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Foreword

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FOREWORD

Lee Pey Woan

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As I pen this foreword, I cannot help but reflect on the radical transformation that the launch of ChatGPT has brought about in the way we communicate. The emergence of this generative language model has shattered the notion that only humans can engage in written discourse. While I am excited about the immense potential that this development holds for enhancing the quality and efficiency of our work, I am also deeply troubled by the existential questions it raises. The rise of powerful machines undoubtedly heightens the risk of human redundancy. As AI continues to surpass human capabilities, the question of whether machines will eventually replace humans in certain roles becomes increasingly pertinent. Another issue that concerns me is the potential impact of AI on the way we learn to write. With the availability of tools like ChatGPT, students may be tempted to rely heavily on AI to write for them rather than honing their writing skills. In the long term, that would undermine their ability to reason, critique and synthesise. It could also affect their capacity to question assumptions, challenge ideas, and evaluate evidence independently.

Against those concerns, I am very proud and heartened by the passion and enthusiasm of our students as shown through the Singapore Law Journal. SMU Lexicon's bold vision to build a community of scholars and intellectuals capable of critical evaluation and creative solutions has proven prescient. Today, it is more urgent than ever to prioritise the development of human skills that machines cannot yet replicate, such as critical thinking, empathy, and creativity. The Singapore Law Journal is a valuable initiative that advances this mission, promoting original and in-depth reflection on the law and legal developments.

Since its inaugural issue in 2021, the journal has grown in both its coverage and breadth of content. This current issue comprises three feature length articles and six substantive case commentaries that address a wide range of issues arising in the criminal, torts, shipping, company law, public law as well as international law contexts. Each

contribution provides valuable updates and insights on recent developments of the law, and some go further by examining in detail the case for reform. Indeed, I am particularly impressed by the contributions of our student and alumni authors as they demonstrate genuine interest and curiosity in learning beyond the classroom, as well as the commitment to advancing the efficacy and coherence of the law through rigorous research and reflection.

Though ostensibly a journal on “Singapore” law, the issue also contains extensive and stimulating discussions of international and comparative law. For example, Joel Fun’s article on “Cyberoperations and Sovereignty in International Law” is an illuminating and thought-provoking piece on the challenges encountered in the application of international law principles to cyberoperations. Likewise, both Samuel Tay and Tan Jie Loong in their respective case commentaries utilise UK and other commonwealth references to evaluate case developments in Singapore. In a similar vein, although Professor Chen Siyuan’s article entitled “Stephen’s Prudent Person and The Standard of Proof in Indian Evidence Act Jurisdictions” has a focus on Singapore law, it ultimately argues for the clarification of the conception of standards of proof that is relevant to all jurisdictions that adopted the Indian Evidence Act 1872. There is therefore a palpable appreciation amongst the contributors for the interconnectedness of legal developments in Singapore and the broader international context. Ultimately, a robust legal system is built by learning from other jurisdictions, with adaptations for Singapore’s unique needs and context.

Aside from academic and scholarly content, I am most pleased to note that this issue also publishes the valedictory addresses delivered at the Valedictory Reference held in honour of Justice Andrew Phang on 28 November 2022. Those of us who had the privilege of attending that event will remember it as a very moving and inspiring occasion as various senior members of the legal profession paid the highest tributes to Justice Phang. It is a huge honour, therefore, for the Singapore Law Journal to publish these addresses. The inclusion of these addresses cannot be more fitting, as they underscore the fact that the full measure of our work and intellectual pursuits must ultimately be predicated on our commitment to integrity, honour and excellence, the values that Justice Phang exemplifies through his life and work.

Indeed, beyond intellectual advancements, the Singapore Law Journal is symbolic of the invaluable dedication and commitment of a group of faculty, students and alumni who believe in continuously spurring each other to learn, create and pay forward for what they received. It embodies a collective desire to cultivate not only intellectual excellence but also to build a stronger community. To that end, I would like to express my deep gratitude to my colleague Senior Lecturer Ong Ee Ing for her able oversight and leadership in Lexicon, to the editorial team of the Singapore Law Journal (comprising Megan, Grace, Alexis and Nicolette) and to all contributors for making this issue of the journal a resounding success. We are enriched and edified by your hard work and dedication.

As is often the case, great achievements are borne of small beginnings. A student-run journal in its early years of inception may seem like a humble beginning, but it is the seeds for greater flourishing to come. While artificial intelligence continues to break new grounds, the unique human ability to discern what is good, true and valuable ensures that technology is applied to optimise our common good. Our students' commitment to independent thinking, learning and research is a significant effort in that direction, and we are fortunate to have such bright and dedicated individuals contributing to the Singapore Law Journal. Their passion and enthusiasm are a testament to the potential for future excellence and innovation in the legal profession.