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"LEGAL EDUCATION IN MALAYSIA"

by

Professor Dr. Ahmad Ibrahim

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LEGAL EDUCATION IN MALAYSIA

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Professor Dr. Ahmad Ibrahim

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"The study of Law is of its very nature exposed to a double danger; that of soaring through theory into empty abstractions – and that of sinking through practice into a soulless unsatisfying handicraft" – Savigny. In 1953 the Senate and Council of the University of Malaya (then in Singapore) invited Dato Sir Roland Braddell and Professor R.G.D. Allen to "submit a scheme of courses and organization for consideration by the Senate and Council" for the teaching in the Social Studies and in Law. Sir Roland Braddell and Prof. Allen recommended that the University of Malaya should establish a Faculty of Law and grant degrees in Law. In their report they said:-

" We have taken a long view of the whole subject since we think that it must be visualised not so much from the necessities of the present Malaya as from those of the future Malaya which will be self-governing. One of these necessities is the provision of local training of high standard for those intending to enter legal practice, either privately or in public office; another is to provide legal training for many kinds of public officials and for those employed in a variety of other occupations in which legal knowledge is important. The Faculty of Law will therefore have to provide the necessary legal training for (a) those who will not require it for legal practice and (b) those who will require it either in public offices or as private legal practitioners. The emphasis in a self governing Malaya is bound to be laid more and more upon the locally domiciled people, so that eventually they will fill all the public legal positions in the country and a beginning should be made as soon as possible to train them in Malaya. For this purpose the University must grant degrees in law; but we stress only after Honours examinations; there can be no question of pass degrees in law. We emphasise that an Honours Legal degree is not only necessary for those who intend to engage in law either in public office or in private practice, but that it is also most useful for those who intend to enter the fields of commerce, accounting and secretarial work, banking and insurance. We feel sure that, as time passes, this fact will be as well appreciated in Malaya as it is in England, and that the demand for a local degree from the University will increase steadily."[1]

In regard to the view of the Singapore Bar Committee that it was virtually impossible to make a University Law Course sufficiently practical to be of any real use for actual practice, Sir Roland Braddell and Prof. Allen said "If they have in mind only the type of course which is given in English universities, they may well be right. But we are very strongly of the opinion that a course can be devised which will fit a person for the duties of an Advocate and Solicitor in Malaya, more adequately than any of the English, Northern Irish and Scottish qualifications which are accepted at present – A well devised system of training whereby a locally domiciled person is taught the three systems of law (English, Singapore and Federation) as well as the duties of both an advocate and a solicitor could fit that person to begin legal practice in Malaya better than either call to the Bar on enrolment as a Solicitor in England can do."[2] The report continues:—

1. Braddell – Allen Report – Scheme of Organisation and courses in Social Studies and Law, 1955, p. 21.
2. Ibid. p. 22.

"We consider that a suitable course for the training of a student in the law in force in Malaya should extend over not less than four years. We therefore propose that the University should establish a four year course leading to the degree of Bachelor of Laws. Those who seek admission to practise as Advocates and Solicitors should be required, after completing this course to undertake a practical course of six months' duration. We set out in Appendix I an indication of the material which should be covered in the LL.B. Course and a suggested grouping of the material into subjects and years of study. We have taken as our basis the practice of the State of Victoria but we have adapted it to local requirements. Appendix I also include our suggestions for the content of the six month's practical course.....

"We recommend that a Council of Legal Education should be established in Malaya with duties similar of those of the corresponding Council in England. It should approve the Syllabus of Courses for those who intend to apply for public legal promotions and for those who intend to apply for admission to either of the local Bars. The members of the Council should be appointed annually (a) from amongst themselves by the Bench in Singapore and in the Federation and (b) from amongst themselves by the Attorney General's departments in Singapore and the Federation (c) Advocates and Solicitors appointed by the Bar Committee in Singapore and by the Bar in the Federation. The Dean of Faculty of Law in the University, when that Faculty is established should be a member ex-officio.

"We call attention to the benefit which the whole legal profession, both Bench and Bar, would receive from the creation of a Faculty of Law in the University of Malaya. What we may call the purely juristic side of the profession is and always has been neglected and the number of Malayan textbooks is pitifully small. On the other hand the number of judgments which are reported annually has increased very much and the old eclectic method of reporting has been abandoned. The arrival – of trained jurists will mean inevitably the publication of textbooks and a critical examination of decisions. In particular we can expect that one or more textbooks on Malaysian Constitutional Law and Legal History will be written. The only one in existence at present deals with the laws of the old Colony of the Straits Settlements, was written more than twenty years ago, and is out of print and almost unprocurable save by borrowing. Thus an invigorating current will flow into legal life in Malaya which cannot but be of general benefit.

"The courses which are indicated in Appendix I are designed for the teaching of law as it is in Malaya and to fit those qualifying for the assumption of legal duties in Malaya. It has been the practice to subject candidates for admission to either of the local Bars to an oral examination after the necessary 6 months reading in local Chambers. Under our scheme the completion of the practical course will make this unnecessary. The examination at the end of the course will be conducted by the University under the general direction of the Council of Legal Education. The Board of Examiners should be appointed annually by the University in consultation with the Council and could, if thought fit, contain persons who are not members of the University. The proposed new qualification will therefore be the possession of a Bachelor's degree at the conclusion of four years study and a certificate of completion of a practical course of six months duration. Upon presentation of these, together with certificates of good character as may be prescribed, a person should be entitled as of right to admission and enrolment as an advocate and solicitor of either local Bar. We are of opinion that a person thus qualified will find it easier to obtain a position as assistant in a local firm than will the person who has merely been called in England, so that we believe that not only will the quality of the profession be improved by what we propose but new openings will be created".[3]

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3. Ibid. pp. 22 - 24.

The Braddell – Allen report was adopted by the Senate and Council of the University of Malaya and its recommendations may be said to have been adopted and implemented in Singapore. A department of law was established as a non-Faculty department in the University of Malaya on 31st July 1956. A Professor of Law was appointed in July 1956 and teaching in law began in 1957. The Faculty of Law was established in 1959. The law department was orginally assigned to the University of Malaya in Singapore and later in 1962 the Faculty was assigned to the University of Singapore.

The law department at the University of Singapore was in many ways experimental. A considerable part of its educational programme was original, the remainder eclectic, drawing on educational experiences of England and Northern Ireland particularly. Prof. L. A. Sheridan, the Professor of Law and the founder of the Faculty described the original programme as follows:-

"The degree (of Bachelor of Laws) is taken over four years by full time candidates. During the first year candidates read introductory subjects such as Malayan legal history. An examination called the Intermediate Examination, is held during the long vacation at the end of this year and this is treated in a sense as the test of the candidate's fitness for law studies. The policy of the Faculty of Law is to admit into the first year all applicants in possession of the University entrance requirements because it is believed that a person's relative ability to study law is not necessarily indicated accurately by his school performance. During the second year and the first two terms of the third LL.B. candidates pursue a course covering the basic principles of the law of Malaya and an elementary introduction in legal philosophy. The basic principles are put under the heads of Contract, Tort, Criminal Law and Procedure, Civil Procedure, Evidence and Property including Equity and Trust. There is also a general course in which students are appraised of the main outlines of other branches of law, though they are not at this stage equipped to tackle problems in fields other than those I have enumerated. There is an examination called the General Examination, at the end of the second term of the third year".

"In the third term of the third year and throughout the fourth year, LL.B. candidates read courses for the Final examination. All students take five subjects. One compulsory subject is common to all candidates, merely Legal Philosophy, Legal Analysis and Legal Sociology. All candidates take a principal course comprising three subjects. The principal courses at present available are Common Law, Property Law and Commercial Law. This year (1962) we are introducing a fifth principal course in International Law and Relations and during the next few years additional principal courses are projected in Muslim Law, Family Law and Industrial Law. For example, the principal course in Public Law comprises Advanced Constitutional Law, Administrative Law and either the Principles of Public International Law or Advanced Criminal Law; while the principal course in Commercial Law comprises Sale of Goods, Carriage and Banking and one of the following (i) Bankruptcy and Insurance (ii) Agency, Partnership and Unincorporated Associations and (iii) Company Law. Finally candidates select one additional subject from a long list and their choice is not restricted by their choice of principal course. The Final examination is held at the end of the third term in the fourth year".[4] On the academic nature of the LL.B. Course Prof. Sheridan said, "Despite the fact that the LL.B. takes its holders a long way towards qualification to practise, the LL.B. is not tied to the legal profession. It is not assumed that graduates will enter practice and indeed they go for a variety of careers. The general aims of legal education are no different from those of any other kind of University education namely to indoctrinate the student with a respect for truth, to develop the student's powers of reasoning until his actual performance coincides with his potential capacity, to help him to work on his own, to direct his mental

4. Report of the Regional Conference on Legal Education, Singapore, 1962, p. 26.

development primarily through study in a limited field, and to provide a general approach and environment tending to enhance the culture and civilization of everyone coming into contact with him. A lawyer must not only be proficient in the legal syntax of his own system. He must strive to know other systems of law and to be philosopher, sociologist, economist, psychiatrist and much else besides. That is not to say that the object of the study of Law is to ensure profund intimacy with all branches of social knowledge. That is the goal to be presented to the student as a vision towards which he must fight his way. Everyone will be satisfied if he is nearer to it when he graduates than when he was when he entered the University. He will have done all that is expected of him if the graduate has mastered the technique of the law, realised the problem of locating law in the perspective of human endeavour and seen how the lawyer must know when to call on other social sciences.

"This is the sort of education that will be the securest upon which to super-impose professional skill. People who pride themselves on being practical sometimes look with disgust upon theory. It will often be found that they are not as practical as they think, or that they have a grasp of theory to which they do not admit or that the substantial object of their criticism is unsound theory. One need have no sympathy for those who tailor their facts to fit their theories. Conversely, once the validity of a theory has been established he is not a practical man who ignores it. Properly handled the law provides an excellent liberal education for all those who are up to its standards, whether they propose to have any professional connection with the law or not. Learning legal syntax alone is not the study of law, but it is an indispensable part."[5]

In an article which he contributed to the Journal of the Society of Public Teachers of the Law in 1958 Prof. L. A. Sheridan said, "The first aim of the University of Malaya in introducing a Department of Law is to provide that broad liberal education through the medium of law which is the ideal of the British type of university of law school. That is to say the primary object of instruction will be the law of Malaya but this local god must be placed there in such a way that it will not obscure the vision of things beyond. A comparative study of other systems of law is recognised as important. In fact Malaya is a microcosm of comparative law in itself, containing as it does a structure of personal laws based on religious and racial groupings for Muslims, Hindus, Chinese and so on. It has always been intended too that legal philosophy should be interwoven with study of positive law and the same goes for legal sociology with an eye on law as a policy science. Nor has it been forgotten that there is a practical side to the law. I am not suggesting that case law, comparative law, philosophy, sociology or any other academic study is not practical in the sense of being useful. When I refer to the practical side of the law I mean the actual doing of it – interviewing a client, drafting a sessions court summons, arguing in mitigation of sentence or what you will. It is my contention that just as no one but an intuitive genius can be a successful practical man without a sound grasp of theory, so there can be no valid theorising segregated from the acid test of practical application."[6]

In a later article published in the same Journal in 1970 Prof. L. A. Sheridan, Mr. H. G. Calvert and Mr. P. Coomarasamy explained the basis on which the law school was established. They said:–

"In Malaya the view was adopted at the start and has continued to be held that the pulls of the academy and the profession in legal education are far from opposed. There are differences

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5. Ibid, p. 26 - 27.

6. Journal of Society of Public Teachers of Law, Vol. 4 (1957 - 1958), p.19.

in direction, but these are largely, even if not entirely, unimportant. Whether a law school is to be "pratical" or "academic" might to some small extent influence the choice of subjects to be taught and the way they are taught. The alleged difference that the practising lawyer is concerned with the law as it is whereas the academic is concerned with what it ought to be is however illusory. Academic lawyers and law students must be thoroughly familiar with the authorities as they stand and the technicalities of the law before they can fully investigate on a sociological and philosophical basis propositions as to what the law ought to be. Conversely, the function of advocates and the judiciary is creative. They are constantly although in piecemeal fashion changing what the law ought to be into what the law is. The same applies more forcibly perhaps to legislative scientists. In seeking to persuade a Court or a magistrate to arrive at a certain decision, lawyers have to deploy arguments based on policy. These facts assume a "practical" as opposed to an 'academic' significance for the Malayan law school, when one remembers its students are destined to play parts not on the Anglo-American stage, but in a Malaya whose current social development is much more dynamic and promises to become increasingly so."[7]

Prof. L. A. Sheridan resigned from the Deanship of the Faculty of Law in Singapore in 1962 and he was succeeded by Prof. H. E. Groves. The syllabus of the law courses had been kept under review by a standing committee on syllabus revision of the faculty and modifications had been made from time to time but a major change was made in 1963.

As Prof. Grove said in 1964,

"The original structuring of the four year course was extensively altered. As conceived the twelve academic terms were divided into three academic years of uneven terms; a normal three terms for the first or so called Intermediate year; five terms for the next or general year; and four terms for the final year. Several considerations perhaps motivated the choice of this unusual structure. It did have the advantage of producing only three sets of examinations, at different times of the year. Weighted against this advantage were administrative problems of truly enormous size. There was the problem of providing teachers with balanced and rational course loads when courses started and stopped at varying dates and overlapped one or two terms. Students in the very long general year found that the teacher who started the course seldom finished it, result of both the high turnover of teachers and the fact that teachers receive six months leave every three years, which leave includes one teaching term. A third result was that students in the long years, particularly the general year, displayed a natural but fatal tendency to put off effective study for several terms, feeling that they had unlimited time to prepare for the examination, thus producing a rate of failures which seemed unnecessarily large. We have abandoned the peculiar course structure in favour of four academic terms with an examination at the end of each year. Another unsual feature of the original course structure was what was called Principal Courses in the Final Year. All students pursued the same courses upon to the final year; but at that point students were obliged to choose to concentrate in one of five particular areas of law; Common Law, Property, Public Law, Commercial Law or International Law and Relations. The first two involved a high degree of duplication of subject matter already studied in the long general year. We have abandoned the so-called principal courses, keeping some of the courses, but jettisoning those particularly repetitive while adding a number of new electives. Under the present structure all students pursue the same courses in the first two years. In the third year each student has two electives and three required subjects. In the final year each has three electives and two required subjects. Our present structure reflects the belief that undergraduate law students cannot become specialists in any field of the law. What

7. Journal of the Society of Public Teachers of Law, Vol.5 (1959 - 1960), p.155.

is required is a broad measure of legal exposure upon which specialization can be properly based in practice or in subsequent graduate study. It will thus be seen that the past two years have in a large way been years of re-examination, in which we have been bold enough to admit mistakes and to correct them."[8]

The syllabus of the Faculty of Law has, as it has been said earlier, been kept under constant review, and recently a Committee of the Faculty has been set up to review the curriculum and the syllabus. The report of the Committee has been adopted by the Faculty and the present syllabus reflects the modifications that have been made. The underlying philosophy of the new curriculum was explained by the Dean, Dr. Thio Siew Mien as follows:—

"The new curriculum introduced in the 1970-1971 academic year treats the first and second year as foundation years, in which students are exposed to basic legal concepts. The innovation is in the introduction of a course called Introduction to Legal Method which seeks to orientate students to law studies as quickly as possible by an intensive program of group discussions on case analysis, a legal writing and an oral argument program. It is hoped that early student participation in such discussions, immersion into legal materials and introduction to legal techniques will help them to adjust more effectively to legal studies and enhance their understanding of their other courses.

After the basic groundwork in the first two years, students in the third and final year are encouraged to study further branches of the law or delve deeper into areas of the law already studied. Unlike the previous curriculum, students will be given more options, first in the choice of subjects, and secondly an opportunity to read non-law subjects. The idea is to enable law students according to their own aspirations, to read a number of related subjects so as to acquire a specialised knowledge of a particular branch of law. The excursion outside law is meant to encourage students to develop their knowledge of the context of their areas of legal specialisation. Thus, students who aspire to be company lawyers may in addition to company law read revenue law, banking, and international business transactions as well as subjects like financial institutions and legal accounting. In encouraging law students to go outside the area of law, the intention is not to turn every law student into a bit of a dilettante, training him into a lawyer-cum-economist or lawyer-cum-accountant etc. but to train him to be a lawyer, but a lawyer more appreciative of the extra-legal considerations which are often integrated with law towards the solution of problems. It is necessary to encourage law students to broaden their horizons. It is hoped that under this system there will be opportunities in the future for more inter-disciplinary studies.

Inter-disciplinary studies where appropriate, has the advantage of training students preparing for various specialities for collaborative study. This will promote the development of a technique of cooperative problem-solving which is utterly essential today, as the range and complexity of problems today are such that they cannot be solved by a single individual or group of individuals trained in the same way, but by a group of persons severally trained in various skills and insights and educated in different bodies of knowledge. However, all these persons must be trained to employ methods of collaboration that will integrate the contributions of each of them into sound group decisions.

The other innovation of the new curriculum is the organisation of the courses under the unit system. This provides the necessary flexibility to accommodate the ideas outlined earlier. The appropriation of units to courses renders it possible to depart from the tradition of year-long

8. Report of the Second Regional Conference on Legal Education, Singapore, 1964, p.12.

courses which precluded the study in depth of small but significant areas of law, areas too small to constitute a course by themselves under the old system and yet too important to be neglected or merely touched on. Under the unit system, short courses can easily be organised for these small but significant areas of the law.

Another advantage of the unit system as applied to optional courses is that it is easier to develop short specialised courses than a one-year course at a single time. Teachers can thus develop a series of short courses and gradually further build specialised courses on them. They can thus effectively direct some of their research towards teaching. It will also provide opportunities to construct new courses on a functional basis, cutting across orthodox textbook boundaries; to correlate courses to prevent law from being considered as a number of watertight conceptualistic compartments, but rather, a "seamless garment".

The present law curriculum is as follows:–

First Year

Introduction to Legal Method	–	6 units
Contract	–	6 units
Criminal Law	–	6 units
Tort	–	6 units

Second Lear

Family Law	–	6 units
Land Law	–	6 units
Law of Associations	–	6 units
Public Law	–	6 units

Third & Fourth Year

(a) Compulsory subjects

Estates and Trusts (3rd)	–	6 units
Evidence (3rd)	–	6 units
Civil Procedure (4th)	–	6 units
Administration of Criminal Justice (4th)	–	6 units

(b) Optional Subjects

36 units from Lists A, B and C (about 18 units in the third year and 18 units in the fourth year). At least 12 units must be from List A. Not more than 12 units from List C.

List A

This tends to be a very short list comprising a few subjects which are viewed in any given year as subjects which it would be desirable to expose students to. Students would be required to read a minimum of 12 units from this list. In a given year, the list might read:

Commercial Transactions	– 6 units
Remedies	– 6 units
Revenue Law	– 6 units

List B

This is a list comprising law subjects (other than the compulsory subjects and subjects in List A) as might be offered from year to year, e.g.

Banking and Negotiable Instruments	– 6 units
Conflict of Laws	– 6 units
Conveyancing	– 6 units
International Business Transactions	– 6 units
International Organisations	– 6 units
Jurisprudence	– 6 units
Labour Law	– 6 units
Landlord and Tenant	– 4 units
Public International Law	– 6 units
Shipping Law	– 6 units
Moots (Appellate Advocacy)	– 2 units

List C

This list comprises non-law subjects. A student should not read subjects in this list beyond 12 units, and any choice made should be subject to the approval of the Dean. The idea is to enable students to read contextual courses, thus, a student who wishes to specialise as a company lawyer might wish to read a course in accounting or financial institutions in another department.

The number of units appropriated to each course is determined by the number of student contact hours required to effectively teach that course. This is only a rule-of-thumb and its application is not dogmatic.

The subjects in each of the lists could vary from year to year and are not exhaustive.

For flexibility and easy administration, the Dean has the discretion to add or otherwise alter the subjects ni Lists A, B and C and also to appropriate units to optional subjects in whichever List after consultation with the teacher in charge of the course. A great deal of counselling is required of Faculty."[9]

On teaching methods in legal education the Dean said:–

"At the inception of the law school valiant attempts were made to introduce the socratic method of teaching in preference to the formal lecture method on the thesis that the main function of a law teacher is to lead discussion, analysis and criticism as well as to aid undertsanding and not to compress in a formal lecture the incompressible. However, because of the varied background of law teachers and high staff turnover over the years, there is still a tendency to employ the lecture-cum-tutorial method."

Many teachers do, however, adopt the socratic approach using cases or problems as spring boards for discussion. In some courses, especially the new courses offered in the more advanced years which are often poorly documented because they are new, the tendency is to require students to write research papers which are then discussed at seminars. More and more teachers now insist on advanced preparation by students to encourage meaningful class participation. However there is still room for improvement.

Moots have always been a regular feature of the law school since its inception. The focus is on appellate advocacy though attempts were made to teach the rudiments of drafting of pleadings. Canned problems are used and practising lawyers and legal officers are invited to sit as judges. In 1968, the Law Alummi in collaboration with the Faculty organised the moot court program. Actual records of appeal were given to students. In 1969, the program opened with a moot conducted in the High Court with a Faculty and Alummi member as counsel. In that year, in order to give the most court programme a fillip, Sir Philip Phillips, a retired silk from Melbourne, was invited to conduct an intensive series of moots for a period of three weeks, culminating in two semi-finals and the finals. Students were also required to write briefs. The program was a great success.

In the 1970-1971 session, the Faculty's moot program was re-organised as follows:

(1) First year students were introduced to the rudiments of motting in the legal method course.

9. Legal Education in the Law Asian Region, Law Asia, 1971, p.111 68-71.

(2) Senior students, i.e. third and final year students, could opt for a "course" in moots (appellate advocacy).

(3) The Student Law Society conducted a moot competition for which a prize was awarded."

It might be useful to look at the development of law studies in the United Kingdom and the United States. The academic study of law began late in England. In 1882 Sir Frederick Pollock in his inaugural address as Professor of Jurisprudence at Oxford in speaking of his associates, Dicey, Bryce and Anson described them as "fellow workers in a pursuit still followed in this land by a few, scorned and depreciated by many, the scientific and systematic study of the law." Professional training for law had been under the control of the Law Society and the Inns of Courts and apprenticeship had been a central feature of professional training, especially for solicitors. The English law reports contained the raw material of the law, growing and expanding from year to year as fresh cases or new facts call for decision. The practitioner or judge had to know his cases and how to reconcile with adherence to precedent such development of the law and such innovations as justice requires. The aim of the study of law is to help in understanding the principles on which the judges and the lawyers are working. As Lord Wright said:

> "No doubt the lawyer must know his cases, but there is all the difference between knowing them in a literal and mechanical fashion and knowing them both synthetically and critically. In the latter case they are seen in the light of principles and not as dead precedents. The object of knowing cases is to apply them with understanding in the practical problems that arise. A set of facts may appear to be on all fours with a decided case and yet on a wider and truer view, such as the study of principles is calculated to give, it may become apparent that there are essential differences which lead to an entirely different conclusion. Thus a rule is differentiated and extended, its true nature and scope are better understood and the development of law goes on."

It was mainly the interest in law reform in the late 19th Century that led to the growth of legal education. Legal reform involves not merely the investigation of social or industrial or business conditions is known relationships but also the nature of the existing rules, how they came to be as they are, how far they subserve social ends, how far they tend to fulfil the condition of promoting justice. Hence the desire for legal education and for the study of law which goes beyond the bare demands of vocational necessities.

Legal education involves schools of law and professional teachers of law as a theoretical discipline. Thus there grew law schools at Oxford, Cambridge and London, where the legal aspirant devotes himself to the study of law under a body of highly trained and highly specialised professors, most of whom have made important contributions to the academic study of whatever branch of law they have severally chosen as their special subject. There have been published many admirable books written by people like Dicey, Anson, Pollock, Salmond and Winfield on the different branches of the common law and equity, each of which have tried to give an analysis of the principles of the subject, with a complete classification and collection of the relevant cases under the several principles. There are well known law journals, the Law Quarterly Review, the Cambridge Law Journal and the Modern Law Review which contain articles on special topics of law, often important contributions to jurisprudence, marked by learning, insight and orginality. These journals also include notices and crticisms of recent decisions which are illuminating.

America has also forged ahead in the study of law. Unlike England where law is an undergraduate subject in the United States the normal requirement for entry to the law school is a degree is some other subject. Within universities law has occupied a much more prestigious position and better finance relative to other subjects than it has in the United Kingdom. These factors have led to a more rapid development in the United States. In law as so much else American willingness to experiment, fertility of ideas, cultural diversity and an abundance of resources have helped to produce significant results which have in turn influenced the development of legal studies in the United Kingdom and in other Commonwealth countries.

The stages in the progress of legal education in the United States from haphazard apprenticeship and self education to increasingly sophisticated instrument by full time professional teachers in educational institutions may be summed up as follows:

The first stage in this progress is commonly associated with the acceptance by Judge Joseph Story of the Dane Professorship of Law at Harvard in 1829. Up to that time nearly all professional training had taken place outside the universities, most commonly taking the form of apprenticeship supplemented by reading on one's own. Story's appointment to the Dane Professorship was a remarkable event. In the twelve years since its inception Harvard Law School had achieved very little and had a poor reputation. In 1828 there had been only four students. Story, by contrast, was one of the greatest judges to have graced the Supreme Court of the United States and his prestige was immense. Merely by accepting the appointment Story enhanced the status of law teaching. But he did much more than this. His mission was to assist in the establishment of an alternative system of legal training to the apprenticeship that had been his lot. He was largely successful in his objective and by the time of his death, the Harvard Law School had been transformed. The school had achieved a national reputation, there was over 150 students, many of them attracted from outside Massachusetts, and Story had set an outstanding example to legal scholars by producing a remarkable series of eight treatises on different branches of law.

Story's conception of the vocation of the lawyer was noble and idealistic; he proclaimed it often, including in his inaugural lecture as Dane Professor. Perhaps the most explicit statement is to be found in a letter to his son:

> "A lawyer, above all men, should seek to have various knowledge, for there is no department of human learning or human art which will not aid his powers of illustration and reasoning, and be useful in the discharge of his professional duties. It has been the reproach of our profession in former ages, and is, perhaps, true to a great extent in our own times, that lawyers know little or nothing but the law, and that, not in its philosophy, but merely and exclusively in its details. There have been striking exceptions, such as Lord Hardwicke, Lord Mansfield, Lord Stowell, Lord Brougham and Mr. Justice Blackstone. But these are rare examples; and too few to do more than to establish the general reproach".[11]

Story's approach to legal education seems hard to reconcile with his picture of the good lawyer. He included in the curriculum only that which was solid law. "What we propose," he said, "is no more than plain, direct, familiar instructions,"[12] and this is what his students got. It was highly desirable for the good lawyer to have studied philosophy, rhetoric, history and human nature, but is was not the function of the law professor to teach it to him. Liberal studies were

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11. Life and Letters of Joseph Story Vol. 2 (1851) p.311 - 312.

12. Value and Importance of Legal Studies in Miscellaneous Writings of Joseph Story (1852) p.503.

an important part of the education. The study of law was essentially the study of established legal doctrines. When and how this liberal education was to be acquired is not clear, unless one takes at its face value, Story's claim that ".....in the elementary education, everywhere passed through before entering upon juridical studies, they were usually taught with sufficient fullness and accuracy."[13] This is strange claim when one bears in mind that in Story's time there were no formal entry requirements for Harvard Law School and by no means all students had a college degree.

Story also appeared to have accepted a fairly clear-cut distinction between "academic" and "practical" training. This does not mean that he saw the university study of law as having no vocational significance, far from it, but rather he saw its main function as being the learning of the general doctrines of the common law and little else. The development of the skills and arts of the practitioners were left to be acquired as an apprentice and in the early years of practice.

Thus in Story's educational programme one finds sharp distinctions between law and other disciplines and between legal doctrine and legal practice. This double isolation of the subject-matter of legal studies is, of course, very common. In the English tradition, even today, rigid distinctions are often drawn between "law" and "not law" and between "academic" and "practical" legal studies. Criticism of these distinctions is at the base of the modern American rejection of Story's ideas; in so far as our ideas on legal education are similar to Story's a study of the reaction against him may be suggestive.

The appointment to the Harvard Law School of Christopher Columbus Langdell in 1870 marks the next important development. Langdell, at that time of his appointment, was an obscure and somewhat retiring New York practitioner. What he brought to Harvard was a coherent theory of law teaching and a determination to apply it with consistency and rigour. A well-known passage from his Selection of Cases on the Law of Contracts (1871) is the classic formulation:

> "Law, considered as a science," said he, "consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the evertangled skein of human affairs is what constitutes a true lawyer; and hence to acquire that mastery should be the business of every earnest student of law. Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth, extending in many cases through a series of cases; and much the shortest and best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied."[14]

Langdell considered law to be capable of systematic study as a science, and if this were not so, "a university will best consult its own dignity in declining to teach it. If it be not a science, it is a species of handicraft, and may best be learned by serving an apprenticeship to one who practises it."[15] The true lawyer in his view is someone who has a mastery of legal doctrine and an ability to apply it; the law student must be fed on a strictly regulated diet of law, which for Langdell meant cases; non-legal matter was to be kept out of the curriculum. Since law was to be treated as a science, the most suitable kind of teacher was not necessarily an experienced practitioner.

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13. Ibid. p.536.

14. A Selection of Cases on the Law of Contracts (1871) Preface, p.viii.

15. Address of 1886 quoted in Harno, Legal Education in the United States, 1953.

One of Langdell's innovations was to secure the appointment to a full-time teaching post of James Barr Ames, a young graduate with no experience of legal practice. The appointment was criticised, and Langdell's apology is revealing.

> "I wish to emphasize the fact that a teacher of law should be a person who accompanies his pupils on a road which is new to them but with which he is well acquanited from having often travelled it before. What qualifies a person, therefore, to teach law is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes, not experience, in short, in using law, but experience in learning law; not the experience of the Roman advocate or of the Roman praetor, still less of the Roman procurator, but the experience of the juris-consult."[16]

In time Ames fully justified Langdell's faith in him and he became a noted legal historian. His appointment was significant, not only because of his qualifications, but also because, it inaugurated, as a new branch of the legal profession in the United States, the career of the scholar-teacher of law. Up to that time nearly all law teaching had been done on a part time basis; even Story had continued to serve on the Supreme Court after accepting the Dane Professorship. The histories of Harvard, Yale and Columbia law schools and many others tell the same tale; the rise to eminence of a law school is associated almost inevitably with the achievement of a strong faculty of full-time teachers. Teaching, research, educational administration and intellectual leadership are functions that are nearly always best performed by people who are free to devote nearly all their time, energies and loyalties to them. The growth of this "other branch" of the legal profession was accompanied by repeated expressions of concern that a gulf was growing up between the academic and the practising lawyer. The Wilson Report revealed a similar concern at current trends in the United Kingdom. It has been one of the greatest achievements of American legal education that this danger has, on the whole, been averted.

Langdell's contributions to Harvard were numerous: under his leadership the intellectual standards and the resources of the school improved immeasureably and a scholarly atmosphere was established which, inter alia, fostered a great series of legal treatises by Beale, Williston, Gray and Thayer. Langdell is, of course, best known for his introduction of a method of teaching – "the case method" – which was the main vehicle for implementing his theory of legal education. Langdell was not the first to emphasise the value of making students read cases in the original; nor was he the first American law teacher to employ the Socratic method. His main contribution was to provide a rational and a stimulus for introducing this method of teaching throughout the curriculum and by producing a new style of teaching tool, his case-book on contracts, to provide a model vehicle for the method.

In the course of time with the help of brilliant teachers such as Ames and Kenner the case method became established as the main method of instruction first at Harvard, and later at nearly all leading law schools. It was not seriously challenged until the rise of the Realist Movement. In Langdell's version it had several obvious strengths; first, he insisted on the study of primary sources; secondly, he substituted participation for passivity on the part of students; and, thirdly, he established a tradition of scepticism, liveliness and vigour in lieu of dogmatic, dreary parrot-learning. The introduction of the case method also involved a crucial witch from emphasis on knowledge to emphasis on skill.

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16. Quoted in Hurst, The Growth of American Law, The Law Makers, 1950.

For the most part the mainstream of American legal education has been built upon these strengths. Langdell was later to become the target of criticism by Holmes, Frank, Llewellyn and a number of others. But even his most virulent critics have not challenged these aspects of his contribution. The weakness of his approach was that he like Story, made a clear cut distinction between law and other disciplines. Unlike Story he did not make a similar distinction between academic and practical training, but his picture of the "true lawyer" and his picture of the law teacher tended to produce the same sort of remoteness from life and from legal practice that the insistence on such rigid distinctions tends to promote in the British system.

Langdell and his disciples set the pattern for nearly all the major law schools for the next fifty years. There were pockets of resistence from traditionalists in the law schools (for instance, at Yale), and his ideas were for some time viewed with scepticism on the part of practitioners. However, the most telling attack came from a different quarter. First Holmes and then Pound set the lead in advocating a jurisprudence that was broader in approach and closer to everyday life. The sceptical temper of the times, the philosophy of pragmatism and above all the extraordinarily rapid rate of economic and social change were some of the factors that drew increasing attention to what Pound termed the divorce between law in books and law in action. But neither Holmes nor Pound really translated their jurisprudential ideas into concrete educational patterns. Despite the fact that Harvard was the academic base of these two great pioneers of sociological jurisprudence, it did not become the headquarters of the movement for further reforms of legal education. The lead was taken in this respect first at Yale by Corbin, Hohfeld and Cook in the second decade of this century, and then during the 1920s by an extraordinarily brilliant group of young men of whom Herman Oliphant, Underhill Moore and Karl Llewellyn were the most prominent. Columbia in the 1920s was the headquarters of a concerted attempt to work out in detail the implications of sociological jurisprudence for legal research and legal education.

One of the most striking features of this ferment was the two-year-long study of the curriculum which took place at Columbia under the chairmanship of Leon C. Marshall, an economist. It has been said by Brainerd Currie that these studies "constituted the most comprehensive and searching investigation of law school objectives and methods that has ever been undertaken." It is worth quoting Currie's appraisal of their significance:

> "Individuals and committees prepared for discussion at the faculty conference approximately one hundred reports, covering eight hundred mimeographed pages, on various aspects of legal education. The result was a sweeping challenger to the adequacy of the organization, the materials and the rational basis of existing legal education. The fundamental thesis which emerged was this: since law is a means of social control, it ought to be studied as such. Solutions to the problems of a changing social order are not implicit in the rules and principles which are formally elaborated on the basis of past decisions, to be evoked by merely formal logical processes; and effective legal education cannot proceed in disregard of this fact. If men are to be trained for intelligent and effective participation in legal processes, and if law schools are to perform their function of contributing through research to the improvement of law administration, the formalism which confines the understanding and criticism of law within limits fixed by history and authority must be abandoned, and every available resource of knowledge and judgement must be brought to the task.

A drastic retooling would be required to convert the facilities of legal education to such an effort. Two basic requirements were announced to the law school world with seismic effect: First, the formal categories of the law, shaped by tradition and by accident, tend to obscure the social problems with which law deals, the purpose which is the vital

element of principle, and the actual working of legal processes; they constitute a framework which forces artificiality in perspective and development; they must be revised along lines of correspondence with the types of human activity involved. Second an understanding of the social structure in which law operates can no longer be taken for granted or regarded as irrelevant; law students – and hence law teachers – must acquire that understanding, and must somehow learn to take into account the contributions which other disciplines and sciences can make to the solution of social problems."[17]

In order to appreciate the significance of the Realist Movement for legal education we can compare the ideas of one of their number, Karl Llewellyn, with those of Langdell.

"Langdell," says Llewellyn, "saw three deep truths. The first was that a university training in law, indeed a liberal arts study of anything ... must be technically solid, technically reliable, in a word, craftsmanlike. ..... The second thing that Langdell saw was that history, carefully studied, is one good road to understanding. Depth is of the essence and the time dimension is one main road to depth." And, thirdly, Langdell shifted the emphasis from acquisition of knowledge to development of proficiency in "legal analysis, legal reasoning, legal argument and legal synthesis."

Llewellyn accepted these ideas, but he felt that as a theory for lawyer education Langdell's did not go nearly far enough. Llewellyn agreed with Langdell in putting considerable emphasis on training in legal method:

"Technical skill is not a foundation only. It is the necessary foundation."[18]

But whereas Langdell saw the group of skills that could be developed by his version of case analysis as being the skill that a university legal education should seek to develop, Llewellyn's conception of technical proficiency in this context was very much broader. For him the practice of law in a fused profession was the practice of a set of crafts. Knowledge of legal rules and ability to extract doctrine from cases form only a part of these crafts. Lawyers in practice have to employ other skills, many of which are teachable, some of which are teachable in a university. Llewellyn was chairman of a committee which in 1944 produced an influential report on the place of skills in legal education in which it was recommended that law schools should seek to foster not only the case-skills of the Langdell method, but also such matters as skill in interpretation of statutes, appellate advocacy, simple drafting and counselling (i.e. the giving of advice), and the making of intelligent policy decisions. Llewellyn himself pioneered a course in "Legal Argument" and in recent years a variety of other "skills courses" have been offered by American law schools, some of them making a relatively sophisticated use of clinical experience and simulation techniques. Llewellyn emphasised technical proficiency, but he was equally emphatic that technical proficiency was not enough. Langdell's skills, he said, "though sharp and well instilled, were narrow. The wherewithal for vision was not given." [19]

Llewellyn is best known as the exponent of a jurisprudential approach that emphasises the importance of observing the ordinary processes of the law in action in their social context. Doctrine must be seen in the context of legal process and legal processes must be seen in the context

17. Currie, The Materials of Law Study, (1951) Journal of Legal Education, p.334-335.

18. 'The Study of Law as a Liberal Art' reprinted in Jurisprudence: Realism in Theory and Practice, 1962.p.375.

19. Ibid. p.377.

of the totality of social processes. Any lawyer, in this view, however humble, must be equipped to understand his environment; his perspective must be a broad one, preferably that of society as a whole. The message repeated again and again is that for practically any purpose law cannot be treated in isolation and that any attempt to do so prejudices both understanding and efficiency.

Llewellyn and his fellow-realists were by no means unique in advocating this kind of approach. Perhaps their greatest contribution was in the direction of working out the implications of a sociological jurisprudence for detailed work of various kinds. The Uniform Commercial Code, the modern types of case-book, empirical research projects, such as the Chicago jury study these and many other concrete achievements are the real monuments to the contribution of Llewellyn and his fellow-realists.

Against this background it may be useful to consider Llewellyn's image of the end-product of lawyer education. In discussions of legal educations he nearly always identifies the lawyer with the private practitioner of law. Secondly, he emphasises the need for basic technical proficiency. But the lawyer, both to be effective and, more important in his view, to fulfil his responsibilities to his clients and to society, must be more than a competent technician. In an address in Chicago he made the point with characteristic vigour:

"The truth, the truth which cries out, is that the good work, the most effective work, of the lawyer in practice roots in and depends on vision, range, depth, balance and rich humanity those things which it is the function, and frequently the fortune, of the liberal arts to introduce and indeed to induce. The truth is, therefore, that the best practical training a university can give to any lawyer who is not by choice or by unendowment doomed to be a hack or a shyster – the best practical training, along with the best human training – is the study of law, within the professional school itself, as a liberal art."

We may sum up the achievements of Llewellyn and the Realist School by saying first that Llewellyn was one of the pioneers of the development of a systematic sociology of the legal profession, a subject that is currently receiving much attention in the United States. Secondly, he was actively concerned with the problems of providing legal services to all classes of the population. He was inter-alia associated with law school, legal aid clinics, those admirable institutions that marry clinical training and social service. These concerns of his were associated with the view that one function of lawyer education is to foster social consciousness, perhaps even a social conscience, in intending lawyers. Thirdly, shortly before his death he gave active encouragement to the individual (Mr. Irwin Rutter) who has made the most systematic attempt so far to relate a detailed job-analysis of lawyers' operations to problem of law teaching.[20] Finally, and perhaps most important, is the point that Llewellyn's jurisprudential themes and his ideas on legal education are so bound up together as to be almost indistinguishable; a concern with problems of legal education was a most important stimulus to the early development of his general juristic ideas, which ideas in turn had important implications for legal education. Many of those ideas had deep roots in the social sciences, notably anthropology, sociology, economics and psychology. In all of them lawyers' work was a central focus and it is fair to say that one of Llewellyn's achievements was to graft on to the traditional law-oriented jurisprudence a lawyer-orientated jurisprudence.

In 1943 Harold Lasswell and Myres McDougal published a notable paper entitled "Legal Education and Public Policy: Professional Training in the Public Interest,"[21] which remains the

20. Rutter, A Jurisprudence of Lawyers' Operations (1961) 13 Journal of Legal Education, p. 301.

21. (1943) 52 Yale L.J. 203.

nearest approach to date to a comprehensive theory for lawyer education. It is significant that the paper was also the vehicle for the first important statement of the Lasswell-McDougal intellectual system, which is commonly referred to as "Law, Science and Policy" or L.S.P. for short. The authors take as their starting point a bold statement of aim: "We submit this basic proposition: if legal education in the contemporary world is adequately to serve the needs of a free and productive commonwealth, it must be conscious, efficient, and systematic training for policy-making."

Lasswell and McDougal justify this rather startling statement in terms of an image of "the lawyer" which even some American lawyers tend to find somewhat grandiose:

"It should need no emphasis that the lawyer is today, even when not himself a maker of policy, the one indispensable adviser of every responsible policy-maker of our society – whether we speak of the head of a government department or agency, of the executive of a corporation or labour union, of the secretary of a trade or other private association, or even of the humble independent enterpriser or professional man. As such an adviser the lawyer, when informing his policy-maker of what he can or cannot legally do, is as policy-makers often complain an unassailably stategic position to influence, if not create, policy."[22]

"Policy" in this context is defined as "the making of important decisions which affect the distribution of values." In this usage the lawyer advising a potential petitioner for divorce, or a testator, is involved in "policy-making" almost as much as the participant in the decisions of appellate courts, administrative tribunals or legislatures. Nevertheless a perusal of the detailed proposals for the reform of lawyer education put forward by Lasswell and McDougal suggests that "the aggrandisement effect" has been at work, for great stress is put on the higher levels of policy-making in the national (and the world) arenas and the operative images of their end-product seem to be the senior partner in the Wall Street law firm, the maker of American foreign policy and the world statesman. In short the Lasswell-McDougal plan for legal education seems to me to be a thinly disguished elitist programme for the training of national leaders.

Apart from reservations that some people would have about the general theory of L.S.P., the specific proposals for lawyer education are open to criticism in that they place far too little emphasis on the technical aspects of lawyers' work and that they are based on a serious underestimation of the difficulty of attaining minimum technical competence. However, the Lasswell-McDougal thesis is stimulating in its proposals for producing national leaders and devastating in its criticism of traditional approaches and even of the piece-meal innovations that followed the Realist "revolution."

It is not surprising that this extraordinarily stimulating exercise has been viewed somewhat sceptically by those whose ideas of lawyer education have been governed by a more humble image of the lawyer. Relatively few people have accepted the Las-Mac system in toto, and even at Yale, their headquarters, their ideas do not seem to have made as fundamental an impact on curriculum planning or teaching methods as might have been expected. Nevertheless there are signs that thinking similar to theirs is becoming increasingly influential. It is worth noting that in this analysis of the development of American legal education in terms of rough stages, each stage is marked by one or more notable departures in forms of student legal literature. The Story period is represented by Story's famous treatises; the Langdellian reforms by Langdell's case-book on contracts; the Realist "revolution" was launched by the publication of a series of case-books at Columbia Law School, of which Llewellyn's Cases and Materials on the law of Sales is the out-

22. Ibid. p. 208 - 209.

standing representative. Recently two books of materials (Donelly, Foldstein and Schwartz, Criminal Law and Goldstein and Katz, The Family and The Law) emanating from Yale School have been widely acclaimed as an important new departures in student legal literature; both show unmistakable signs of L.S.P. type thinking.

The development of law studies in the United States has had its influence in the United Kingdom and in other Commonwealth countries, including Singapore. In 1964 the Society of Public Teachers of Law in the United Kingdom undertook a Survey of Legal Education in the United Kingdom. Most of the work was done by Professor J.F. Wilson of the University of Southampton and the result is usually referred to as the "Wilson Report".[24] Questionnaires were sent to all University law schools and their teachers and a separate questionnaire was circulated to barristers and solicitors. Furthermore, information was sought from 275 colleges of further education and technology concerning the amount and type of law teaching being undertaken in institutions of higher education other than universities. Most of the information in the Report relates to the position in December, 1965. The Report wax published in June, 1966.

For the first time in history reliable information was assembled in one piace about such matters as numbers of law students; the structure and financing of law schools; the qualifications, experience and workload of university law teachers; library holdings; degree syllabuses; law teaching outside universities; professional education and the attitudes of teachers and practitioners to a number of general issues. It may be of interest to mention a few of the findings of the Report:

(i) Law is principally studied in United Kingdom universities as an undergraduate subject. Except at Belfast and some Scottish Universities, undergraduate degree courses in law last 3 years;

(ii) Only a handful of British law graduates proceed to postgraduate work. Out of a more 640 postgraduate students in law in 1965/6, probably 70% came from overseas. There were only a dozen scholarships earmarked for law available in all universities in the United Kingdom;

(iii) The staff-student ratio varied between 8.5 and 20.8 students per member of staff, which contrasts unfavourably with the ratio of 1.8 recommended by the Robbins Report,[25] but is luxurious by the standards of many other countries;

(iv) Of approximately 1,000 students who graduated in 1963, rather more than 55% proceeded to professional training as solicitors and about 10% went on to qualify as barristers. It is not known how many of those are likely to pursue careers in full-time practice. At the same time the survey suggests that professional opinion is becoming much more favourable to the value of a law degree than it appeared to be in the past.

(v) One of the more striking findings of the survey was the extent of dissatisfaction among practitioners with the provisions for training; 61% of all barristers and 53% of all solicitors thought it to be inadequate, and the percentages among the more recently qualified were much higher. This finding has strengthened the hand of those pressing for reform.

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24. J. F. Wilson, A Survey of Legal Education in the United Kingdom, 9 J.S.F.T.L. (N.S.) 1 (1966).

25. Report of The Committee on High Education. 2154, 4 Vols. (1963).

(vi) Perhaps the most revealing part of the Wilson Report concerns legal education outside universities – before it was published there was little general awareness of the enormous extent and range of such studies. Nearly 1,500 teachers were found to be conducting legal courses at over 200 colleges of higher education and technology – this represents more than three times the number of law teachers in universities. The growth rate, the poor facilities and the general lack of serious thought about those hidden forms of legal education give rise for concern.

These are but a sample of the findings of the Wilson Report. Although the survey was based on some rather simple assumptions, it represented a major advance in the direction of a more systematic approach to problems of legal education in the United Kingdom. It is doubly unfortunate, therefore, that the survey should have been undertaken after rather than before the Robbins Report on Higher Education and that no attempt has been made so far to keep the basic information regularly up to date. Such has been the pace of change that the Wilson Report is already out-dated in several significant respects; nevertheless it remains the best guide to the total picture of legal education in the United Kingdom and a very useful pioneering attempt at research of this kind.

The recent dramatic expansion of legal education in the United Kingdom is essentially part of the general expansion of higher education after the very important Robbins Report on Higher Education issued in 1963. Since that Report new universities have been established and a number of colleges of technology have been transformed into universities, Law did badly in the first phase of expansion; in fact none of the new universities started out with a Law Faculty or Department. Then in a short space of time the new Universities of Sussex, Kent, Warwick and Strathelyde decided to introduce law on a substantial scale and, other older institutions, such as Leicester, Keele, and Queen Mary's Colleges, London did the same.

It is an error to assume that innovation is the monopoly of new institutions or even that it is necessarily easier to achieve and sustain it in such institutions. Nevertheless the new Law Schools have set out in a reforming spirit and have also stimulated re-thinking among their older sisters. Some indication of the direction of change is to be found in the prospectus or University of Warwick, which started teaching law in October 1968:

> "The law course at Warwick is part of a general movement to offer greater variety in law teaching throughout the United Kingdom. Its aim is to give students an insight into some of the major problems with which the law and lawyers are concerned and the teachniques and methods they use to deal with them.
>
> The first year is therefore designed to introduce students to some of the basic techniques of the common law in the field of contract and tort, to look at what goes to make up a legal system, in particular in English legal system, to see what is being done in the field of the criminal law, and to provide an introduction to one of the commonest situations in which laymen come into contact with lawyers, the sphere of property law.
>
> The second year builds on the first to some extent by looking more closely into commercial and consumer law and housing and property law, including town and country planning, and also adds to it by looking at the law governing Britain's external relations in the world at large, the constitutional and administrative law context within which the ordinary courts and private lawyers operate, and discussing some of the more general problems of law in a course on jurisprudence.

In the third year the two papers which form the hard core of the course concern the law relating to employment and labour relations problems, and company law. In addition, it is hoped that there will be papers on taxation, French law, local and regional government and international legal problems.

One idea behind the course is that students should come away from it knowing more about the way society works and some of the major problems it has to face, as well as the way lawyers in particular are contributing to their solution. It is intended therefore for future administrators whether in central or local government or industry as well as future solicitors and barristers, in fact for anyone who is interested in the way the law operates in the United Kingdom and in acquiring the particular discipline that law offers."[26]

There has recently been a quickening of interest in the systematic study of the legal profession in both England and in the United States. The revelance to legal education of the sociology of the legal profession is obvious. Who lawyers (and law trained people) are, what they do what is their function in society, their conceptions of their role and the approach they bring to bear on the problems that concern them are to a large extent determined by the nature of their training, whether formal or informal and by the intellectual traditions to which they are exposed. Conversely accurate information and an adequate system of concepts for discussing such matters is a useful starting point for analysing those phases for legal education that are directed to preparation for legal work. It may be that discussions of legal education at present assume images of the "lawyer" which on examination may prove to be naive and unrealistic. The much more refined and accurate picture of lawyers that has begun to emerge from recent studies should be invaluable in developing a more realistic and systematic approach to the training phases of legal education.

The principal pioneers of the sociology of the legal profession have been the Americans the first systematic studies appeared in the 1930's and were mainly concerned with the economic: of the legal profession. In 1950 an ambitious survey of the Legal Profession was sponsored by the American Bar Association. In the last few years a series of monographic studies have been published. These probe in depth particular topics and have done much to increase awareness of the variety and complexity of the role of lawyers. Interest has recently spread to England and one of the first serious studies of the legal profession in England written by a sociologist and a lawyer – "Lawyers and Their Work" – was published in 1968. Similar studies in Asia have been proposed by the International Law Centre and by Lawasia.

Two new developments in this scientific and technological era might also be noted. Recently professional educationalists have been recommending very detailed and precise formulations of objectives in behavioural terms. The modern educator is no longer satisfied with vague statements of strategic goals. More and more he demands precise articulation of the detailed objectives of each part of the educational process. Such formulation will have to be clothed in adequate terminology. An important book, Bloom's Taximony of Educational Objectives, has gone a long way to providing such terminology. The advent of programmed learning has given impetus to the movement, for the programmer is forced by the nature of the medium to clarify his objectives and analyse the subject matter rigourously and in great detail. It remains to be seen to what extent and in what areas this type of analysis will be found to be appropriate for legal education. Already in the United States there has been published Kelso's Programmed Introduction to the study of

26. University of Warwick: Prospectus 1968 - 1969 p. 57 - 8.

law, a work which is notable as being the first major application of programmed learning in legal education to have been published and also as one of the most vigorous attempts to develop teaching of basic skills in a systematic manner.

A recent seminar held in England jointly by the Society of Public Teachers of Law and the Law Commissions of England and Scotland considered among other matters the use of computers in legal research and law reform. The value of computers, if suitably programmed in the performance of the mechanical tasks often required for law reform was acknowledged. It would be a relatively simply matter for a computer to be so programmed that it would print out versions of statutes as amended once an amending statute had been added to the material already stored in the machine. The more controversial point was made, however, that the use of computers would make it possible for each individual researcher to devise for himself the scheme of classification best suited for his own particular purposes. On the other hand even though considerable flexibility in the method of selecting material could, no doubt, be retained, it was felt by some that there was a serious risk that the available methods of classification would ultimately have to be determined not by lawyers but by systems analysts and computer technologists. In any event, it was emphasised that the computer could never take over the whole task of selection of material for a particular purpose and that, probably, it would never become a substitute for a library. The most that a computer could do would be to print out the material indicated by the one or more headings chosen by the researcher who would then have to make his own selection from that material. Conversely, the selection made by the computer under a given heading might suggest new relationships between subjects simply by placing in juxtaposition two bodies of material not previously thought of as bearing upon one another. There was no doubt at the seminar that the use of computers for legal purposes was a topic of great interest and of importance for the future of legal research and law reform and there was equally no doubt that computers would prove of value in the handling of statutory material. But it was felt that they could not, at least at present, deal with the entire corpus of legal material.[27]

The influence of the new ideas in the United States and in Great Britain has also been felt in Africa and we may contrast the statement in the prospectus of the University of Warwick with that in the prospectus of the University College, Dar-es-Salam.

"In the Faculty of Law at Dar-es-Salam, lecturers have been appointed, syllabuses planned and methods of teaching devised, with a single important consideration in mind: the fact that the lawyer in East Africa has to be much more than a competent legal technician. With the coming of Independence, the manifold problems that beset developing countries have to be faced, and in doing this great changes will have to be made in the framework of society. Lawyers have a vital part to play in those developments, for upon them will fall a major share of the work of putting into practice the principles and ideas of their colleagues in the fields of politics, economics, and science, and ensuring that the resultant system works fairly and efficiently. Legal education must take account of these facts, and see that students are made aware of and prepared for their future role.

Legal education for East African lawyers must therefore entail more than the accummulation of knowledge about rules of law – to know much law is not necessarily to be a good lawyer, although it is the foundation upon which most legal education must rest. The good lawyer is the one who knows also something of the society in which the law operates and the processes by which the law may change and be changed by that society. Thus we teach the law as it exists in East Africa

27. J.A.Jolowicz, The Division and Classification of the Law, London, 1970, p. 89.

today, but we do not stop there; we use this law as a firm base upon which future developments may be considered. In this way we hope to be able to produce lawyers who will have thoroughly mastered the techniques of the law; how to search out all the relevant authorities on a particular point and marshall them into a coherent form; how to read a case in order to understand it fully; how to analyse and interpret a statute; and how to put across one's point of view in speech and writing. But over and above all this, they will have studied that law against the social and economic background of the East African jurisdictions, and will be in a good position to offer useful contributions to discussions on the problem of the law that ought to be in East Africa."[28]

In India legal education has been reviewed by a number of Committees including the Radhakrishnan Commission, the Bhagwati Committee and recently a Legal Education Committee of the National Bar Council. The last Committee recommended a course of study for a three year six term LL.B. degree course (Appendix III). It was stated that the courses were framed on the following basic assumptions:

(a) There shall be two terms of 100 working days in each academic year and at least 60 lectures will be delivered in each of the papers;

(b) The class shall consist of not more than 60 students in compulsory papers and 20 in optional papers including Languages, Moot Court and Legal Writing etc.;

(c) Compulsory papers will be taught at the present level of LL.B. standard with this difference that there will be more reliance on cases and discussions than on lectures;

(d) Optional papers will be taught at a level higher than the present LL.B. standard but lower than present LL.M. standard. These classes will be conducted on seminar basis and will be policy-oriented;

(e) The course on Legal Research is designed to introduce students to the problems relating to factual analysis of collection of materials, application of statutory material, determining ratio decidendi of decided cases and their applications;

(f) Moots will be conducted on the basis of paper-books of cases decided by High Courts and Supreme Court. Effort will be made that a member of the judiciary presides over at least one session, in which a student participates. Trial cases may be introduced at a later stage;

(g) The Court on study of selected problems is intended to help those students who do not want to enter the legal profession. Such study, it is expected, will provide them with greater opportunity to equip themselves with the knowledge that will be required of them in their chosen career;

(h) It has been our experience that our students, even the best ones, are generally unaware of current legal problems which do not specifically fit in their prescribed courses. The idea here is to introduce students to current legal problems so that they may be better enabled to decide about their post-graduate career and also be better-informed graduates;

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23. The University College, Dar-es-Salam, A Guide for School, 1964, p.16 - 17.

(i) The courses on Languages consists of two years of English and one year of Hindi. These courses will have for their object a language rather than a literature bias;

(j) There shall be no examination in Legal Writing, Legal Research, Moot Court, Current Legal Problems and Languages (Papers 6 and 7 in each term). These courses will be conducted on a seminar basis and students will have to obtain pass marks in sessionals;

(k) Hindu Law and Mohammedan Law have been treated as one subject and the course spread over into two papers: Family Law I and Family Law II. These papers deal with specific topics such as Sonship, Marriage, Inheritance etc. and run across the barriers of specified personal laws. Indeed, it includes Hindu Law, Mohammedan Law, Parsi Law and Civil Law. It has been done on the assumption that, with the implementation of the "Directive Principles of State Policy" relating to uniform Civil Code, the subject is bound to be arranged, according to topics as envisaged in this paper. Moreover, a comparative study of the law would be helpful in better appreciation of the usefulness of specific personal laws in meeting problems of domestic relations, which appreciation would conducive in determining the norms of the uniform Civil Code.

This jurisprudential aspect of Hindu Law has been separated and made a compulsory subject. Further, comparative Ancient Law, which is an optional paper, would give opportunities for the treatment of the jurisprudential aspects of Hindu Law as well as Mohammedan Law.

(l) Certain papers such as Constitutional Law, Business Organization and International Law are too heavy to be treated in one course. They have accordingly been split into two or more papers. While the core of these subjects has been included in compulsory papers, special papers offer an opportunity for further detailed study of the subjects.

(m) The basic law relating to liability and procedure have been put together in the first two terms so that, during the ensuing summer vacation, students may be in a position to get practical training.

(n) The course for the third year is so designed as to permit students, who have obtained their LL.B. degree from Universities having a two-year course, to join LL.M. in the Benaras Hindu University. These students will be required to pass the third year course of LL.B. degree before being admitted to the L.LM. course.

The optional subjects referred to in the course of study are as follows:

A. Any one of the following groups of papers shall be offered, with the permission of the Dean, as papers IV and V in the 4th, 5th and 6th terms.

Group I Procedure

Paper I	Limitation, prescription, Court Fees, Stamp Fees, Suits Valuation and Small Causes Court.
Paper II	Pleadings, High Court and Supreme Court Rules, and Land Laws.

Group II Mercantile Transactions

Paper I Bailment, Pledge, Guarantee, Sale of Goods & Negotiable Instruments

Paper II Transport of Goods

Group III Business Organization

Paper I Business Organization

Paper II Business Organization

Paper III Banking

Paper IV Insurance

Group IV Regulated Industries

Paper I Public Corporation

Paper II Public Control of Private Enterprise

Group V Labour

Paper I Law relating to Labour-Management Relations

Paper II Social Security Legislation

Group VI Taxation

Paper I Constitutional and Administrative Problems relating to Taxation and selected Union Taxation Statutes

Paper II Selected State Taxation Statutes and Legal Accounting

Group VII International Trade

Paper I International Trade

Paper II International Transport of Goods

Group VIII Private International Law

Paper I Private International Law

Paper II Comparative Law

Group IX Constitutional Law

Paper I Federal Constitutions

Paper II Civil and Political Rights

Group X Legislative Process

Paper I Current Problems of Constitutional Government in Asia

Paper II Legislative Process in India

B. Any one of the following papers shall be offered, with the permission of the Dean, as paper III in the 5th and the 6th terms.

Group XI Miscellaneous

(1) Trusts, Charitable Endowment and Waifs
(2) Comparative Ancient Law
(3) Labour Law III – Minimum Standard Statutes
(4) Arbitration and Insolvency
(5) Copyright, Patents and Trade-Mark
(6) Military Law
(7) Local Self-Government
(8) Law relating to Communications
(9) Tax Structure of South East Asian Countries
(10) Roman Law
(11) Any of the papers falling in Groups I to XI[29]

As a contrast to the position in the Commonwealth Countries we might note the curriculum of the Faculty of Law in the University of Indonesia. The Indonesian system of higher education is based on a "stage" system and there are maximum and minimum times within which a stage may be completed. Most examinations in the Indonesian system are oral, and the student can ask for his examination when he feels ready for it. The first two stages in the system are known as candidate stages. If the candidate is successful in these he may pass on to the next two stages known as doctoral stages. The first degree is awarded on the completion of these stages and the student may then decide to enter on the doctorate stage. However, this involves several years further work, the publication of a dissertation and its public defence, so that only a small proportion of doctorandi ever become doctors.

The completion of the candidate stage in the law faculty used to average two years and the doctoral stage usually requires at least another three years, thus making both stages approximately equivalent to Master's degree. The name of the degree awarded at the completion of the doctoral stage is Sardjana Hukum Meester in de Rechten, abbreviated Mr (Master of Laws).

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29. Report of the Regional Conference on Legal Education, Singapore, 1962, p.106 f.

The recommended sequence of courses in the Faculty of Law, University of Indonesia, is as follows:

The first part of the candidate stage: (1) Introduction to Jurisprudence, (2) Political Theory, (3) Economics, (4) Sociology, (5) Islamic Law I, and (6) Cultural Anthropology.

The second part of the candidate stage: (1) Constitutional Law, (2) Administrative Law, (3) Civil Law I, (4) Criminal Law I, (5) Economic Development/Co-operatives, and (6) Adat (Indonesian Customaty) Law I.

The first part of the doctoral stage: (1) Civil Law II, (2) Criminal Law II, (3) Adat Law II, (4) Commercial Law I, (5) Civil Procedure, (6) Criminal Procedure, (7) International Law, (8) Conflict of Laws, and (9) Criminology (elective).

The second part of the doctoral stage: (1) Commercial Law II, (2) Islamic Law II, and (3) Legal Philosophy.[30]

We, in Malaysia, can well make use of the experience that has been obtained in fashioning a law course at the University of Singapore. The Law School in Singapore has had the benefit of guidance from Deans who have had experience in the United Kingdom, the United States and Australia and the curriculum there has been kept under constant review and has been revised recently. The fact that the LL.B. degree has been adopted both in Singapore and in Malaysia as a qualification for admission as advocate and solicitor is an additional reason for basing our courses on those in Singapore. However, a few modifications are needed to relate the law courses to the needs of Malaysia.

(a) The emphasis in the courses at Singapore appear to be on the English part of the law in Singapore and Malaysia. It will be necessary in the University of Malaya to give some attention to Muslim Law and Native Customary Law.

(b) Where Malaysian law is dealt with in Singapore it is the law of West Malaysia that is dealt with. It will be necessary to have greater consideration than is given in Singapore to the law in East Malaysia.

(c) There will be greater emphasis in the courses on the law in Malaysia. In the case of Statutory Law, it will be the Malaysian Statute rather than the Singapore Statute that will be given detailed treatment.

(d) Some courses like the Course on Family Law dealt in Singapore only deal with the "general" Law in Singapore. It will be necessary to give some attention to family law as dealt with in Muslim Law and under the Native Customary Law and other Customary Laws.

(e) It is also necessary to introduce language teaching in the courses so that the graduate will be proficient both in Bahasa Malaysia and in English. Bahasa Malaysia is the official language of Malaysia and more and more of the students who enter the University will have been taught in the schools in Bahasa Malaysia as the medium of instruction and these students will have to be taught in Bahasa Malaysia in the University. At the same time we must ensure that the students and graduates are proficient in English so as to be able to read the sources and textbooks in English. It is, therefore, necessary to have language courses in Bahasa Malaysia and in English. The Singapore syllabus will, therefore, have to be modified for the needs of Malaysia and a suggested syllabus is given in the Appendix.

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30. Ismail Sony, Legal Education in Indonesia, in Report of the Regional Conference on Legal Education, Singapore, 1962, p.76.
*The subjects in Lists A, B and C and the number of units to be appropriated to each subject are subject to change.

APPENDIX I

SCHEME OF COURSES, LAW, (Braddell - Allen Report)

I DEGREE OF BACHELOR OF LAWS (LL.B.)

FIRST YEAR

General courses in English language: phonetics, diction, composition and style, and in logic, together with the following three introductory courses:

(1) General Elements of Law

(a) Nature and origin of law – rule of law in its relation to public and private affairs – development of English Common Law and Equity – main characteristics of the English and Malayan legal systems;

(b) Sources of Law – legislation – statutory interpretation in very broad outline – textbooks (Coke, Blackstone, etc.) – Case Law – Custom;

(c) Organisation of English and Malayan Courts – general jurisdiction – Judicial Committee of the Privy Council – Personnel of the Law in England and Malaya;

(d) Legal persons, natural and artifical – the theory of binding precedent – explanation of the branches of law and their main characteristics (i) administrative law (ii) criminal law (iii) common law (iv) equity (v) contract (vi) tort (vii) family law (viii) property law;

(e) Broad outline of legal procedure and the acceptance of evidence – principle upon which criminal guilt is ascertained – principle upon which the successful party in litigation is ascertained.

N.B. Law is so unfamiliar a subject that we feel it to be necessary that a student should first understand the legal background against which his studies will be set and we prefer this to an academic study of Jurisprudence.

(2) Elements of Constitutional Law

(a) Nature of constitutional Law – sources and general characters of (a) English (b) Singapore (c) Federation of Malaya Constitutional Law – Supremacy of Parliament – degree to which Malayan Legislative Assemblies are supreme – Constitutional Conventions – Parliamentary privilege in England and Malaya – characteristics of delegated legislation;

(b) English and Malay Sovereignty – the royal prerogative – the executive – cabinet government – ministerial responsibility – foreign relations – finance – Federation and State governments and division of powers;

(c) Judiciary – control over executive and quasi-judicial acts and orders – remedies – the Queen, the Federation and States as litigants;

(d) Subject and Citizens – rights and duties – position of aliens – emergency powers – military and material law;

(e) British Commonwealth – nature and growth – relations with English Crown and Parliament – relations between other members inter se – allegiance and citizenship within the Commonwealth.

(3) Elements of Law Contract

Nature of Contract – formation of contract – form and consideration – capacity of parties – reality of consent – legality of object – discharge of contract – remedies for breach.

N.B. This course must be based on the English law (which applies in Singapore, Penang and Malacca) but must be illustrated also from the Contracts (Malay States) Ordinance, 1950.

SECOND YEAR

The following five courses:

(4) Construction of Documents

General principles of construction – admissibility of extrinsic evidence – particular rules of construction – interpretation of statutes.

(5) Law of Evidence and Civil Procedure

(a) Evidence – sources of the law in Malaya – relevance – what must be proved – what need not be proved – what may not be proved – what may be proved – method of proof – hearsay, exceptions, presumptions – privilege – quantum of proof in criminal law and in civil law – corroboration, accomplices – functions of the court;

(b) Civil Procedure – sources of the law in Malaya – methods of initiating legal action – procedure in all action in the High Court – originating summonses and other proceedings – rules of pleading – rights of appeal – procedure upon appeal.

(6) Law of Tort

(a) Outlines of the history of the law of tort – general principles of liability – remoteness of damage – who may sue or be sued vicarious liability – effect of death;

(b) Torts against the person – deceit – malicious prosecution – false imprisonment – defamation of character;

(c) Torts against property – trespass to land – trespass to goods – possession, detinue, conversion, cognate trespasses;

(d) Nuisances – liability for dangerous operations, chattels and premises;

(e) Negligence, including liability in respect of statutory rights and duties;

(f) Inducement of breach of contract, intimidation and conspiracy.

(7) Law of Contract

This will be an advanced course and must include quasi-contracts, special kinds of contracts (mercantile, insurance, building, public officers), and the general principles relating to frustration of contract.

N.B. This should be as far as possible a practical course with particular reference to the law in the Malay States where that differs from the law in Singapore, Penang and Malacca. Reference should be made to leading cases.

(8) Criminal Law

(a) Classification of crimes in Malaya – nature of crimes – general rules of procedure in Malaya – Courts of criminal justice in Malaya – general principles of responsibility and of exemptions from responsibility – degrees of participation – inchoate crimes;

(b) Penal Code, offences against the person;

(c) Penal Code, offences against property;

(d) Penal Code, offences against the Crown and the Government, public justice, public peace and morals;

(e) Offences against specific laws, taking only the principal ones;

(f) Presumptions against accused persons in outline – rules relating thereto.

THIRD AND FOURTH YEARS

The following eleven courses:

(9) Malayan Legal History

(a) The three Settlements up to 1867 – lex loci – Charter of Justice – recognition of 'native customs';

(b) Crown Colony of the Straits Settlements and effect upon previous law;

(c) The Federated Malay States – basis of law and recognition of foreign customs;

(d) The Unfederated Malay States – basis of law and recognition of foreign customs;

(e) The Malayan Union – sources – effect upon the previous state of affairs in Malaya;

(f) The Crown Colony of Singapore – sources – basis of law and recognition of 'native customs';

(g) The Federation of Malaya – instruments by which brought into force – the Agreements – basis of law and recognition of foreign customs.

(10) Malayan Constitutional Law

This must be an explanatory course concerning the constitutions of Singapore, the Federation and the Malay States and arranged so as to fit into the course upon the legal history.

(11) Equity

Historical development – jurisdiction – maxims of equity – equitable interests and priorities; assignment of chooses in action – conversion and reconversion – election, performance, satisfaction effect of acquiescence and laches – mortgages, pledges and liens – married women and infants – remedies; specific performance, injunction, damages – rectification – rescission – receivers.

(12) Master and Servant

Nature of contracts of service – formalities, Statute of Frauds, parties, infants, etc., wages – duties of servants – contracts in restraint of trade – Trade Unions – notice of dismissal: actions for wrongful dismissal – liability of master for acts of his servants – rights of master against third parties – local legislation concerning trade disputes.

N.B. This course must be directed to the law as it is in Singapore and the Federation, underlining any differences.

(13) Law of Partnership

Nature of partnership – creation – mutual agency of partners in relation to strangers – rights and liabilities of partners in relation to each other – dissolution – insolvency of partners – partnership actions – partnership articles – limited partnerships – estates of deceased partners, liability of surviving partners towards.

(14) Law of Agency

Nature and creation of the relation of principal and agent – different classes of agents– scope of agent's authority – liability of principal and agent to third parties – rights and

duties of principal and agent in relation to each other – termination of agency – agency of married women.

(15) Negotiable Instruments

This course should be related particularly to the law and banking practice in Singapore and the Federation.

(16) Sale of Goods

This course should be related particularly to the law in Singapore and the Federation, and should include the forms of international sales, such as the F.O.B. and C.I.F. contracts, bills of sale and hypothecation of goods.

(17) Company Law

The formation and incorporation of Companies, down to the obtaining of a certificate of Association: Articles of Association: Prospectus: Allotment of Shares: Capital Structure of a Company.

N.B. This must be Malayan Company Law only.

(18) Succession, Testate and Intestate

(a) Wills – codicils – capacity – making and revocation – executors – probate in outline only – construction;

(b) Intestate succession – laws in Malaya – administrators – grant of letters of administration in outline only;

(c) Devolution of property on executors and administrators – powers of disposition.

(d) Administration of estates – insolvent estates.

N.B. In this course the general principles of law governing the subjects in Malaya should be taught, but instruction in general practical principles should be given also.

(19) Land Laws

(a) General outline of the English law of real property so far as necessary for the purposes of the Malayan land laws – the various rights in or over immovable property which can be acquired in Singapore and the Federation, and the methods of acquisition – devolution on death of rights in or over land in Singapore and Federation.

(b) mineral rights, in general outline;

(c) the registration systems in Singapore and the Federation, and their relation to the Torrens system in Australia;

(d) covenants and easements – landlord and tenant – rent restriction (all in general outline);

(e) mortgages, charges and liens, (including equitable mortgages and transactions of the kind known as "unregistered mortgages" in the Federation);

(f) practical conveyancing in Malaya, in general outline but illustrated by precedents.

II PRACTICAL COURSE

This will be compulsory for those intending to become Advocates and Solicitors, but will be open to any other holders of a Bachelor of Laws degree who wish to take it. The present practice of reading in Chambers appears to present some difficulties; but it would be well if those taking this course could combine with it 3 to 6 hours a week in the Chambers of an Advocate and Solicitor. There should also be attendance in the Court of Appeal, the High Court, the District Courts, and the Magistrates' Courts in Singapore; and the Bench should arrange facilities for this as far as possible.

The course is intended to fit those who take it for professional life in the law and to simulate the requirements of that life. It will include:

(1) Elementary book-keeping and trust accounts;

(2) Etiquette, customs and conventions of an Advocate and Solicitor in his Court and office practice;

(3) Advocacy with emphasis upon the necessity for clear enunciation;

(4) The drafting of Court documents;

(5) The drafting of non-Court documents;

(6) The revenue laws (income-tax, customs, death duties, stamps);

(7) Bankruptcy laws and practice;

(8) Municipal laws and rent restriction (if any).

The teaching in (2), (3), (4) and (5) should be as individual as possible and the assistance of members of the Bar, Crown and Federal Counsel should be obtained as much as possible.

III DEGREE OF MASTER OF LAWS (LL.M.)

An advanced treatment of the following subjects:

(1) Conflict of Laws

(2) Company Law (advanced)

(3) Sucession, Testate and Intestate (advanced)

(4) Trusts

(5) Land Laws (advanced)

(6) Domestic Relations

(7) Bankruptcy

(8) Patents, Trade Marks, Copyright.

APPENDIX II

SCHEDULE OF COURSES – UNIVERSITY OF SINGAPORE 1971 - 1972

		First Year
Introduction to Legal Method	–	6 units
Law of Contract	–	6 units
Law of Tort	–	6 units
Criminal Law	–	6 units
		Second Year
Family Law	–	6 units
Land Law	–	6 units
Law of Associations	–	6 units
Public Law	–	6 units
		Third and Fourth Year
Estates & Trusts	(Third Year)	– 6 units
Evidence	(Third Year)	– 6 units
Civil Procedure	(Fourth Year)	– 6 units
Administration of Criminal Justice	(Fourth Year)	– 6 units

Students are to elect a further thirty-six units from Lists A, B & C; about eighteen units in the third year and another eighteen units in the fourth year. Students must elect at least twelve units from List A. Students may not elect more than twelve units from List C.

	List A*	
Commercial Transactions	–	6 units
Renevue Law	–	6 units
	List B*	
Banking and Negotiable Instruments	–	4 units
Conveyancing	–	6 units
Conflict of Laws	–	6 units
Creditors Rights	–	4 units
International Business Transactions	–	6 units
International Organisations	–	6 units
Jurisprudence	–	6 units
Landlord and Tenant	–	4 units
Labour Law	–	6 units
Moots	–	2 units
Public International Law	–	6 units
Shipping Law	–	6 units

List C*

The list comprises subject offered by other departments and will be announced later.

The subjects in Lists A. B and C and the number of units to be appropriated to eaco subject are subject to change.

APPENDIX III

INDIAN UNIVERSITIES

THREE-YEAR SIX-TERM LL.B. DEGREE COURSE OF STUDY

First Year			Second Term			Third Term		
I Term	II Term		III Term	IV Term		V Term	VI Term	
1. Legal History of India	1. Constitutional Law – I	PRACTICAL TRAINING	1. Constitutional Law – II	1. Public International Law	PRACTICAL TRAINING	1. Jurisprudence – I	1. Jurisprudence – II	PRACTICAL TRAINING
2. Family Law – I	2. Family Law – II		2. Law of Evidence	2. Administrative Law		2. Interpretation of Deeds & Statutes & Drafting of Statutes	2. Hindu Jurisprudence	
3. Law of Crimes	3. Law of Civil Procedure		3. Property – I	3. Property – II		3. One of the subjects in group XII	3. One of the subjects in group XII	
4. Law of Contracts	4. Law of Criminal Procedure		4. Business Organization – I	4. One of the optional		4. One of the optional	4. One of the optional	
5. Law of Torts	5. Legal Remedies		5. Business Organizations – II	5. groups I - XI		5. groups I - XI	5. groups I - XI	
6. Legal Research	6. Moot Court		6. Legal Writing	6. Moot Court or Study of selected Legal Problems		6. Moot Court or Study of selected Legal Problems	6. Current Legal Problems	
7. English	7. English		7. English	7. English		7. Hindi	7. Hindi	

APPENDIX IV

Proposed Law Syllabus for University of Malaya

First Year

1. Introduction to Malaysian Legal System and Legal Method.
   Sources of Law, Legal System and Constitutional and Legal History of Malaysia.
   Basic Legal concepts, the doctrine of precedent and statutory interpretation.
   Branches of Law in Malaysia and their main characteristics.

2. Law of Contract – General principles of the Law of Contract.

3. Law of Tort – General principles of civil liability for harm and losses caused, such as injuries to the person, physical damage to property, damage to financial interests, reputation etc.

4. Language – English/Malay 3(units)

Second Year

1. Criminal Law – Criminal Liability and exceptions from liability under the Penal Code.

2. Family Law – The law relating to the formation, annulment and dissolution of marriage in Malaysia together with legitimacy, adoption and custody of children, rights of husband and wife in matrimonial property and the rights of the wife to maintenance.

3. Constitutional and Administrative Law.
   A study of basic constitutional concepts and their scope of operation.
   Attention is also focussed on administrative law problems in Malaysia.

4. Law of Associations.

5. Language – English/Malay (2 units)

Third Year

1. Land Law. The general principles of the law relating to immovable property and registration of title.

2. Estates and Trusts. General principles relating to testate and intestate succession, administration of assets of a deceased's estate, trusts and the administration of trusts.

3. Evidence. The general principles of the Law of Evidence in civil and criminal cases.

4. Commercial transactions –

   This course deals with commercial transactions involving all forms of movable property, with particular attention to the Sale of Goods Act and, the Hire Purchase Act.

5. Any one of the following:

   (i) Malay customary Law

   (ii) Muslim Law

   (iii) Native Customary Law

   (iv) Comparative Law

   (v) Conflict of Laws

6. Language: English/Malay (one unit)

Fourth Year

1. Jurisprudence

2. Civil Procedure

   Practice and Pleadings in the Civil Courts in Malaysia.

3. Criminal Procedure

   Practice and Procedure in criminal courts in Malaysia.

4. Renevue Law

   Basic provision of taxing statutes in Malaysia.

5. Two of the following:

   (i) Public International Law

   (ii) Banking and Negotiable Interests and Insurance

   (iii) International Business Transactions

   (iv) Landlord and Tenant

   (v) Shipping Law

   (vi) Labour Law

APPENDIX V

The establishment of the Law Faculty in Singapore for 1971/72 is as follows:

3 Professors

3 Senior Lecturers

19 Lecturers

1 Secretary I

1 Secretary II

2 Secretary III

1 Clerk

2 Clerical Assistants

3 Typists

2 Servants (Grade I)

1 Servant (Grade II)

The establishment costs for 1971/72 will be $619,000/-. In addition there is a provision of $35,000/- for part time teaching and the departmental grant for Law is $14,000/-.

During 1970/71 there were 340 undergraduate students and 17 graduate students.

It is suggested that the staff for the Faculty of Law be planned as follows:

1971	1 Professor	2 Lecturers (Transfer from FEA)
1972	3 Lecturers	
1973	1 Senior Lecturer	3 Lecturers
1974	1 Professor	3 Lecturers
1975	1 Senior Lecturer	3 Lecturers