

## LANGUAGE, LAW AND SINGAPORE

### I

It is to the English that we must look for the origins of contemporary law in Singapore and Malaysia. The English did not, however, import that law with any of the especial logic or overwhelming resolution manifest in their policy in India. For example, under the so-called First Charter of Justice of 1807 the question of what law should be applied to those fortunate inhabitants of Prince of Wales' Island then falling under the benevolent administration of the Crown was carefully avoided: the Charter dealing simply with the matter of jurisdiction. The first Recorder of Penang, Sir Edmond Stanley, did, it is true, comment on the matter in an orotund speech explaining the purpose of the Charter, when he trusted that

by adverting to and weighing the great principles of universal justice, that existed antecedent to any municipal institutions, and which are the best and most authentic foundations of all human laws, by adopting the just and benevolent system of the common law and statute of England, so far as they are applicable to the state circumstances and condition of an infant settlement; by investigating and discovering the local customs of the different classes of the Native Inhabitants wherever they arise or may become at all material to the due administration of Justice

he would be able to build "a system of Jurisprudence and Jurisdiction upon sound and rational principles."

Such an ambitious project, founded upon so admirable and reasonable a philosophy, was naturally not likely long to be countenanced by the pragmatic British, voyaging to these parts in order to turn an honest penny, rather than indulge in juristic altruism. The great principles of universal justice soon flew away, and scant investigation or discovery was made of the local customs of the inhabitants. What did descend upon those lucky people was not, therefore, the law of nature but the law of England: and in the promulgation and interpretation of that law the English language was, in Penang and the rest of Malaysia, until recently paramount. Now, of course, Article 152 of the Malaysian Constitution provides that the national language shall be Malay, and the National Language Act of 1963/67 affirms that Malay shall be the official language, and in *rumi*, the Latin script; an English text of a law may be permitted, but the authoritative text is that in the national language, unless the Supreme Head of the Federation otherwise prescribes. Such a prescribing takes place (according to Datuk Justice Hashim Yeop A. Sani) "in certain special cases where the laws are technical in character".<sup>1</sup> While English remains a lively force in the field of legislation, therefore, it may be said to be in decline, certainly in West Malaysia, possibly and at a slower rate in East Malaysia.

<sup>1</sup> *How Our Laws Are Made*, p. 37.

Singapore's modern legislative history begins, as every law student knows, with the Second Charter of Justice of 1826: and the two Charters were in 1855 consolidated in the Third Charter; so that the date for the reception of English law in Singapore is (or so I believe, mindful of the rule in the Royal Navy of executing the last pipe) 10 August 1855. Be that as it may, the blessings of the English language, certainly in relation to law — statute law and the ever-growing mass of English case law — descended upon the Island of Singapore in 1826; were refreshed and invigorated in 1855; and continued onwards until the slight hesitations of the years 1963 to 1965. In 1963 Article 161F of the Malaysian Constitution had permitted the continued use of English, Mandarin and Tamil in the Legislative Assembly of Singapore, as well as the use of English for the authoritative texts of all Bills, Acts and subsidiary legislation of the government of Singapore. With release from Malaysia, Section 7 of the Republic of Singapore Independence Act of 1965 picked up the gauntlet and prescribed Malay, Mandarin, Tamil and English as "the four official languages in Singapore". It is true that subsection (2) of the Act provides that "the national language shall be the Malay language and shall be in the Roman script": but this positive statement is subject to two provisos. under which —

no person shall be prohibited or prevented from using or from teaching or learning any language other than Malay, and  
nothing in section 7 shall prejudice the right of the Government to preserve and sustain the use or study of the language of any community (other than the Malay community) of Singapore.

The general effect of the section is, therefore, to make a token submission to the authority of Malay as a national language, whilst preserving the use of Mandarin, Tamil and English. Of these four languages, English is dominant, in the sense that the authoritative texts of all legislation and the judgements of courts of record are expressed in English.

However, the recital of Malay as the national language operates as a kind of reassurance to the Malay community of Singapore, as well as to the neighbouring states of Malaysia and Indonesia, that Chinese language and culture will not become paramount in an independent, secular Singapore situated in the midst of an Islamic area. Of the four languages used in Singapore, therefore, as a matter of policy as well as of expediency English remains dominant: not only because the authoritative texts of all legislation and the judgements of all Courts of record are expressed in English, but because the language is the basic medium of higher education — a fact that emerges with especial force in the light of the comments of the Minister for Science and Technology, Dr. Lee Chiaw Meng on 26 July, 1975<sup>2</sup> when, speaking of the formation of an inter-university council between Nanyang University and the University of Singapore, he said that eventually "it will be possible for students from one university to take some subjects at the other": English being the medium of instruction. While, therefore, Mandarin may become "the primary language of instruction in primary schools",<sup>3</sup> at the level of higher education English remains paramount.

<sup>2</sup> *Sunday Times*, 27 July, 1975.

<sup>3</sup> According to Dr. Goh Keng Swee, in speech to the Singapore Teachers Union on 26 July, 1975, when commenting on the large number of "dropouts" from English schools who become illiterate after leaving school.

Such, then, is the general picture: one in which on Singapore's doorstep, there is a logical, well-regulated movement in Malaysia towards the use of the *bahasa Malaysia* for all purposes. As Tun Mohamed Suffian bin Hashim notes<sup>4</sup> "Some Government business is still conducted in English, but gradually the use of English will diminish, as members of the public become more familiar with the national language."<sup>4</sup> Whether this trend will indeed continue I do not know, but such at least is the clear-cut policy on which Article 152 of the Malaysian Constitution is based: and it is one to be respected, if the effort to create a Malaysian nation is to be successful.

In Singapore the position of the English language is less precarious. As a young law student wrote recently, "Singapore came under the English, and as the empire decreased it left a legacy. We are therefore concerned with a legacy here. Language and law are one of the many things left behind by the English." His instinct was sound, his explanation vivid: and the legacy is one to be used, as by a wise and prudent beneficiary.

For the English language is of especial importance to Singapore, because Singapore lives by trade, and the language of that trade is English. To invest in an understanding of English is, therefore, to make an assumption that Singapore will continue as a centre of international trade. Dick Wilson noted in 1972<sup>5</sup> that "Singapore is... destined to become a commercial and diplomatic base for all the great powers in South-east Asia, and to be one of the key centres of the entire continent."

Nothing has, I believe, vitiated that prediction: and the pattern of society, politics and commerce in and around Singapore suggests that such a body of expertise as the island Republic has built up, in so many diverse fields, must continue to attract overseas capital, trade and industry. For when a popular energy, efficiency and integrity exist within the framework of laws written in English (and so, the more readily comprehensible to the outsider than laws written in languages more limited in their use), and such laws are applied and interpreted by independent judges operating within what is still, basically, an English system of law, then the State is, in the international sense, in a position of strength.

In this situation, to discard the English language — even to permit it a local death or perversion — would be to abandon a prize of immeasurable value. No government is therefore likely to afford the error of Shakespeare's base Indian, the man who threw away a pearl richer than all his tribe. The English language gives life and value to the institutions of Singapore. Others may, for valid political reasons, seek to discard English in favour of the development of an indigenous tongue: and if that turn to, say, the Malaysian and Indonesian languages continues, the position of Singapore in the field of international trade is likely to become that much the stronger: provided — and the reservation is important — standards of English do not decline.

<sup>4</sup> *Introduction to the Constitution of Malaysia*, p. 282.

<sup>5</sup> *The Future Role of Singapore*, p. 110.

## II

Yet here the position appears to be far from satisfactory. In the *Straits Times* of 5 April 1975 was a report of plans by the Ministry of Education for recruiting English language teachers from England. Commenting upon this proposal, an unnamed English language teacher was quoted as saying that “the standard of English may not have fallen, but I can only say that it is not as high as before.” On this basis, there should soon be a decline upwards. “It may be true,” she added, “that students can write English accurately, but they are not aware of polished English and finer details.” Whether students in general can write English accurately I do not know: but I suspect that the unnamed English language teacher speaks from a wealth of bitter experience, even in the field of the teaching of general English.

For the law student in Singapore the English language presents further burdens, deeper mysteries than any he or she may have encountered at school. Pitchforked into a new environment, the young law student is faced with a whole new vocabulary, and at the same time discovers that words whose meanings seemed once to be certain are now uncertain. As Lord MacMillan noted, “The student of law soon realises that of all things words are the most uncertain and ambiguous”;<sup>6</sup> and that learned author adds, truly enough, that “one of the chief functions of our Courts is to act as an animated and authoritative dictionary.”

In this novel situation the law student discovers, often with an alarm close to consternation, that the language of the legislator and the judge is littered with words and phrases having the character of terms of art, of terms possessing a special meaning known only to the initiated. Struggling to express himself in this strange situation, to become “familiar with legal concepts and institutions”,<sup>7</sup> the law student comes up with such items as the following — all of them culled from a recent set of examination papers —

- *The petitioners can question the subjective mind of the police officer who issued the arrests*
- *No citizen can be arrested for a period exceeding three months*
- *A delegate cannot delegate again, if but for this section*
- *The Secretary is not within the capacity to legislate regulations*
- *No information can be passed on the back of people*
- *An arrest can only be procured by a police officer*
- *Common law is just a set a similar mental habits handed down to the Colonies of the British Empire by the English themselves*
- *The common law developed as early as the 11th C. in England during the battle of Hastings*
- *In the absence of stipulation to the otherwise*
- *The purchase price has only had part performance*
- *Smith can bring a cause of action*

In these examples the law teacher can see, readily enough, that the student has grasped essentials, but has been unable to express these

<sup>6</sup> Law and Language (in *Law and Other Things*, 1937).

<sup>7</sup> Cited as an aim of legal education in Professor L.A. Sheridan’s article on *Legal Education* in the *Encyclopaedia Britannica*, Fifteenth edition (1974).

essentials clearly. For a first-year law student the matter is not, possibly, important: there is, after all, the hope that another three years immersion in the language of the law will improve his ability to express himself clearly and correctly. After all, as R.J. Owens writes,<sup>8</sup> "If, after X years, a student is expected to have reached a certain level in written English — to be able to write a 250 or 500 word composition, let us say — it is surely unreasonable to demand that same competence at X minus 1, or X minus 2 years of the total course. Nevertheless it frequently happens. And it happens largely because examination requirements are anticipated by teachers, who begin practising to meet them too early, and certainly long before the student has been taught enough to cope with them." The art of composition and the art of précis-writing: these seem essential to the law student, who must develop an ability to comprehend closely-knit — and often prolonged — argument, and to sum it up with accuracy and brevity: and his law teacher must, again, not expect the same level of competence from the first-year as from the fourth-year student. In this context some of the material off-loaded on to the first-year student of that odd, basic catch-all subject, "Legal Method", includes, for example, Jerome Hall on the principle of legality, Hart on justice and morality, and eighty closely-typed foolscap pages of *Cassell v. Broome*: all good stuff, but something of a shock, one suspects, to the innocent legal novice who (if he knows the phrase) might well mutter in counterblast, let us *festina* a little more *lente*.

Yet there are doubts. Misconceptions take root, cannot readily be weeded out: faulty language breeds faulty law: and law is — we have been told it often enough — a verbal discipline. The lawyer is, according to Lord MacMillan, "a trafficker in words". Law is about words, the meaning of words, the shades of meaning of words, even the finer points of grammar: after all, Sir Roger Casement was hanged on a comma. Accuracy in the use of the English language is the basic, essential skill for the lawyer practising under a common law system: and without it his client — and he himself — will be in trouble.

Such errors as those set out above relate, therefore, to fundamental issues. One can forgive a certain amount of misspelling — especially such a delightful one as "subversive aliments" — and, albeit with difficulty, condone such mishearings as the fact that at the battle of Hastings King Herod was killed, or that the common law "is based on the doctrine of precedence": but clarity of thought and expression free from ambiguity are essential to the law student who, after several years' training, should be able to express legal ideas with accuracy, fluency and good style. To release upon the people of Singapore a graduate who cannot write a simple letter in good English is unlikely to enhance the reputation of a University or, indeed, of a Faculty of Law: yet, one suspects, this can happen. Disregarding the debasement of the degree itself, what lessons can be drawn from this present situation?

<sup>8</sup> *Teaching English Composition*, RELC Journal, Vol. 1, No. 1, p. 119. Owens defines "composition writing" as "the putting together of words into grammatically correct sentences, and the linking of these sentences into a logically appropriate order. The finished discourse should be acceptable English, relevant to the situation in which the language is used." Many a law student must wish that one or two of our judges had acquired such an art.

## III

For some of us teaching law the question can be refrained as, given the standard of English attained by students commencing a study of law, how can that standard be improved? It is with some trepidation that an Englishman dares to offer any comment upon a matter on which the wisest and best-informed prefer, usually, to keep their own counsel: but the issue is one of concern to all involved not only with the development of Singapore, but with the welfare of the Republic generally.

That the standard of English has indeed fallen — at least in relation to the University of Singapore — is apparent from a report of the results of the University's English language proficiency examination this year. Because they had obtained poor results in their G.C.E. "A" Level General Paper, 801 new students (consisting, it seems of about 500 from the English-medium schools, with the rest from the Chinese and Malay streams) sat for this examination; 357 were unsuccessful,<sup>9</sup> and must take a one-year course in remedial English; and if they fail an examination in English at the end of that year, they will have to leave the University.

The proficiency examination of 1975 applied, however, only to students from the faculties of accountancy, business administration, engineering, science, arts and social science. Law students were, fortunately or unfortunately, exempt. Whether this indicated a more or a less stringent filtering process in the Faculty of Law, or whether law students in general possess a greater proficiency in English than their contemporaries in other disciplines, is as yet uncertain: but in 1974, when the Department of English conducted an examination in English for new law students, about a third, some forty or so, were thought to be candidates for remedial English. On this basis, and that of the current English tests, one must guess that about one new undergraduate in three requires extra training in order to become reasonably proficient in the English language.

It is of little use, however, to diagnose the illness if one fails to offer some remedy: and this is easier said than done. The reaction of an English law teacher on first learning of the fact that up to a third of first-year law students were doing "remedial English" — or supposed to be doing it, since attendance at classes was voluntary — was one of shock: after all, it did not seem the function of a Faculty of Law to instruct its undergraduates in the essentials of the English language.

The "remedial English" course is something of a phenomenon. "The very fact that in the old days there was no need for remedial English courses, and that these are now needed and that we have hundreds of students taking them, surely means something", Professor Maurice Baker, head of the English department of the University of Singapore, has said,<sup>10</sup> adding that "The standard of admission to the University has not fallen — in fact, it has risen. Perhaps the system

<sup>9</sup> The figures for 1974 showed a failure of 328 out of about 1000 students: *Straits Times*, 24 July, 1975.

<sup>10</sup> See *Broken English: How Can We Mend It?* (*Sunday Nation*, 22 June, 1975).

of admission has changed. In the old days candidates had to get a good pass in their English to get in. Now that is not necessary. It is taken into account but not considered that essential. There is now no emphasis on any special subject. A student from a Chinese school who did not do all that well in English but had distinctions in his other subjects would be admitted, for example. That is why we need remedial courses in English." At a symposium held at the Regional English Language Centre in Singapore on 19 July, 1975, he added that "Ideally it should not be necessary for remedial work in English to be done at University level. Students who aspire to higher studies should have the basic command of the language to read, write and understand English well."

Such, then, is the opinion of an expert observer, and his comments are of considerable value in assessing the difficulties facing both the law student and his teacher in contemporary Singapore. If, in fact, the entry requirements of the University are such that law undergraduates can be admitted without a proficiency in English sufficient to equip them to benefit from legal education in the University: then, indeed, it is incumbent upon the University itself to ensure that these young men and women are instructed to the level dictated by necessity. Whether classes in "remedial English" — and the title of the classes leaves much to be desired — of, say, a voluntary or even involuntary two or three hours a week can achieve much is to be doubted; and if the situation is so desperate, the remedy must be pursued vigorously, even at the cost of sacrificing some early law classes. Indeed there may well be, indeed probably is, a case for a year's general studies, prior to specialisation: so that basic education is supplemented by the kind of learning necessary to an understanding of the philosophical and social concepts on which law itself is based.

Some of the difficulty may well be due to the alien nature of English: a language not made the more attractive by the often arrogant behaviour of the English themselves. An English language teacher at the Language Centre at Nanyang University was reported<sup>11</sup> as saying that some students in Chinese schools still regarded English as a "colonial product": a hostile attitude that posed additional problems to those teaching English as a second language. It appeared that English had indeed lost much of the "prestige" it had during colonial rule, and some students now wondered why they should study a language whose position was deteriorating, and which no longer held the key to success.

For the law student the English language will remain the key to success, as long as the common law and English statute law remain the base of Singapore's commercial life. Singapore's rise to a position of international eminence is in no small measure due to the excellence of the standards of English of its citizens. Almost everyone engaged in commercial activity in Singapore speaks some English, and the English of many is remarkably high. That Singapore can produce fine literature in English the work of many writers and poets bears witness.

Looking at the problem from within the Faculty of Law, it seems to me that it has to be tackled in three phases, in relation to different categories of student: the student already within the Faculty, the

<sup>11</sup> *Straits Times*, 6 October, 1974.

student about to enter the Faculty, and the potential student still in school. For the last category, responsibility lies, no doubt, upon the public and the government, acting through the Ministry of Education; for the middle category, the University itself is concerned; and for the first category — those already caught up in the toils of legal study — responsibility must lie on the Faculty itself, its teachers and its students. It is in this immediate area that problems arise: and considering the fact that law can be regarded as a semantic discipline it is surprising that this aspect of its teaching outside English — speaking countries is neglected. The common law may have spread to India and South-east Asia, but the language that carries it is sadly neglected, often abused.

At a general level much could be done to overcome hostility to the English language, and to raise standards, by encouraging and, indeed, stimulating an interest in the production of literature in English. Novelists and poets — folk who keep a language and culture alive — seem to have a difficult time, and need all the encouragement the people and the government can give them. To give life and recognition to Singapore colloquial English, to the individual type of English that characterizes Singapore, while at the same time preserving an ability to understand and interpret the concepts of English law: this is the problem of the law teacher. “Singapore as a nation, to which trade and tourism are vital,” writes Associate Professor John T. Platt of the Linguistics Department at Monash University, Melbourne, “needs to cultivate a type of English which, although retaining some features of its own,<sup>12</sup> is still a suitable medium for communication with the rest of the English-speaking world.”<sup>13</sup> There is no reason why our own

<sup>12</sup> Of course, the life of any spoken language or dialect is reflected in the fluency of its practitioners in the gentle art of swearing. Apart from Robert Graves’s wonderful little monograph, *Lars Porsena or The Future of Swearing* the English language has suffered from a remarkable absence of studies on this vital subject. Observation and attention suggest that this is as yet an infant art in Singapore, and one that will obtain nourishment from such devices as National Service: for there is a rich, mixed vocabulary of Chinese and other dialects yet to be tapped. One day, therefore, the earnest student may have the benefit of a book on how to swear elegantly, lucidly and effectively, in Singapore English. The trouble is, that by the time such a work is published, the art is in decline.

<sup>13</sup> Professor Mills notes that the English used in Singapore has certain features in common with “Creoles” and particularly with “post-Creoles” (as in Hawaii and Jamaica). In Jamaica, where the standard of English is remarkably high, there are signs that a new kind of local English is emerging. That elegant Jamaican satirist, Thomas Wright, wrote of the matter in the *Daily Gleaner* of 12 November, 1974, citing the new form as “Jamquack”:

As you know, it has long been felt that we could never entirely succeed in casting off the shackles of the past if we continued with the Colonialist inheritance of the English language. For some years, some of our more advanced and progressive thinkers have been active, informally and without central organization and direction, in doing their best to destroy this relic of our shameful past. . . many of our politicians, and intellectuals at the University, have succeeded either in destroying the meaning of a great number of English words, or in making whole passages of English prose totally non-understandable.

But these admirable efforts are not enough. We must progress much faster. The Holy Government under our Blessed Leader has decided to phase out English on an on-going basis, and to replace it with a new language called Jamquack. This is important, for if we are to abolish elitism and achieve the ideal of full equality, speech as an indicator of class, privilege or education must be abolished, and all must be made to speak alike. As it is not possible to make everyone speak well in the short time available



unique brand of Singapore English should not continue to develop, like that of Newcastle, Walsall or Jamaica.

In the more limited but more exacting realm of law teaching, however, what can be done for the student who goes home to, say, a Cantonese-speaking family? What advice can one give, what help can one offer to that student in order to advance a better understanding of the language that constitutes the tool of the legal profession? The question is difficult: it requires, I suspect, a language teacher to study the situation and to offer realistic advice based on experience beyond that of a law tutor.

Some suggestions for the teaching of written English made by Mr. Ho Kah Kam of the Institute of Education in Singapore are, it seems to me, particularly valid in relation to law students. Among the suggestions he advances<sup>14</sup> are a special remedial programme; opportunity of more rapid development for "the better-equipped or more highly motivated students"; weaker students to be given work they can manage without undue difficulty, and to be required to write on "topics which do not demand a greater knowledge of the language than they actually have"; re-grouping of students on the basis of language achievement;<sup>15</sup> "specially designed instructional materials to eradicate idiosyncratic errors as distinct from 'common errors'", correction of the "common" errors of the group and "reviewing with the class segments of the language which students tend to mismanage"; practice in sentence construction; the teaching of tenses, tense sequence and paragraph structure; the encouragement of "multi-skills"; and encouraging students to write extensively. All of these methods could in one way or another be adapted to the needs of the first-year law student, with his language studies being given a legal emphasis that would be of ancillary benefit to the law course itself.

What might additionally be useful, in terms of a test of comprehension, would be the adoption in at least the first-year of the technique of the "alternative answer": the student is given, say, a judgement or a legal essay, followed by a series of multiple-choice answers, e.g., In this judgement, has the judge adopted the principle of A, B, C or D? Here the question must be so carefully framed that of several alternatives, only one is correct. Such a method, adopted by the Open University in England in its computer-marked assignments, makes it easy for a teacher faced with a large group of students to determine which of those students has really understood the passage in issue, and which of them has failed to do so. The preparation of such questions requires patience and skill but, once done, the material can remain in use, to the advantage of the student, the teacher and the Faculty: and perhaps, ere long, we too may enjoy the benefit of a "computer-marked assignment".

to us, it has been decided to make everyone speak badly, hence the adoption of Jamquack. What better way to return to our roots than to make the language of the Sufferers our National Tongue !

Our set books will soon be translated into Jamquack. In the meantime, conventional English is to be forbidden in all schools.

<sup>14</sup> *An Investigation of Errors in English Composition of Some Pre-University Students in Singapore, with suggestions for the Teaching of Written English*: RELC Journal, Vol. 4, No. 1, at p. 57.

<sup>15</sup> In the Law Faculty groupings are effected on an alphabetical basis; and some law lecturers affirm that the brightest groups are those at the beginning of the alphabet: a curious but interesting subject for speculation.

It may be, too, that some degree of collaboration with outside bodies — not only within the Republic, such as the Regional English Language Centre and the Institute of Education, but other institutions further afield and facing similar problems, such as, it may be, the Faculty of Law in Hong Kong — would yield beneficial results: for the degree of efficiency of the teaching of law can be seriously impaired if we persist in imperfect methods. Given the existence of a common law system, vigour, zeal and imagination in maintaining internationally accepted standards of English will remain necessary as long as the system exists.

Yet there are courses of action that can be recommended without (one hopes !) these being prejudicial to a student's activities. The reading of English for pleasure offers a simple and attractive route to familiarity with the language: and there are good, readable novels with a legal background, or in which legal principles are illustrated, that can provide not only entertainment, but instruction. Of the older classics Dickens provides a fine crop: *Pickwick Papers*, *Bleak House*, *Oliver Twist*, *A Tale of Two Cities* and *Barnaby Rudge*. Stevenson's *Kidnapped* and *Catriona* (or *David Balfour*), together with *Weir of Hermiston*, should be of interest; Victor Hugo's *Les Misérables*; Tolstoy's *Resurrection*; Dumas' *Count of Monte Cristo*; Fielding's *Jonathan Wild*; George Eliot's *Felix Holt the Radical*; some of the novels of Sir Walter Scott and Balzac; Henry Cecil's novels and those of Cyril Hare; Cozzens' *The Just and the Unjust* — a fine modern novel; and of course A.P. Herbert's *Misleading Cases*. Most if not all of these can be found in the University library.

Again, in the Law Library is a fine collection of the *Notable British Trials* series: almost any of these volumes will provide fascinating and useful reading for the law student — and even if the modern rules of evidence may on occasion be slightly different, no matter! The knowledge of human nature he will derive from such reading will more than compensate the student for any temporary confusion on a technical point.

These apart, in the Law Library there are many admirable biographies and autobiographies by judges and advocates: Sir Patrick Hastings, not one of our greatest lawyers in an intellectual sense, perhaps: but read of him, opposed to that brilliant silk, G.O. Slade, in the Laski libel action, and learn a little more of the ways of human nature! Then, again, there is D.N. Pritt's *Autobiography*, with some nice comments on colonial judges, some stimulating attitudes to political trials. As for general reading, there is a current paperback version of the greatest of the Icelandic sagas — and one of the world's great books — *Njal's Saga* — that must surely enlighten any law student interested in the manner in which a legal system emerges out of anarchy.

All this reading should assist the law student in acquiring a better understanding of the English language and of the philosophy upon which the principles of English law are based. For further works, the reader can refer to Glanville Williams' *Learning the Law*,<sup>16</sup> when useful suggestions for leisure reading appear. For the first-year

<sup>16</sup> Ninth ed., Chapter 14.

law student in Singapore, however, it is necessary to proceed fairly carefully: and I cannot myself recommend to him or her such books as Warren's *Ten Thousand A Year*: best to have been qualified for five or more years before tackling that admirable novel.

So much for reading: what other avenues of access to English are available? It is obviously desirable to hear the language spoken, so that its rhythm, phrasing and emphases are the better understood. Here television, the radio and the cinema are useful: and the student should never feel that his time is wasted simply because he is enjoying himself. Modern Singapore at times seems to engender a puritan sense of sin: so, without being in favour of sin, some relaxation for the law student is necessary, and a well-chosen film or, better still, a local dramatic performance, is likely to do more good than harm.

Reading and watching are, however, in a sense passive exercises. Creativity stems from the writing of English. To make a precis of a leading case will afford a useful exercise for any law student: and in this context some law teachers have noticed that students from Chinese schools do better in analysing judgements than their colleagues from the English stream. Such an exercise will be checked by a counsellor or tutor with gratitude: a diligent student is a joy to teach.

Taking the matter of creativity further, there is the *Singapore Law Review*: a journal that seems now to be almost defunct. It awaits the energy of literate students: and let us hope it does not wait in vain, for it is through the agency of such a journal that the fresh ideas of the youthful lawyer can find vigorous expression. The youthful writer should not be nervous or diffident, nor subject to any sense of inferiority. "From the point of view of function, if we call a thing useful when it fulfils a function, then there is nothing in all creation which is not useful."<sup>17</sup> All in the Faculty would welcome the revival of the *Singapore Law Review*: but the initiative must come from those students who believe — as every new generation must believe — that they have something useful to contribute to an understanding of society. Such a law review can do much to create a fluency in English according to the patterns of thought of a new generation coming to grips with an era of rapid change.

In an analysis of the use of the English language in Singapore Evelyn Ng recently attributed the present "prosaic mess" to seven factors: students pick up "broken English" at home; children do not read as much as before; parents have less time for their children; the stress on science and technology has detracted from the learning of English; bigger classes have led to less effective teaching; students use more and more examination guides and learn answers by rote, without understanding; and there are few specialised English language teachers. These factors themselves indicate the nature of the basic remedies required: and most lie outside the purview of the law school.

<sup>17</sup> Chuang Tzu: *Autumn Floods* (Sources of Chinese Tradition, Volume I, p. 75). Of course, he adds that "If we call a thing useless when it does not fulfil a function, then there is nothing which is not useless. To understand that east and west are mutually contrary, and yet neither can exist without the other, then we have a proper determination of function."

<sup>18</sup> "Broken English: A Prosaic Mess": *Sunday Nation*, 15 June, 1975.

In the law school one teacher has, however, diagnosed the reasons for the failure of students as lying in an inability to see the relevant issues; in an inability to “organise” answers; in a tendency to give an irrelevant answer; and — finally — in ignorance of substantive law. The sequence is significant: for the inability cited stem from a lack of comprehension that, in its turn, flows from a failure of communication. A gap exists, and one that must be bridged if the law student is to succeed in his chosen task of becoming an efficient lawyer.

#### IV

Based on the foregoing diffuse comments the following general suggestions are offered as applicable to those in Singapore already in the early stages of the study of law, or about to enter upon such a study: and these suggestions — offered by a law teacher, not a language teacher — imply that it is desirable to work to the following objectives:

- a. Devise a stringent entry examination to ascertain a candidate’s proficiency in English, for all potential law students, and reject those who fail to attain a high standard therein; and such an examination might well import a degree of general knowledge of a legal and political nature.
- b. Encourage the reading of good English authors whose prose style is concise and readily comprehensible, and who will afford useful models for the student.
- c. Create time in the syllabus of first-year law for the reading of ancillary legal material, such as the *Notable British Trials* series (especially useful, as the spoken word is here captured in print), legal biographies and good legal histories: and to this end a reading list could be drawn up, with the emphasis upon the reading of such material for pleasure rather than deliberate instruction.
- d. Train of one or two law lecturers in the correction of errors of English. Some of the examples set out in this article may indicate that the types of error common to the first-year law student would not readily be observed by an English language teacher who is not a lawyer.
- e. Encourage literary and cultural activities by law students, through, for example, the maintenance of a students’ law review; general debates in addition to law moots; possibly drama — Galsworthy and others provide useful examples of plays with a legal background.
- f. Place more emphasis upon written assignments designed to encourage the student to read with intelligence and write with confidence.
- g. Award extra marks, in assessing a student’s papers, for good English, penalise writers for bad English, and let this policy be known well in advance, to all students.

#### V

In his reading of law the student will find the English language to be tough, adaptable, flexible and vigorous, a vehicle as suited to the demands of business as the pleasures of literature, and likely to remain when the English and all they stand for have vanished from the earth: a fate not likely, it seems, to take much longer. Within Singapore the language has struck new roots, and will develop new flowers: for that it must develop and, in its development, change, there is no doubt. R.K. Tongue makes the point at the beginning of his

book on *The English of Singapore and Malaysia*: a book which he concludes with the thought that:

Lovers of the English language and also practical men of affairs who see the immense value of English as a language of wider communication and of international relationships, will hope that the English of Singapore and Malaysia maintains its position as a significant non-native English dialect, a flourishing member of the family of varieties which make up the totality called 'the English language'.

To preserve and further the unique identity that is Singapore, yet to retain the use of effective English as an instrument of the trade and commerce upon which the city-State depends: this is the challenge for the law student, for his or her teacher, for the lawyer of Singapore.

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