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Foreword

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FOREWORD

Andrew Phang Boon Leong
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Amongst my first articles as a young legal academic was an essay on the problematic issue of *stare decisis* (or, in accordance with the mandate nowadays to use plain English, the doctrine of binding precedent) in the local context. It was published in a volume which revived the hitherto dormant *Singapore Law Review* (which, happily, has gone on from strength to strength ever since). This particular contribution was especially meaningful on a personal level because it was written at the end of my maiden year as a law tutor and, more importantly, fulfilled my desire to contribute in a tangible (albeit modest) way to the success of the re-launch of that particular journal, especially given the passion and enthusiasm of the editorial team. I was thenceforth a regular contributor to that particular journal over the years. Indeed, I am a great believer in encouraging students in their publication projects and such contributions are a tangible way of demonstrating such support.

It is as – or perhaps even more – significant that, almost four decades on, I find myself contributing, once again, to a students’ law journal which is in its initial phase, this being only its second year of publication. I should add that I was very pleasantly surprised as well as encouraged when I received the inaugural issue of the present journal during the earlier part of the previous calendar year. As Professor Goh Yihan, SC aptly put it in the *Foreword* to that volume, it took great bravery, effort and passion to bring it to fruition. Those are qualities which I greatly admire. Hence, when I decided to embark on an essay on four giants of contract law whom we had lost in the past few years, I immediately thought that it might not only be of particular value and interest to students but also that it might be appropriate to submit it for publication in the present journal. It further occurred to me that I had been presented with the unique opportunity to contribute once again to a local students’ journal which was still at a fledgling stage in its growth and development. That essay, in fact, appears in the present volume and I am happy to say that a number of legal scholars in both Singapore as well as other jurisdictions, having had a preview of it whilst in manuscript form, have already mentioned that they would be very pleased to circulate it to other legal scholars both within and outside the field of contract law. I should also mention that it is of added significance – on a personal level – to contribute to this particular volume. It is more than two decades since I was part of the first cohort of faculty who began teaching at the

Singapore Management University. And it was seven years after the formation of the University before the School of Law was formed. The School is now in its fifteenth year and the University itself has grown beyond what anyone could have imagined. The School of Law was also recently renamed the Yong Pung How School of Law – in honour of the late Chief Justice Yong Pung How, whom I had the distinct as well as immeasurable privilege and honour to have served under.

As was the case with the inaugural volume, the present volume contains perceptive as well as thought-provoking observations on, as well as analysis of, many contemporary and important legal issues that run the gamut of the legal spectrum – from the division of matrimonial assets in family law and the regulation of online speech to case comments and summaries in the areas of illegality and the conflict of laws, “no oral modification” clauses, the Penalty Rule, the development of a sentencing framework in the context of purely private corruption offences, issues surrounding the resignation and/or retirement of trustees, as well as the precise ambit of the sealing requirement for deeds. What also impressed me was the use of theory as well as comparative material wherever relevant. Indeed, theory is important in order to discern central threads or strands that aid in the relevant analysis whilst comparative analysis is not only desirable but also essential, particularly in the face of increased (and increasing) internationalisation and globalisation. Both these aspects are especially important in relation to suggestions for reform and are particularly exemplified in the articles on division of matrimonial assets in family law and the regulation of online speech.

The immense passion, enthusiasm and effort that accompanied the inaugural volume of this journal has already been well-documented by Professor Goh in the aforementioned *Foreword*. Looking at this second volume, it is clear that those qualities have continued unabated. It is my fervent hope that the *Singapore Law Journal* will grow from strength to strength. To this end, it is also my hope that not only students but also legal academics (and perhaps even judges) will contribute to it as well. Members of the editorial board should also be proactive and take positive steps to seek contributions from both local as well as international legal scholars. They should be bold and experiment not only within the law but also in the interdisciplinary sphere as well for there seems to me to be an eminently conducive environment in this last-mentioned respect when regard is had to the various Schools in the Singapore Management University. The scope for growth is – theoretically at least – unlimited provided that the passion and enthusiasm of both the editorial boards and their academic advisors continues on what appears to me to be a strikingly upward trajectory.

Finally, it remains for me to warmly congratulate the present Editorial Board (including its Faculty Advisor, Ms Ong Ee Ing) for producing such an impressive array of articles as well as comments, case notes and summaries. Long may this continue.