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Singapore Law Journal (Lexicon)

Yong Pung How School of Law

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7-2024

## Foreword

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## **FOREWORD**

**Lee Pey Woan**  
**Dean, Professor of Law**  
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We live in an age where technological progress has made it possible to “dehumanise” writing and literature. Today, artificial intelligence is capable of producing prose that rivals, and often even surpasses, that written by human hands. This is both good and bad news to the legal profession. The obvious good news is that AI presents tremendous potential for enhancing efficiency in the supply of legal services. Tasks that used to take many hours of intense human labour can now be done in minutes or seconds. But widespread deployment of technology may also undermine legal education. Technology that reduces legal research and analyses to simple prompts may inadvertently deprive students of opportunities to hone their critical thinking and research skills. The convenience of swift access to machine-generated content may also foster unwarranted confidence in its accuracy and reliability. The marvel of technology thus places law schools in an invidious position. On the one hand, it is imperative that we equip students with the skills to exploit technology in a digital environment. On the other hand, the training of the mind to critically analyse and synthesise complex materials must remain integral to legal training. The challenge for modern legal education is to resolve this tension and pursue both ends to the best of outcomes.

This fourth issue of the *Singapore Law Journal* is, in one sense, a commendable effort of the editors and contributors to respond to that challenge. Providing students with a platform for publishing feature length articles and case comments serves to promote a strong culture of research and writing excellence in law school. It presents students with the opportunity to delve into complex legal issues, dissect precedents, and articulate nuanced arguments, sharpening their intellect in the process. I am therefore extremely heartened to see that the editors have successfully put together this issue, featuring several very thoughtful and substantial essays by student authors. It is also very encouraging to see the contributions of faculty members, signalling their robust support for this student-run journal.

Like previous issues, the essays featured in this issue traverse a broad range of issues in Singapore law that are of interest and relevance to both legal practitioners and scholars. In the article entitled “The Importance of Theory and History in Understanding and Developing the Common Law of Contract – Some Further Preliminary Reflections”, Justice Andrew Phang invites readers to consider the role that history and theory played in the development of contract law. Two other pieces, namely, “Doctrinal Basis of Delay as a Bar to Equitable Rescission of Contracts” by Ryan Low Tse Loong and “The Limits of Reliance on Reliance Damages” by Lim Yu Jie Isabelle critically review and suggest improvements to the law relating to contractual remedies. In “Veil Piecing in Singapore: A Proposed Approach”, Ivan Tang Wu Hwan sets out a comprehensive account of the corporate veil-piercing jurisprudence in Singapore and suggests a rational path forward. Professor Yeo Tiong Min’s article, entitled “The Effect of Choice of Court Agreements on Third Parties” provides an insightful analysis of a subject that is of considerable practical significance to dispute lawyers, namely, whether third parties to a choice of court agreement are bound by, and may enforce, the said agreement. Also of interest to dispute lawyers is Associate Professor Chen Siyuan’s article, “An Updated Account of the Similar Fact Rule”, which argues for the clarification and rationalisation of the similar fact rule. Finally, this journal issue also contains two intriguing criminal law pieces. Associate Professor Eugene Tan revisits the complex and intricate issues surrounding capital punishment in “An Abiding Commitment to the Death Penalty? Centrality of the Rule of Law in the Administration of Capital Punishment in Singapore”, highlighting the delicate balance to be struck between the interests of the offender and those of victims, their families and society in general. In “The Application of the Totality Principle in Singapore”, Wong Zi Yang embarks on a comprehensive review of the sentencing principle and highlights areas for clarifications. It is noteworthy that some of the student contributions were written under the guidance of graduate mentors Mr Chai Wen Min and Mr Jared Kang pursuant to the Allen & Gledhill YPHSL Legal Writing Programme, exemplifying an excellent industry partnership aimed at grooming legal talent.

I extend my congratulations and gratitude to the student editors of *Singapore Law Journal* for successfully stewarding this issue from conception to publication. One cannot overestimate the amount of time

Singapore Law Journal (Lexicon)  
Volume 4, 2024

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and effort devoted to this exercise, as the production of an academic journal is always a highly involved process that requires much thought, organisation and close attention to details. I am also grateful to Ms Ong Ee Ing, Principal Lecturer at the Yong Pung How School of Law, for her professional oversight of the journal's production and the broader activities under Lexicon. My sincere thanks also extend to all faculty members and industry partners who gave of their time and expertise to guide the students featured in this issue.

A work of expression is only truly complete when it reaches its intended audience. I hope you will find this collection of articles illuminating, stimulating and enjoyable.