18.**  
Definition of Law.

Laws are orders backed by threats of sanction, issued by a powerful sovereign by virtue of its ability to enforce the rules	5.4 {9.2} (12.1)
Laws are laid down by human authorities according to universal reason	7.4 {18.4} (18.4)
Laws are laid down by human authorities according to God's law	3.4 {8.7} (6.3)
Laws are laid down by human authorities according to human conventions or principles accepted by members of society	83.8 {63.8} (63.2)

#### D. Definition of Law

Students were asked for the best definition of law (Table 18). The first option approximated that of the legal positivist, Austin, who identified law with commands of a sovereign who was habitually obeyed and who did not habitually obey anyone else. The second and third approximated definitions offered by various natural law theorists. The fourth was close to HLA Hart's idea of law as a social fact.<sup>33</sup> The results in the third survey did not change much from that in the second survey, except for a marginal increase in the percentage that preferred the Austinian power-based definition of law and a smaller decrease in the percentage that chose the God-based definition of law. Perhaps most of the definitions could be adopted consistently with a range of views on the other questions, and the students could accommodate the changes in their views on other issues without having to change their definitions of law.

#### IV. EXPECTATIONS OF LEGAL EDUCATION

Students were asked whether they thought law school would teach or inculcate in them the skills and values listed in Table 19 in the first and second survey. In the final survey, the question was varied to whether law school had taught, or inculcated in them, these values.

Significantly, there was a steady increase in the percentage of students who thought law school should teach professional skills but failed to do so. This might be due to their internship experiences—the technical and mundane nature of the work that lawyers did and the difference between practice and school. Students were also

<sup>33</sup> Hart suggested that law was a union of primary and secondary rules, and rules had an internal aspect which was found in the critical reflective attitude that members of society and officials had towards them. This critical reflective attitude was manifested in criticism by members of society towards those who deviated or threatened to deviate from the rules, demands for conformity with the rules, acknowledgement by those who were deviating that the criticism and demands were justified, and normative language being used in relation to the rules. The fourth option sought to encapsulate in lay language Hart's idea of acceptance found in the critical reflective attitude. See *Hart*, *supra* note 10.



**Table 19.**  
Expectations of Legal Education.

	Yes	No	No, but it should
General writing, speaking and analytical skills	100 {98.5} (99.4)	– {–} (–)	– {1.5} (0.6)
Professional skills	97 {90.8} (74.9)	0.5 {–} (4)	2.5 {9.2} (21.1)
Passion for truth	71 {43.9} (31.4)	7 {18.9} (26.9)	22 {37.2} (41.7)
Justice and fairness	38 {64.8} (52)	25 {11.7} (17.7)	37 {23.5} (30.3)
Good moral convictions	37.3 {28.1} (22.3)	23.5 {35.2} (45.7)	39.2 {36.7} (32)

expecting the practical law course that they had to do to qualify for admission as an advocate and solicitor in Singapore to equip them in some of these.

As for passion for truth, justice and fairness, and good moral convictions, students interviewed suggested they were inspired to think about these in courses such as jurisprudence, criminal law, public law, equity, law and economics, tort, and contract. The fact that some of these courses had been taught by the time of the second survey, when students had completed the core modules of contract, tort, criminal law, and legal theory, might have accounted for the large percentage of students who thought that passion for justice and fairness was inculcated. By the final phase, only 17.7 per cent of students thought that law school did not and should not teach or inculcate in students a passion for justice and fairness. More than half the students thought that law school had taught or inculcated in students a passion for justice and fairness, which was a dip from the earlier phase.

#### A. *Assessing the Influences on the Students*

What were some factors that influenced students to their conclusions?

First, as a student put it, students had different experiences according to the subjects they chose to take, and he found his “eclectic” choice of courses beneficial. He took a range of technical and theoretical subjects, and also cross-disciplinary ones. Some students noted that after the second survey, they had gone on to do a majority of corporate subjects. One student noted that in corporate subjects, decisions were made on grounds of policy rather than morals. While another did not doubt that one’s jurisprudential outlook could affect one’s views in technical subjects, it was often hard to get to that level.

Second, for some, it was not any particular subject, but the pedagogy in legal education, that made a difference to what was inculcated. A student mentioned that a particular professor who taught company law emphasized that she did not want students to just become “legal mechanics” and gave them a few examples in the very first lesson about the principles behind company law. That set the tone for the student for the course. In contrast, some felt professors tended to be neutral and did not want to push their stances on students, though students sometimes sensed their unhappiness with the state of the law. Also, not all professors held back because of a pedagogical philosophy that sought to give students the optimum space for coming

up with their own views, but because of their very worldviews: a student mentioned that she got a sense in the postmodernist discussions in law school that there was no absolute truth and everything was relative. Another student felt that the courses he took did not encourage him to take a view of his own but merely gave him the sense that the focus was on how well he argued and how good his writing skills were and those things would ensure a good grade. At the end of the day, some students noted that reflecting upon values would not facilitate their examination performance; examinations tended to test students on their knowledge of the law and the ability to apply the law to the facts.

Third, the very nature of law, imbued with values, was an education in values to some students. Another student noted that indirectly, but surely, a sense of justice was inculcated through discussion of legal judgments:

You get a sense of how the law deliberates or balances opposing interest in society... maybe subconsciously develops a sense of justice in the students because before reading a case they will be encouraged to think how it should turn out, what should the correct result be. So, in a sense, I think, in classes we are especially concerned with what should the correct decision be. In a sense, this inculcates in us a sense of justice. This might not be the foremost concern on the professors' minds who wanted us to just know the law well. That sense of justice need not be cultivated in school. I think it lies within yourself, or any reasonable thinking person [*sic*].

Not all students responded in the same way. One student had the opposite conclusion: he did not have any use for moral beliefs in classes as he did not see them being embodied in the judgments or outcomes of cases and at the end of the day, he was just applying the law to the facts. For another, the problem was more severe: she did not think that law adequately served justice. She was disillusioned because there were "too many things in the way of law... and justice"; "people with money... probably get what they want, and that's why the law is the way it is".

Fourth, whether students had gone on an exchange program made a difference to some. Several students who had gone on exchange programs felt they had more opportunities to engage in public interest type courses and discuss values. A student who had gone to a North American university for an exchange program suggested that the law school placed a higher premium on the normative opinions of students on particular areas of law, and encouraged more articulation of such views. Further, culturally, students were less afraid of a 'wrong answer' and had more time to engage the materials. In contrast, here, if one did not know one's material well, one would be afraid to say anything; as one would rarely know the material really well before the examination, one would thus have disqualified one's self from talking.

I would suggest, however, that the preceding four influences that led to the students' varying conclusions were far from determinative but interacted with the nature of the students, sometimes to different results. In the first place, the choice of subjects was in the hands of the students. Not all students, even in a pragmatic culture, were inclined to choose courses that were immediately or tangibly usable in law firm practice. Students could not blame their environment for their choices. How students responded to the nature of the law might indeed depend

in part on the focus and pedagogy of the professors, who could make a difference in imparting values, but even the most passionate professor might not succeed in reviving a student bent on not thinking. The comment, though, that assessment did not sufficiently value criticism of the laws on grounds of justice, fairness or morality, should provide law professors with food for thought. Should we more consciously bring to the attention of students the value-laden aspects of legal judgments? Should we demonstrate how law interacts with other social phenomena? As for the fear of students (that was greater in some contexts than others) about speaking up when they did not know the materials well, anecdotally, there were cultural as well as generational differences. While some professors might be of the view that it was the duty of students to master the materials well, there was something to be said for showing grace through an affirming classroom environment that encouraged creativity and critical thought given that in every cohort, there were students who tried their best in good faith but felt hampered by the possibility of being shamed.

#### B. *Should Good Moral Convictions be Inculcated or Taught?*

The most interesting comments concerning the expectations of legal education were made specifically in relation to the teaching or inculcation of good moral convictions. There was a steady increase over three surveys in the percentage of students who thought that law school would not or did not teach or inculcate good moral convictions and who also had no expectation of law school to do otherwise.

While more than half of the students thought that the values of ‘justice and fairness’ in particular were taught or inculcated, less than a quarter of students thought so in relation to ‘good moral convictions’ in general. When was the former taught or inculcated? A student suggested that law school, through courses such as jurisprudence, taught that the purpose of the law was justice. Other courses also had a ‘default assumption’ that justice was at least a concern of the law, though many had “subjective or waffly [*sic*] notions of justice”. Asked for more suggestions on how justice and fairness should be inculcated, a student recommended that professors should keep emphasizing it in lectures and set assignments that raised such issues. In contrast to the values of justice and fairness, while some legal concepts were based on morality, rarely did teachings or examinations highlight these. Asked for examples of moral values in general, one student cited fraud and public policy as founded on morals.

Apart from generally engaging in value-based criticism of existing law, those who were for the teaching of moral convictions were asked how these should be taught or inculcated. A student wished that law school provided grounding in “some sort of ethical training” and gave a sense of “what would be ethical for a lawyer when he goes out to work”. Even though he noted that Singapore’s practical law course taught that, he wished that ethical training started in the first year of law school. Given that most people entered law school with an idea that law was about truth, justice and fairness, the start of law school would be the “ideal time to inculcate some sense of ethics in law students so that they can approach legal problems throughout their law school career from that perspective of having to learn the ethics related to legal practice”. Asked for other suggestions about what law school could do in this vein,

one said that morals could be discussed in a course analogous to LAWR.<sup>34</sup> Another said that jurisprudence should be compulsory.

Some students were opposed to law school teaching good moral convictions because of their view about morality—that it was relative. One student did not believe that objectively good morals existed, and hence thought that law school should expose people to as many good convictions as possible. He also noted that if morals were taught in substantive law courses such as contract law, the content would balloon in an unfeasible manner. Another emphasized the importance of letting each person decide. One student reacted skeptically when asked if law school should play an active role in inculcating values: “Once you start trying to inculcate these it’s quite obvious to the students, right?” And, so what if it was obvious? A student said that law school should not push particular values on persons as values differed from person to person. Some doubted that morals could be taught at all, or taught at this stage in the lives of students, and thus were not disappointed that these things were not taught. For others, the methodology of law school was inherently against the teaching of moral convictions. Students were taught to “switch sides” in their analyses of cases and taught different points of view rather than any particular point of view. In the worst (albeit rare) case, classes could even be the occasions for transmitting (what students perceived as) negative values: a student mentioned an instance when the course of action suggested by his professor sat uncomfortably with him.

## V. HOW STUDENTS RATE THEIR LAW SCHOOL EXPERIENCE

Students were asked generally how they viewed their transformation and their law school experience. Did they change? Were the changes positive? Was there any major cause for regret?

### A. *The Law School Environment and Spirit*

Many students who were interviewed felt empowered by what they felt to be the unique experience of legal education and being in law school. They felt they gained perspectives that they could not have gained elsewhere. One even noted that he became prideful about his training.

Several students suggested that the people they met at law school made a difference to the persons they became. A student noted that everyone in law school was very “opinionated”. The diversity of opinions he was exposed to in the whole experience was like a “kitchen sink”: one could constantly have “people arguing with you over coffee”, be exposed to many more different views, and learn to question one’s own moral convictions. Another student noted that “the spirit of law school” in itself, which constantly challenged one to justify one’s opinions, was good in helping her acquire reasoning skills and broadening her perspective. She found that she became more demanding in conversations with non-lawyers too as a result, and said that “it’s

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<sup>34</sup> This refers to the Legal Analysis, Writing and Research module that is compulsory in the earlier years of law school. See National University of Singapore, “Faculty of Law—Compulsory Subjects”, online: <<http://law.nus.edu.sg/current/course/compulsory.htm>>.

better to think and be unhappy than to be ignorant and content". She wanted to be "someone who is surer of the things I want and be able to justify them". Another said that when people told her anything, she would question it and ask if there was a good authority for the position. She saw this as a positive general skill picked up in law school that was going to help her through life.

But not all thought that the experience was empowering. What were some negatives?

First, some noted that just as positive lessons and skills would spill over into other areas of one's life, they thought or acted inappropriately like lawyers on some occasions too. One student who said that law had "permeated" his personal life noted that he tended to think of the legal consequences, instead of the morality, of actions. In that sense, law school caused him to become "more amoral". Another said that what was legal became a gauge for personal decisions about whether something was alright. Several others noted they tended to question what people said or even distrust them, which was not necessarily a good thing.

Second, several thought there was too much 'sameness' in law school, but for different reasons. Some saw a 'sameness' in viewpoints. One thought that people in law school "are generally more moderate" and that "gradually, you just adjust to the norms and you think that these things are acceptable after all". This, of course, might be influenced by whether the speaker was moderate to begin with. Another thought her morally conservative views did not sit well with the general law school crowd and she learnt not to express her views for fear of a backlash. She felt a greater need to "protect yourself and make sure you can't be touched in any way". Yet another had a truculent critique of his classmates in relation to what he perceived as 'sameness' in the demographics of the law school cohort:

I think they are all a bunch of well-to-do, mummy's and daddy's boys and girls who do not know what life is all about. They have had it easy. You look at some of them; they drive to school in big cars. They know the cost of everything. They know the value of nothing. And they are devoid of any convictions of wanting to help others out there.

As to what sort of person that made him, he said that being exposed to "this segment of society which is represented in law school" which he never interacted with prior to law school, made him more appreciative of what he had:

I don't envy any of my school mates—they may live in fancier houses, drive nicer cars. I don't have either. But I'm so happy the way I am. So yeah, I think it's made me a better person for shaping the views I have right now, as well as making me more appreciative about life and what I have, and it made me determined not to end up like many of them.

While only one student put it in this manner, which might not be representative of the cohort, that some students might feel this way was something to think about. Another would not criticize her classmates in the same manner, but also noted that she acquired sensitivity and empathy through her encounters outside of law school—when she encountered during internship a drug trafficker who was her contemporary and yet had such a vastly different life story.

### B. *The Sliver of Gray*

Students faced difficulties in the earlier phase trying to get the hang of a new discipline and having less time for critical thought, but became comfortable over time—something that probably accounted for the 1-2-4 phenomenon. One student also noted that the pressure to do well was greater in the earlier years, when students were trying to secure opportunities to go on exchange programs by doing well in school. With the pressure came an unthinking self-centeredness.

In the final phase, the students' general sense of empowerment arose in part from what they were discovering to be gaps or limitations in law as well as the open texture of law. A student said that in the earlier phase, as he read cases and saw how judges distinguished particular cases, he thought "they're so clever" and that their conclusion was the only possible one. Going through law school, he came to realize that every decision was made upon certain underlying principles, and depending on the principles picked, one could come to a different conclusion. He learnt to critique some decisions as fair or unfair. His idea of objective fairness became more crystallized in the context of law. He could relate law to his own moral principles. A student described this 1-2-4 shift in this manner:

In Year One, you come in really bright-eyed and in Year Two, you get a little bit disillusioned and cynical, and then you start to... become very detached from the emotional aspects of legal practice. In Year Four, as you talk to more people and listen, you start to get a stronger bearing of your own morals and you develop a stronger sense of self-identity and you realize that these things are not things that you have to subscribe to.

He also saw this shift as one from idealism in the first year to the detachment from ideals and attraction to positivistic thinking in the second year. Beyond that, one began to realize the limitations of black letter interpretations of the law, and morality came in again. Another was initially cynical about the "open texture" of rules and the fact that one could "manipulate" them to particular conclusions, but later saw his responsibility as a lawyer to develop the rules. With the sense of empowerment came circumspection about future choices and what they wanted to make of their lives.

Although more empowered, students also came to realize the limitations of law. A student who had the chance to do pro bono work in the Legal Aid Bureau during his internship said:

I really think that sometimes the law is really insufficient to address the problems of the people, and you really have to be able to consider other interests—emotional interest and commercial interest. The efficacy of the black letter law as a way of resolving people's interests is really limited.

Another student said that volunteering at legal clinics allowed her insight into the lives of ordinary people, and she saw the worth of legal advice which was accompanied by advice offered by persons such as social workers in one clinic she went to:

What I realized is that the law can only do so much... there needs to be other sectors in society that... complement what the lawyers do. Because... the problems they bring forward to the lawyers (in, for example, divorce and desertion cases) is not really... the root of the problem... there could be underlying factors like...

poverty, lack of education, unemployment, which the lawyer on his own cannot solve... So there'd be other people involved to help.

For others, the limitations of law were a source of sadness in other ways. The net effect of differing views being expressed in class discussions was this: "It trains your mind... but it doesn't really give you that one answer that you're looking for, or that one answer that you really, really, need." One student bemoaned the fact that the law never really resolves:

I guess sometimes you start to see that perhaps the law doesn't cover every situation. And even in some areas of law, we come to get exposed to general articles that say that certain rules or principles don't have any real justification behind them. In that sense, your own moral conviction might be more holistic, whereas legal rules might have a gap... They never really resolve.

The institution of law thus lost its gloss in the eyes of some: "After you go through law school, you see law as a very human creation... fallible and prone to change as we change, as the society changes. So it loses some of its mystique."

There was also a more general sadness about life and humans, with some students remarking that they were "disillusioned" or "cynical" or "less idealistic", in different ways. First, some thought being idealistic would be too costly. A student noted that interaction with practitioners amongst the professors made her realize that they were "not the kind of lawyers who will be nice, and who will uphold professional ethics at all cost". While she had been more idealistic in the earlier phase, she "realized that being unilaterally idealistic is not going to change anything and in fact it's just going to make your life very miserable". She added: "Unless you want to be screwed, it is a balance. You don't want to be so highbrow and idealistic, until you literally get screwed out there. So I am a bit much more cynical now." The second way in which students were sad was in thinking of their ideals as naïve and impractical and feeling limited. Another said that "most of us after the first year of law school feel like [the idea of] changing the world is such a cliché. It sounds very airy fairy... it doesn't sound very practical... most of us see life after we graduate as... slogging our guts out and sitting in a little office." In terms of actual limitations, this student who wanted an international law career felt that her plans might have to be shelved as the market was not big. The third way in which a loss of ideals hit students was in an increasingly pragmatic attitude to everything and a tendency to simply accept solutions that worked, without questioning their rightness or searching for more justifiable alternatives. A student found it "sad", for example, that in his conversation with a friend doing sociology who critiqued the prison system as failing in rehabilitation, his immediate response was, "Ok, and then so what? What is the next option if not jail?" He was no longer asking what the right thing to do was.

For some, however, the change was perceived as a mixed bag of good and bad. They realized they had lost their ideals, but it was not a bad thing—in their view. They referred to their previous selves as "naïve" and their current states as being more "worldly-wise". This self-assessment of the students might be a sad thing, unless accompanied by a firm belief that one would, with a better understanding of the complications of the world, forge ahead in a salutary manner. A student spoke of "losing faith in humanity" as she observed that in getting older, sometimes people made decisions that "surprised" one. She noted that in adjudication, one might not

always agree with the decisions of judges, and it was not always clear what policies were being balanced. Yet, from a “practical point of view”, the student noted that she had become a “better person”. Thankfully, this student also remarked that law remained, in her eyes, an instrument that could be used for good.

For most, anxiety was growing over imminent legal practice. A student who said he was becoming more “worldly-wise” noted that in the earlier phase, students had “an overly rosy impression of law school” from “those Boston Legal TV shows”, but by the final phase, “we’re coming to a more accurate idea of what the practice is going to be like, and there’s an understanding that practice has its problems”. He noted that many of them thought about whether they were going to end up doing any good.

A prevalent worry was their lack of choice in the cases they would work on in future. Most did not seem to be aware that the cab rank rule did not, strictly speaking, apply in Singapore. In any event, the inapplicability made no difference to their lives: they noted that as juniors, they really had no say as to which cases they would be assigned, especially in a big firm. A student realized from talking to people in the profession that unlike in the “dramas” where one could go out and take up any case, junior lawyers “are more like research assistants and being able to thrive in a law firm setting is not easy”. Another student was resigned to the “practical realities of life” and the fact that all law firms were “profit-driven”. Another student used to think that lawyering was “for society”, but realized that law firms were based on the “business model” and that there were billing targets to meet.

What about the possibility of working in a different sort of firm—perhaps a smaller one with a greater relational emphasis, where one might possibly have some control over the cases one worked on? There was a problem: did such a place even exist? Aside from that, some have argued that law school incapacitated students for alternative firm practice as they taught so little that was relevant for practice, with the result that students were channeled into conventional firms.<sup>35</sup> I would beg to differ on this critique of law school for teaching too little, insofar as I believe that law schools should adequately teach foundational doctrine and have done well if they taught that. Not everything can be adequately picked up in classes. That said, conventionally, a placement in larger or more established firms was the desire of many a student’s heart as such firms got the better cut in terms of challenging work and might provide better legal training. Thus, the result was that a student who wanted to pick up good practical or professional skills would veer towards a larger or more established firm. Indeed, one student insisted that she wanted to go to a big firm even though she might not believe in the worth of its work:

I want to get some experience, learn the ropes there, and learn from the most established lawyers. I mean, maybe not pick up their moral stance, but their practical advocacy skills... would be useful if I want to represent a poor old man against a big corporation next time. That will come in handy.

Further, larger firms pay better, and the difference in pay packages can be substantial when annual bonus is taken into account. Young lawyers might think that when

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<sup>35</sup> Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy: A Polemic against the System* (New York: New York University Press, 2004) at 47.



they have to work long hours everywhere anyway, it would be far better to get more challenging work and be better rewarded monetarily.

For some, the solution to the possibility of facing ethical dilemmas was to “do corporate law”. Corporate law, in the eyes of the students, was presumably synonymous with a world without ethical dilemmas, or in which the inhabitants were wealthy enough to hire their own aggressive lawyers anyway, and therefore, looking out for the other side would not be an important concern. While there was an increased sense of a personal choice in relation to the open-endedness of law, some students perceived little choice in the face of their future bosses: “It’s difficult, especially when you’re like the scum of the earth, the little associate there and you know your partner asks you to do it, you have to do it. So I’d rather not put myself into additional conflict.” Corporate work—in particular, when the client was a big corporation—was perceived to be less trying ethically. Of her internship doing corporate work, one student said:

I feel very clinical in my approach... there’s an issue, you just find the problem, and usually that is all there is to it... that was how my internship went. They would present me with... research on an issue, [ask] if there’s any law... on this issue, then I will do my LAWR thing... I don’t get too emotionally involved in what I’m doing.

The student noted that she was more emotionally engaged in the sort of work that she encountered in legal clinics, but she would not consider doing that sort of work full-time. Asked how she felt about the work during her corporate internship after having experienced both types of work, she said she treated the work like a “mathematical problem” to be solved. What motivated her? She said: “I just accept it and I’m quite happy to be like that because when I am efficient and I can produce work, it makes me feel quite good about myself.”

### C. Breakneck Pace

The breakneck pace of law school did not sit well with some students. A student asked me if I was familiar with the atmosphere in the library, which “stifled” her: “There’s just this aura—must study, must study. My life is very stressful. I find the environment there very stressful.” Another bemoaned the rush which left her with no time for reflection:

Things are always geared for efficiency in the sense that we always don’t have enough time for classes, so we are always rushed, and we have to focus on our exams. So there is not much time to really dream about bringing our ideals into play. All we do is study, get exams, good grades and things like that. So maybe it would be good in future if the pace would slow down a bit so that future generations will have more time to dream and believe.

Apart from robbing students of the space to dream or reflect, one student thought that it took away any desire of students to do pro bono work: “When law school has taken away time from students, to my mind that is a waste of time—assignments and all that—you are taking away, sapping their soul and their zest for wanting to do such activities [*sic*].”

## VI. THE WORK OF LAW SCHOOLS

As most faculty members were involved in the admissions process every year, I served as an interviewer of students for admission into law school over many years. During those interviews, I met many bright-eyed and idealistic eager beavers who believed that the world was theirs *if only* they could get into law school.

Now they were *in*.

I noticed an apprehension peculiar to students in the final phase of law school as they anticipated the next phase of life and faced a future which they had gotten only glimpses of during internships and which they did not feel was wholly theirs to make. Many students were no less eager to be interviewed for this project in its final phase than for admissions. My assistants and I were pleasantly surprised that many students looked “very happy”<sup>36</sup> to have the opportunity to chat. While some expressed that they wanted to help me bring my project to its completion, others noted that the questions called for interesting “self-scrutiny”. In retrospect, I thought that for the same reason people did personality tests and read horoscopes—that is, because they were curious to find out about themselves—these students wanted to find out about themselves. Had their views changed? Were they different? What was responsible for their changes? Perhaps, too, they wanted to share their feelings about their classmates and teachers and this was a rare forum where they could do so to someone who was part of law school and yet was standing in a role apart from it (*i.e.* as an independent investigator).<sup>37</sup> Perhaps they wanted their stories to be told.

Students, feeling at once empowered and limited, paradoxically slightly disillusioned and yet accepting, were in no state of torpor about their future. They were empowered because, as they mastered the law in the final phase, they saw law’s potential to effect changes in the lives of individuals and of society. They felt limited because they perceived the barriers of access to justice and the hierarchies of the world of the law firm within which they would soon find themselves. There were many causes of their disillusionment—the attitudes and values of peers, professors and lawyers; the limited options for work; the disconnect between law and salutary values; the possible grind and banality of work; and so on. Instead of engaging in a trenchant critique of legal education or law school for the failure to make a difference in these areas, students were surprisingly accepting of the education they had received, noting the limitations of the classroom, mostly rationalizing why their professors might have steered away from clearer value judgments, and saying that they were pleased with what they had gained from law school. They were also facing the future head on, realistic about the pitfalls that lay ahead, some choosing to conform and others choosing to psyche themselves to prepare the way for a salutary calling, in the manner expressed by one student:

I think now when I am closer to graduation, going to enter [the] lawyering world soon... I am thinking that... I want to find meaning in what I do. I think I’ve reached a stage whereby I’m quite confident in my own abilities and... if that is

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<sup>36</sup> These are the words of one assistant, Elan Krishna.

<sup>37</sup> Granfield noted in *The Harvard study*, *supra* note 1 at 210, that the students he studied were very accepting of him and willing to talk. He fathomed that they had little opportunity to reveal their conflicting emotions to others, and he performed the role of an “uncritical counselor” in interviewing them.

a prerequisite of what I have to be as a lawyer, then there needs to be something bigger than that to make me sustain and carry on in this practice... even though [these ideals] are very vague and ambiguous and quite lofty, it's something that I can use to encourage myself... motivate myself.

What was most striking to me was the loneliness of each student. Many saw themselves as the lone ranger in a harsh and pragmatic world in which they would be left to fend for themselves. They could live according to their ideals and go against the grain, or forsake their ideals and go with the flow. If it was the latter, they hoped to try to preserve their self-identity with a belief that they could personally be different from the persons they were professionally. Or, they could look forward to a future of helping the poor man against the big corporation after they had equipped themselves. An outsider cannot fathom whether this 'me against all of them' syndrome stemmed from self-righteousness, or from having been subconsciously under siege for years in a law school environment in which one constantly had to defend and justify one's opinion and then yield to the best argument. Whatever the source of the feelings of aloneness, and however salutary in the retention of ideals, the student prepares to graduate for the legal profession with an attitude that is more Darwinian than cooperative, which in itself may bode ill for the individual student, the profession, and indeed the enterprise of law. After all, even the adversarial nature of the legal process does not exist for the sake of contention, but for its role in serving justice. Do students recognize that? Are they graduating in a position to serve justice, or just to fight?

Perhaps this was not something that many students were aware of but, apart from their training and the totality of law school in the form of their conversations, friends, encounters, and opportunities, how students were transformed hinged also on their larger worldviews and the strength of their personal convictions. This was more marked in the final phase, than in the earlier phase when students felt more confined by the law and struggled to fit their personal visions into the mode of legal thinking. Once the dust had settled, students reverted to their fundamental personal visions of life and the world. For relativists, for example, law was described instrumentally, and they harbored no hopes for law school to inculcate particular values. One student who described herself as having "flexible" moral convictions suggested that one should learn how to keep one's moral convictions to one's self sometimes. Another, in contrast, noted that exposure to cases "sharpened" the sense of justice that one already had when one entered law school. Beyond the earlier phase, when they had acquired the hang of law, their larger worldviews and characters had significant roles to play in what they decided to make of law, their experiences, and their futures.

I had mentioned in the earlier article in relation to the earlier phase of the project that I detected that students were, at the end of the day, "cabin'd, cribb'd, confined"<sup>38</sup> by their own beliefs and attitudes, allowing these to determine their identities and limit their potential. That said, I believe that students readily reverted to their old selves after initially being enamored by 'legal thinking' because of a lack of inspiration and the absence of engagement with values. If beliefs, attitudes, worldviews and character are made by one's experiences in the first place, the students' old selves are

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<sup>38</sup> William Shakespeare, *Macbeth* (Washington, United States of America: Washington Square Press, 1992) Act III, Scene IV.

far from ossified. They are still growing. The lack of inspiring role models amongst their forerunners in the profession is a further roadblock in their quest for a salutary professional identity. This statement is not so much a critique of the profession that should provoke a defense by the professionals, but an invitation to arise. The failure of law school to adequately discuss, or reward a discussion of, values that ought to serve as the foundation of law adds to, or does not help the students out of, the sense of loss in their navigation through law. Gen Y seeks a purpose. Surprisingly, Gen Y longs to emulate. Notwithstanding all other factors, professors can still make a difference.

VII. APPENDIX: THIRD SURVEY QUESTIONNAIRE<sup>39</sup>

1. Your participation in this survey is invaluable for a meaningful survey of legal education. This survey will probably take 15 minutes of your time.

Your name is requested so that I can collate and track the total number of respondents from your class in an accurate manner. If you were interviewed, please do include your contact details so that we may follow up.

Your individual responses are kept confidential and if quoted in the study, will be treated anonymously.

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

2. Do you have any moral convictions?

Yes                      No                      Maybe

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**Yes/Maybe for moral convictions**

3. How would you describe the strength of your moral convictions?

Strong                      Moderate                      Weak                      Varying

4. Answer the following questions:

Do your moral beliefs impact your view of law or legal justice? Yes/Maybe/No

Do you think they would impact your view of what a lawyer should do or should not do? Yes/Maybe/No

Should a good lawyer only follow the professional code of ethics, even in the event that the code contradicts his personal beliefs (i.e. should he suspend his personal beliefs in such cases)? Yes/Maybe/No

5. Do you have religious convictions?

Yes                      No                      Maybe

**Yes/Maybe for Religious Convictions**

6. How would you describe the strength of your religious convictions?

Strong                      Moderate                      Weak                      Varying

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<sup>39</sup> The text of the survey which was conducted through an online tool (including the various options in its drop-down menu) has been reproduced here.

7. Answer the following questions:

Do your religious beliefs, or your moral beliefs associated with your religion, impact your view of law or legal justice? Yes/Maybe/No

Do you think they would impact your view of what a lawyer should do or should not do? Yes/Maybe/No

Should a good lawyer only follow the professional code of ethics, even in the event that the code contradicts his personal beliefs (i.e. should he suspend his personal beliefs in such cases)? Yes/Maybe/No

8. Has law school taught or inculcated in you the following?

General writing/speaking/analytical skills	<u>Yes/No/No, but it should</u>
Professional Skills	<u>Yes/No/No, but it should</u>
Passion for truth	<u>Yes/No/No, but it should</u>
Justice/fairness	<u>Yes/No/No, but it should</u>
Good moral convictions	<u>Yes/No/No, but it should</u>

9. Have you or will you ever negatively affect another human's life or well-being for profit?

Yes                      No                      Maybe

10. Do you think being a lawyer might require you to negatively affect another human's life or well-being for profit?

Yes                      No                      Maybe

11. Do you believe you can do any good as a lawyer?

Yes                      No                      Maybe

**Yes for Question 11**

12. In relation to the good you do as a lawyer:

Would it be

on a large or small scale? On a Large Scale/On a Small Scale/On Both Scales

at what level? In Particular Cases/On a Societal Level/On Both Levels

13. What do you think makes a good lawyer? Rank the relevant traits, with 1 being the most important:

	#1 most important trait	#2	#3	#4	#5	#6	#7	#8	#9 least important
Intellectual ability									
Honesty									
Good interpersonal Skills									
Integrity									
Passion for truth									
Passion for justice									
Oratorical skills									
Good morals									
Ability to win cases									

14. If you can stay within the law in fiercely (and perhaps sarcastically) cross-examining a witness of your opponent, would you do it when it is obvious that the well-being of the witness is affected?

Yes                      No                      Maybe

15. Suppose that a poor old lady bought a washing machine from a branch of an electrical appliances retailer but has not paid up on one of her installments. Under the contract, the retailer has a right to take the washing machine back. The retailer comes to you and you are the only lawyer in town.

	Would you help the retailer to pursue its right under the contract?	Do you think you have acted as a lawyer should?
Pick one of the following choices	<u>Yes/Will try to persuade the retailer not to pursue its right, but if it does, will act for it/ I can't decide as of now/No</u>	<u>Yes/Not sure/No</u>

16. Suppose that a young executive bought a car but has not paid up on one of her installments. Under the contract, the car retailer has a right to take the car back. It comes to you and you are the only lawyer in town.

	Would you help the retailer to pursue its right under the contract?	Do you think you have acted as a lawyer should?
Pick one of the following choices	<u>Yes/Will try to persuade the retailer not to pursue its right, but if it does, will act for it/ I can't decide as of now/No</u>	<u>Yes/Not sure/No</u>

17. Your client could get off a criminal offence such as murder or rape on a technicality, although he did otherwise commit the crime.

Would you help him get off by bringing up the technicality?

Yes                      No                      Maybe

Do you think you have a professional duty to bring up the technicality and help him get off?

Yes                      No                      Maybe

Do you think you have an ethical duty to bring up the technicality and help him get off?

Yes                      No                      Maybe

Do you think have a moral/ethical duty NOT to bring up the technicality?

Yes                      No                      Maybe

18. Do you think lawyers are just extensions of their clients in technical domains? i.e. is the lawyer's role simply to help the client find his way in the world of legal terms that he does not know, such that the lawyer's own conscience is irrelevant and as long as the law allows the client to do something and the client wants to do it, the lawyer should do it?

Yes                      No                      Maybe

19. If the law is, in your view, unfair to your client's opponent and you use it to your client's advantage, do you think you have committed a personal wrong, or is the wrong not a personal wrong (but a wrong of the system) because the system of law allows it?

I have committed a personal wrong                      I have NOT committed a personal wrong

20. "What I do in my capacity as a lawyer is just my professional identity and what is required by my role. I remain a separate person. How I treat my family and friends—that's the real me." Do you agree?

Yes                      No                      Maybe

21. Which metaphor(s) do you think best describe(s) a lawyer:

Hired Gun

Friend of the Client

Counselor

Cog-in-the-Wheel

Prostitute Whose Services are Hired for a Fee

Advocate for Truth and Justice

Liar/Cheat

High Class Secretary

Legal Technician

Others (please specify) \_\_\_\_\_

22. Do you think law has a strong connection with morality? (For e.g., does it strongly reflect moral values.)

1 Hardly any connection    2    3    4    5 Very connected with morality

On a scale of 1-5, rate the strength of law's connection with morality.

23. Should laws require motorcycleists to wear helmets?

Yes                      No                      Maybe



24. Is justice done whenever officials/judges follow the law?

Yes                      Not necessarily

25. Is justice done whenever like cases are treated alike?

Yes                      Not necessarily

26. Should officials/judges ever consider a rule formally passed by parliament to be so heinous or evil or morally repugnant that they should not follow it AS A MATTER OF CONSCIENCE?

Yes                      No                      Maybe

27. Should officials/judges ever consider a rule formally passed by parliament to be so heinous or evil or morally repugnant that they should say IT IS NOT LAW, and therefore refuse to follow it?

Yes                      No                      Maybe

28. Do you think sexual acts between consenting adults of the same gender:

should continue to be a criminal offence?

Yes                      No                      Maybe

are immoral?

Yes                      No                      Maybe

29. Consider s299 of the Penal Code:

299. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Do you think the consent of the victim or his request to be killed should mean that the act of intentionally causing death is not a criminal offence on the part of the person committing it? Pick one:

It should not be an offence                      It should be an offence                      Maybe

30. Should criminal law regulate only acts that harm others, or should it also sometimes prohibit acts that harm no one but the actor?

Only acts that harm others    Sometimes it should prohibit acts that harm no one but the actor. I'm not sure at this point in time.

31. You are an official in Redland. A law is formally passed by Redland's parliament which requires officials to put to death someone on the basis of race. Would you enforce the rule in question?

Yes; it is the law                      No; such an absurdly unjust rule is not really law.

No; it is so obviously against my conscience that I would not do it.

I'm not sure at this point in time.

32. Redland's evil parliament has now been overthrown and its laws abolished. You are a member of this new government and are looking into the acts committed in the time of the old government. Suppose the evil law in the previous question imposed a term of imprisonment of three months if officials did not comply, would you punish those officials who put persons to death?

Yes                      No                      Maybe

**Yes/Maybe**

33. Would you punish the officials as if they committed murder, or subject them only to some lesser penalty?

As if they had committed murder              For some lesser penalty              Not sure

34. Do you think some acts are clearly wrong (for e.g. racial genocide, torture)?

Yes                      No                      Maybe

35. "Manifestly unjust laws that Parliament tries to pass are not laws, and judges should say they are not laws." Do you agree?

Yes                      No                      Maybe

36. "Manifestly unjust laws are not laws, and every citizen should be allowed to decide whether a particular law is or is not law." Do you agree?

Yes                      No                      Maybe

37. Which of the following statements do you think is the best definition of law?

Laws are orders backed by threats of sanction, issued by a power sovereign by virtue of its ability to enforce the rules.

Laws are laid down by human authorities according to universal reason.

Laws are laid down by human authorities according to God's law.

Laws are laid down by human authorities according to human conventions or principles accepted by members of society.

38. Eric murdered his grandfather. The grandfather left everything to Eric in his will. According to the relevant statute, Eric, being named in the will, has the right to inherit as long as the will is signed in the presence of two witnesses, which is so in this case. You are a judge. Should Eric inherit?

Yes; the statute says so.

No; if absurd consequences follow from reading the statute literally, and the law-makers didn't foresee this case, the courts are to give effect to the purpose of the statute, which cannot be to let a murderer inherit.

No; all laws are read subject to general, fundamental principles recognized in all civilized countries, such as the idea that no man may take advantage of his own wrong.

Both the second and third choices are correct.