

Legal Monolingualism in a Multilingual State: Whither Bilingual Legal Education in Singapore?



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1 Introduction

The short, simple, and surprising answer to the question “does Singapore offer bilingual legal education?” is this: “for practical intents and purposes, no”. How can a highly-developed and wealthy jurisdiction where four languages are constitutionally recognised as ‘official languages’¹ and whose population has always been ethnically, linguistically, and culturally diverse *not* have legal bilingualism—or indeed, multilingualism? The legal monolingualism that has long been—and continues to be—a feature of law in Singapore is startling in contrast with jurisdictions in Europe, where multilingual legal education seems to have thrived together with (or in spite of?) multiethnicity and multilingualism (c.f. Chapter “Language in Law and in German Universities’ Legal Education” by Grundmann). Indeed, when it comes to the field of law, Singapore linguistically resembles the Anglophone former

I am grateful to Samantha Tang for our discussions and her comments on earlier drafts, and to my late father Jackson Koh for sharing his experiences as a former member of the Singapore teaching service. I also thank the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore for financial support towards my participation at the International Academy of Comparative Law’s XXth General Congress held in Fukuoka in 2018.

¹Constitution of the Republic of Singapore (Constitution), art 153A(1): “Malay, Mandarin, Tamil and English shall be the 4 official languages in Singapore.” Note that the ‘national language’ is, however, Malay: Constitution, art 153A(2): “The national language shall be the Malay language and shall be in the Roman script . . .” The Constitution (art. 53) further provides that “[u]ntil the Legislature otherwise provides, all debates and discussions in Parliament shall be conducted in Malay, English, Mandarin or Tamil.”

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Dominions (and England itself) more than other ex-British colonies with comparably diverse ethnic, linguistic, and cultural compositions.

The questions are thus: why did Singapore never develop bilingual legal education, and what does this mean for Singapore legal education going forward? The goal of this Chapter is neither to idly speculate, nor to present mountains of hard evidence to support an elegant theory. Written from the perspective of an insider, this Chapter offers a set of hypotheses that are not inconsistent with the facts and the limited extant evidence. The overarching hypothesis may be simply stated: bilingual legal education is difficult, if not impossible, to achieve due to the combined effects of state language policy and economic realities.

The rest of Chapter is as follows. Section 2 offers a brief primer to the past and present of multilingualism in Singapore, with special attention given to the role of state language policy in education post-independence. Section 3 describes the treatment of languages other than English in the judicial process. Section 4 provides a general overview of the legal education landscape in Singapore, with particular focus on one law school, the National University of Singapore Faculty of Law (“NUS Law”). Section 5 introduces the limited opportunities available to students at or through NUS Law to receive legal education in a language other than English. The prospects for bilingual legal education in Singapore are discussed in Sect. 6, and Sect. 7 is a brief conclusion.

As much of the information relevant to this subject is contained in ephemera that are not necessarily archived or kept publicly accessible, much of this Chapter is based on the (possibly flawed) personal recollections of the reporter; caveats are made expressly where an assertion is based on memory, and apologies are offered for any inadvertent errors. Every reasonable effort has been made to state the facts as known to the reporter as of 20 May 2018, although some sources are updated through 30 May 2019.

2 Multilingualism in Singapore

2.1 *History*

A trading port for centuries, Singapore has been ethnically and linguistically diverse since long before its ‘founding’ as a trading post of the British East India Company (Chew 2013; Bolton and Ng 2014). Shortly before independence, English and Mandarin Chinese were spoken respectively by only 1.8 and 0.1% of the population; the most widely spoken languages were a southern Chinese dialect/language (Hokkien) (understood by 80% of the Chinese community) and Malay (spoken by just under half of the total population). Even within what we would now perceive as more or less a single Chinese ethnic community—that have formed a plurality of the local population since 1891 and a majority since at least 1931—there was considerable linguistic diversity; at independence the plurality first language of the Chinese ethnic community was Hokkien (39%). The Indian community was also

linguistically fragmented, albeit less so, with speakers of predominantly Tamil making up 59% of that community. The Malay community was by far the most homogenous with 85% speaking Malay (Bolton and Ng 2014, p. 308). Even well after independence, it is estimated that the average adult Singaporean were conversant in six to eight languages or dialects, but seldom English (Bolton and Ng 2014, p. 309).

For most of its history, different languages served different functions in Singapore. Whereas the local population used a form of Malay or Hokkien for cross-community communication until well after independence, English was the language of administration continuously through British colonial rule and later self- and independent government (Bolton and Ng 2014, p. 309). The differentiated roles of English and other languages—apart from a brief period during which Malay proficiency was a mandatory requirement for would-be public servants²—would also be reflected in the official language policies of modern Singapore.

2.2 *State Language Policy*

Language policy has been a key government concern since the attainment of limited and then full self-government in the 1950s, and especially since gaining full independence upon separation from the Federation of Malaysia in 1965. The extent to which language was a politically sensitive issue in Singapore, as it was with other states and nations in the region, was fully appreciated by the (self-governing) state government (Lee 1960). Right from independence, the state took the official position, subsequently constitutionally entrenched, that the four official languages—Mandarin Chinese, English, Malay, and Tamil—would have official and co-equal status (Constitution, art 153A(1)). The national language is Malay (Constitution, art. 153A(2)); in practical terms today, it is the language of the national anthem and for ceremonial purposes.

Singapore citizens are classified for official purposes into four racial categories: ‘Chinese’, ‘Malay’, ‘Indian’, and ‘Others’ (Au-Yong 2016). A person classified into a particular racial category is required to be taught the language corresponding to that racial category as ‘mother tongue’.³ The government’s goal was to encourage

²The reporter’s father was a graduate of Mandarin Chinese-medium high school and served as a public school teacher (and therefore a public servant) from early 1965 (shortly before Singapore gained full independence by separating from Malaysia) to 1971. He recounted that his teachers’ training was, with the exception of a single course in Mandarin Chinese, conducted entirely in English. He also recounted that in order to be ‘confirmed’ (earn tenure), it was necessary to pass a Malay language examination—a requirement that would eventually be abolished some years later.

³i.e. Mandarin Chinese for ‘Chinese’, Malay for ‘Malay’, Tamil, Hindi, or another Indian language for ‘Indian’. For ‘Others’ the situation is more complicated, but generally speaking the language spoken at home (if one of the recognised Indian languages other than Tamil), an official language other than English, or a another foreign language (French, German, or Japanese) may be acceptable.

students to be bilingual in English and a mother tongue (National Library Board 2016). It is important to note that despite ethnic Chinese making up a supermajority of the post-independence population, the government did not at any time elevate a Chinese language or dialect above Malay or Tamil as a matter of official policy. As Singapore's long-serving Prime Minister Lee Kuan Yew shared in a memoir, making Chinese Singapore's (sole) official language would not have been palatable to the non-Chinese population; English had to be chosen as the 'working language' for 'political and economic reasons', but each member of an ethnic community would also be instructed in its own 'mother tongue' for 'self-confidence and self-respect' (Lee 2012, pp. 59–60). The 'mother tongues' were not necessarily the specific language variety spoken at home by a citizen; rather, Mandarin Chinese was assigned to the Chinese community, Malay to the Malay community, and Tamil to the Indian community as these were considered 'most relevant and applicable' (Bolton and Ng 2014, p. 310). Nevertheless, Mandarin Chinese became a matter of special interest to Prime Minister Lee; he perceived the use of dialects by members of the Chinese community as an 'obstacle to learning Mandarin and English in school' and a threat that would 'displace Mandarin and strengthen the position of English' (Lee 2012, p. 150).⁴

In its early form, government language policy recognised all four official languages as media of instruction in schools, but all vernacular medium schools teaching in Mandarin, Malay, and Tamil were phased out by 1987 due to declining enrolment (Bolton and Ng 2014, p. 309). English thus gained ascendance as the medium of instruction in primary and secondary education (Tan 2014, p. 338), with the vernacular languages reduced to 'second languages' over the course of the twentieth century.⁵ Although students are assigned to study 'mother tongues' generally by ethnicity rather than the language that is actually spoken at home (especially if it is not one of the four official languages), individual students may request to be allowed to study as mother tongue an official language (that is not English) that does not match their ethnicity (Silver and Bokhorst-Heng 2016, pp. 10–11).⁶ There are also programmes run by the government for secondary school students to study a third language on top of English and mother tongue (Ministry of Education 2017).⁷

⁴To Prime Minister Lee, Mandarin 'unites the different dialect groups' and 'reminds the Singapore Chinese that they are part of an ancient civilisation with an unbroken history of over 5000 years' (Lee 2012, p. 150). There remains, however, resistance from the local ethnic Chinese community against the government's stance on Chinese dialects up to the present (Tan 2012).

⁵There are partial exceptions where subjects such as mathematics are taught on an experimental basis in Chinese in some schools, but these comprise only a very small minority.

⁶The reporter is personally aware of one case where an acquaintance of the same grade level, who is ethnically Chinese, spent most of his pre-secondary education overseas in international schools, and was permitted to substitute French for his mother tongue (which would have been Mandarin Chinese had the general principle been followed) requirement.

⁷As of 2018, the options include Malay, Chinese, Bahasa Indonesia, Arabic, French, Japanese, German, and Spanish.

The clear demarcation between the primarily cultural role played by the ‘mother tongues’ (in contrast to the technological and economic role of English) in the government’s original language policy became blurred around the turn of the century, when the government began attempting to emphasise the economic value of the ‘mother tongues’ in a shift towards what has been coined ‘linguistic instrumentalism’ (Wee 2003). In particular, in light of developments in the People’s Republic of China, Mandarin Chinese came to be singled out for special treatment for perceived economic advantages (Wee 2003, pp. 216–217; see also Wee 2006, p. 353). The overall trend seems to be towards greater use of English as the primary language at home, so much so that it may be appropriate to consider English not just as an official language, but also a mother tongue in its own right (Tan 2014).⁸

Local university admissions⁹—and especially for law faculties, which are perceived to be (and in reality generally are, at least in recent times) the most selective faculties next to medicine—generally require a passing grade on mother tongue as well as English in school-leaving examinations, it is not unreasonable to assume that most local law students in Singapore have or retain some working knowledge of at least their mother tongue. However, students and graduates of local universities are not necessarily the multilingual elites that they might have been expected to be. Although census data suggests that a substantial minority (12.6%) of university graduates are literate in three or more languages (Siemund et al. 2014, p. 345 tbl 5), research has found that university students are more likely to be only bilingual (usually in English and Mandarin Chinese only), whereas polytechnic¹⁰ students are more likely to be multilingual in English, Mandarin Chinese, and either Hokkien or Cantonese (Siemund et al. 2014, p. 353 fig 5, 358). For the narrow subset of university students and graduates that are from NUS Law, hard statistics do not exist, but in the reporter’s experience¹¹ there is little to suggest that (at best) more than perhaps a bare majority of local students at NUS Law are truly functionally bilingual.

⁸The reporter self-identifies as a native speaker of English, despite having Mandarin Chinese as the ‘mother tongue’ assigned by the Singapore government.

⁹Admission to university faculties in Singapore is competitive; there is no right to a place at a local university just because an applicant has completed the required course of pre-university studies.

¹⁰Polytechnics are vocational training institutions typically offering three-year courses that enroll the plurality of Singapore secondary school graduates. They correspond to level 5 on UNESCO’s International Standard Classification of Education (ISCED) 2011 (or ISCED 1997 level 5B) framework.

¹¹Over 3 years in residence as a law undergraduate, 2 years as law faculty teaching staff, 1 year in professional training and practice, and 2 years as law faculty research staff, plus an additional two years’ experience teaching law in a Singapore business school.

3 Legal Monolingualism

Whatever the reality of language policy and language use is in the schools, markets, workplaces, or homes of Singapore, the practice of law—and especially court-related work—is its own bubble. Here, only one language matters: English. Order 92 Rule 1 of the Rules of Court (Cap 322, R5, 2014 Rev Ed), which is the main instrument governing civil procedure in Singapore, states unequivocally that

Every document if not in the English language must be accompanied by a translation thereof certified by a court interpreter or a translation verified by the affidavit of a person qualified to translate it before it may be received, filed or used in the Court.

In similar vein, section 286(2) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) provides:

Evidence recorded in writing or, if it is not recorded in writing, the transcript of the evidence recorded, must be in English and signed by the judge hearing the case; and shall form part of the record.

In practice, all legal proceedings except the giving of oral evidence by a witness (which will be interpreted into English, if applicable) are conducted entirely in English. There is no right, whether at civil or criminal law, to conduct legal proceedings even in any of the three official languages other than English. The existing case law further makes it clear that even a judge who is conversant in the language of a non-English document is not permitted to substitute their own understanding for a version translated by a qualified translator or the opinion of expert witnesses.¹² All legislation, whether by Parliament or delegated authorities, are only made in English, with no official versions even in the other three official languages.

Outside the courtroom, however, the three other official languages have a more significant role to play. Constitutionally, legislative deliberations may be conducted in any of the four official languages (Constitution, art 53), and as a matter of practice,¹³ government services (in-person only¹⁴) are provided and government communications are made in all four official languages. Nevertheless, it would not be inaccurate to characterise law and its practice in Singapore as the exclusive domain of the English language.

¹²See the judgment of the Singapore High Court in *Shi Wen Yue v Shi Minjiu and another* [2016] SGHC 137; [2016] 4 SLR 911 at paras. 7–8. However, as any legal practitioner with court experience in Singapore would observe, it is not uncommon for counsel or a judge familiar with the language in which oral evidence is given by a witness to alert the interpreter to possible errors in interpretation.

¹³There are specific statutes and regulations providing for the mandatory use of official languages other than English, but there is no general provision to the best of the reporter's knowledge mandating all government services to be accessible in all official languages.

¹⁴Online services are generally only available in English.

4 The Legal Education Landscape: General Background

4.1 *National University of Singapore Faculty of Law*

Founded in 1957 as the Department of Law of the University of Malaya (which was renamed the University of Singapore and later merged with Nanyang University), the National University of Singapore (NUS) Faculty of Law (NUS Law) is the largest law degree-granting institution department in Singapore.¹⁵ It is also generally perceived as the most prestigious, and benefits, as part of a comprehensive university, from the relatively high positions achieved by NUS as a whole in global rankings. NUS Law is for practical intents and purposes the face of Singapore legal academia for international purposes. The rest of the Chapter will focus on the situation within NUS Law as this is the context with which the reporter has the greatest familiarity and personal experience on which to draw on.

4.1.1 Student Body Profile

NUS Law admits approximately 220–240 students every year for its 4-year LL.B. programme.¹⁶ Over 100 students are admitted to its LL.M. programme per year,¹⁷ and 3–5 candidates are admitted to the Ph.D. programme each year.¹⁸

The vast majority of students (90–95%, by impression) enrolled in the NUS Law LL.B. programme are local (i.e. Singapore citizen¹⁹) students.²⁰ The bulk of foreign students enrolled as undergraduates typically have received a substantial part of their

¹⁵For a general, concise history, see Tan (2017b).

¹⁶For academic year 2017–2018, 221 (120 men, 101 women) were enrolled as first year undergraduates; 228 (122 men, 106 women) as second year students; 239 (147 men, 92 women) as third years; and 240 (141 men, 99 women) as fourth- (and final-) year students in the LLB programme (<http://www.nus.edu.sg/registrar/info/statistics/ug-enrol-20172018.pdf>). Note that Singapore does not generally keep statistics on genders other than male and female.

¹⁷AY 2017–2018: 120 students (36 men and 84 women) over 7 LLM programmes (<http://www.nus.edu.sg/registrar/info/statistics/gd-enrol-20172018.pdf>);

AY 2016–2017: 105 (36 men, 69 women) over 7 LLM programmes (<http://www.nus.edu.sg/registrar/info/statistics/gd-enrol-20162017.pdf>);

AY 2015–2016: 122 (37 men, 85 women) (<http://www.nus.edu.sg/registrar/info/statistics/gd-enrol-20152016.pdf>).

¹⁸There were 17 PhD candidates enrolled in AY2015–2016; 15 in AY 2016–2017; and 16 in AY 2017–2018 (sources in footnote 3). The PhD is designed to be a 3–4 year full-time programme, although historically part-time candidates were enrolled as well. Anecdotally, there are virtually no cases of candidates dropping out (i.e. not finishing), which makes 3–5 new candidates per year a fairly safe estimate.

¹⁹For this Chapter, I use ‘local’ to mean exclusively ‘Singapore citizens’. As Singapore does not officially permit dual citizenship for adults (Constitution, Part X on Citizenship), it is safe to assume that a Singapore citizen is, for present intents and purposes and by legal definition solely and exclusively ‘local’.

²⁰There are no official statistics on this point.

pre-university education, ranging from 2 (high school) to 6 years (middle and high school), in Singapore, and usually under an established government scholarship scheme.²¹ However, the proportion is reversed for the graduate programmes. LL.M. programmes are dominated by foreign students, with only a handful of local students enrolled each year,²² and there have, to the best of the reporter's knowledge, only been a few local students who have graduated from the Ph.D. programme in the last 10 years or so.²³

As a matter of impression, NUS Law has a relatively diverse student population by national origin at the graduate level and in terms of incoming undergraduate exchange students, but official data on the composition of the student body is not available. Students from (not in any particular order) Malaysia (primarily undergraduate), P.R. China, and India seem to be the most numerous.

4.1.2 Faculty Profile

As of 23 March 2017, counting full-time (excluding emerita), tenured, tenure-track, and untenured positions at the rank of lecturer or above, foreigners make up an estimated 47.6% of the faculty (30 out of 63).²⁴ This does not include a number of special contract, full-time positions created primarily for locals (for which an estimated 10 out of 11 are locals).²⁵ I do not include in this count a number of locals who have professorial titles but who neither teach nor conduct research nor contribute materially in any direct, visible way to the faculty,²⁶ and I do not include a large body of part-time (some of whom are foreigners holding 'fractional appointments'),

²¹For an example, see the Singapore Ministry of Education's 'ASEAN Scholarship' scheme: <https://www.moe.gov.sg/admissions/scholarships/asean>.

²²Precise figures are not available, but anecdotally, there are no more than five local students in the LL.M. programmes each year, of which at least one or two are on scholarship.

²³One was for many years an associate professor of law at the business school of another local university and now a consultant at a local law firm, and the other was an assistant professor before earning tenure and promotion to associate professor at NUS Law in 2021.

²⁴Based on the list at https://law.nus.edu.sg/about_us/faculty/staff/staffdiv.asp as of 12 Mar 2018. One local faculty member was then recently deceased but remained on the list. The estimations are based on the reporter's personal knowledge and guesswork. As a rule of thumb, where there is no specific information either publicly- or personally-known to the reporter, the faculty member is assumed to be a citizen of the country in which they received their first degree. Despite this heuristic, the citizenship status of some faculty, especially those holding Malaysian citizenship at some point, is not necessarily clear. For historical reasons, many Malaysian faculty members were educated in Singapore (including at NUS Law itself) and are for general intents and purposes virtually indistinguishable from full naturalised or born locals. Naturalised citizens are counted only as locals as Singapore does not recognize dual citizenship (c.f. note 12 above).

²⁵Under the category 'Sheridan Fellow' at https://law.nus.edu.sg/about_us/faculty/staff/staffdiv.asp. One faculty member in this category is known to be foreign-born but their current citizenship status is unknown to the reporter. Disclosure: the reporter worked at NUS Law in this capacity from 2014 to 2016.

²⁶This category includes several politicians and diplomats, all in service to Singapore, but whose presence or activity on campus itself is *de minimis* or non-existent.

adjuncts, or legal skills instructors, all of whom are predominantly local. The count also does not include a considerable body of research staff based at the research centres or postdoctoral fellows. To the best of my knowledge, there is no local research staff who also teaches at NUS Law.²⁷

Despite the large number of foreign faculty, most hail from other common law jurisdictions and relatively few are legally-trained in a language other than English.²⁸ As we will see later in 5.1, only two past full-time faculty members appear to have played a long-term role in teaching law courses at NUS Law in another language.

4.1.3 Courses by Visiting Professors

NUS Law receives a substantial number of visiting foreign academics each year who teach usually intensive three-week-long courses. For the academic year 2017–2018, NUS Law welcomed a total of 25 visiting professors based in Canada (1), Japan (1), England (9), Australia (8), United States (7);²⁹ this figure only includes visitors who taught at least one intensive course over 3 weeks.³⁰ The reporter can confirm from personal knowledge that the visiting professor from Japan teaches in Japanese in his home institution, but it is unclear whether any other visitor in the above academic year has ever or is able to teach in a language other than English.³¹

In light of the overwhelmingly US/Anglo-Commonwealth origin or dominant affiliation of NUS visiting professors—at least for AY2017/18—combined with the past practice of NUS Law generally not to offer law courses taught in languages other than English (but for one notable exception discussed later), NUS Law’s visiting professor programme is yet to be harnessed as a vehicle for bilingual legal education.

4.2 *Singapore Management University School of Law*

Singapore Management University’s (SMU) School of Law (SMU Law) admitted its first degree candidates in 2007 (Wee 2007). Bilingual education opportunities at

²⁷ Indeed, as of May 2018, there was (to the reporter’s knowledge) no local postdoctoral fellow at all.

²⁸ A precise count is difficult, but a fair estimate would be ten or fewer. On the educational background of NUS Law faculty members, see also Bell (2019), pp. S35–S36.

²⁹ One is based in both England and Australia and thus double-counted.

³⁰ https://law.nus.edu.sg/about_us/visitors/visitors_s11718.html; https://law.nus.edu.sg/about_us/visitors/visitors_s21718.html.

³¹ A previous (Anglophone) visiting professor from McGill University shared informally with a group of persons (which included the reporter) that he was able to take questions from students in French and to understand and evaluate written work in French, but that he preferred to communicate in English wherever possible.

SMU Law began with the move from NUS Law to SMU Law of a professor hailing from the People's Republic of China. After arriving at SMU Law, she was responsible for the first "Introduction to Chinese History, Culture, Economy and Law" course, which appears to have been taught entirely in Mandarin Chinese (Yang 2009; Singapore Management University n.d.-a). She was also listed as a faculty member responsible for a course featuring a study mission to the People's Republic of China, that featured a course component in the Chinese language (Singapore Management University n.d.-b). The Introduction to Chinese History, Culture, Economy and Law course appears to be currently under the charge of another faculty member, who appears to have also received his first degree from and have roots in the People's Republic of China (Singapore Management University n.d.-c). In this regard, the bilingual legal education situation in SMU is not dissimilar to NUS (discussed in more detail at Sect. 5.1 below).

4.3 Singapore University of Social Sciences School of Law

The Singapore University of Social Sciences ("SUSS") (formerly UniSIM until 11 July 2017) School of Law is the newest of the local law schools, admitting its first students in January 2017 (Tan 2017b, p. 197). This law school was established as a response to the observation of policy makers in 2013 that young lawyers were not entering the practice of criminal and family law in sufficient numbers. A key reason for the dearth of young entrants in these fields was their lack of appeal to both graduates of the existing two law schools (who were mainly top local students) and those who had earned their degrees abroad usually at great expense. The new law school was aimed at remedying this (actual or prospective) shortage by giving preference to candidates 'who demonstrate a genuine interest in the practice of community [i.e. family and criminal] law' (Fourth Committee on the Supply of Lawyers 2013, p. 12).

The official curriculum does not appear to include any course not taught in English (Singapore University of Social Sciences 2019). This is surprising when one takes into consideration this law school's professed orientation towards the practice of criminal and family law, which are precisely the areas in which a good proportion of clients are likely not to be fluent or even conversant in English. Given that there does not seem at the time of writing any component for student exchanges with foreign non-Anglophone universities, SUSS cannot be said to offer any bilingual legal education as of 2018.

4.4 Foreign Universities

Singapore,³² like several other Commonwealth jurisdictions,³³ recognises some (but not all) law degrees conferred by certain institutions in other jurisdictions (Commonwealth and USA) for the purposes of admission to practise law. In general, a law degree, even if awarded by a recognised foreign university, will not be recognised if the course leading to that law degree is an accelerated or double degree course.³⁴ As law degrees offering substantial foreign language and foreign law training in the UK are likely to fall outside the scope of recognised degrees, it is improbable that persons admitted to the practice of law in Singapore on the basis of foreign degrees would have received substantial bilingual legal education.

5 Opportunities for Bilingual Legal Education at the National University of Singapore Faculty of Law

5.1 The ‘Chinese Legal Tradition and Legal Chinese’ Course

As foreshadowed above, no institution in Singapore has—or ever had—‘bilingual legal education’ in any meaningful sense. As of May 2018, NUS Law offered only one course—‘Chinese Legal Tradition and Legal Chinese’ (NUS IVLE n.d.)—is taught in a language other than English.³⁵ This is an elective course taught for many years, until his departure from NUS Law in 2020, by a professor born in and educated in the People’s Republic of China.^{36,37} The course is read mostly by third- and

³²See the list published by the Ministry of Law at <https://www.mlaw.gov.sg/content/minlaw/en/practising-as-a-lawyer/approved-universities.html>.

³³Another prominent example is Malaysia, which recognizes law degrees from 14 Australian and 5 New Zealand universities, as well as both Barrister and Solicitor qualifications of England and Wales: (http://www.lpqb.org.my/index.php?option=com_content&view=article&id=47&Itemid=61). Most states and territories in Australia apply a set of uniform principles when determining if an overseas-educated or -qualified applicant should be admitted to the practice of law: Law Admissions Consultative Committee, *Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession* (August 2015, rev June 2017). Mutual recognition of qualifications for legal practice in Australia and New Zealand is governed by their respective (national-level) legislation (each titled Trans-Tasman Mutual Recognition Act 1997) and state equivalents in Australia.

³⁴Legal Profession (Qualified Persons) Rules (R 15, Cap 161), rr 11–12.

³⁵Disclosure: the reporter has read this course before (in Academic Year 2012–2013).

³⁶The professor received bachelor’s and master’s from institutions in the People’s Republic of China, and also earned degrees from institutions in England (taught master’s) and the United States (LL.M. and S.J.D.).

³⁷[https://scholars.cityu.edu.hk/en/persons/jiangyu-wang\(2215380f-8082-4dbd-a3ed-f8e2c7dd0a86\).html](https://scholars.cityu.edu.hk/en/persons/jiangyu-wang(2215380f-8082-4dbd-a3ed-f8e2c7dd0a86).html).

fourth-year undergraduates.³⁸ The course description is worth quoting at length (NUS IVLE n.d.):

This course provides an introduction to the contemporary Chinese legal system, covering its historical evolution, legal culture, sources of law, key legal institutions, the legal profession, and selected areas of law, as well as, practical legal Chinese in terms of reading and drafting legal documents in Chinese. **It is conducted entirely in Mandarin and is intended for students who possess a basic level of legal Chinese.** Unfamiliarity with Chinese legal materials and inability to comprehend legal Chinese are common disadvantages faced by Singapore lawyers advising clients who do business in China. This course aims to deal with this by offering practical skills in the context of an understanding of the broader legal system and legal culture of China. Students are given selected Chinese legal articles, statutes, court decisions and other legal documents and instruments to read and are required to undertake practice assignments in Chinese. After the study, students will be expected to be able to interpret Chinese legal concepts in Chinese. After the study, students will be expected to be able to interpret Chinese legal concepts in Chinese. Particularly, we will

- examine the history, structure, and basic principles and methods of the legal system in China;
- consider the historical, social and cultural contexts in which Chinese law has evolved and operated, and understand the role of law in China's political, social, and economic developments;
- study original Chinese legal documents including statutes, court rulings, government publications, journal articles, and news and commentaries.
- learn the skills and methods essential to the understanding and practice of Chinese law, such as statutory interpretation, case analysis, legal research, legal writing and dispute resolution.

(minor typographical errors fixed; bold emphasis in original)

The key features of this course may thus be summarised as follows:

- Taught entirely in Mandarin Chinese by a relatively senior, tenured faculty member
- The law that is taught is the law of the People's Republic of China, not Singapore
- Teaching materials include primary and secondary sources from the source jurisdiction in the original source language
- Assessment involves (at least in part) a practical component and using Mandarin Chinese

Apart from its value as an elective, this course is also compulsory for students who are planning to go on student exchange at law faculties in the People's Republic of China (NUS Law 2017b).³⁹ The number of enrolling students fluctuates but

³⁸ Recall that in the regular LL.B. programmes (both 4- and 3-year versions) the first 2 years comprise only compulsory courses.

³⁹ **“Chinese Language Requirement:**

Students who wish to opt for an exchange programme at a Chinese partner university would need to fulfill one of the following prerequisites:

- minimum Grade B4 in Higher Chinese (HCL or CL1) at GCE ‘O’ level; or
- minimum Grade B4 in Chinese (CL2) at GCE ‘AO’ level (old curriculum); or
- minimum Grade C in H1 Chinese at GCE ‘A’ level; or
- minimum Grade 4 in SL Chinese for the International Baccalaureate (IB) Diploma

seldom exceeds ten or so. From the reporter's personal recollection, less than ten students were enrolled in his year (Academic Year 2012–2013), and in Academic Year 2013–2014 only one student who completed this course went on student exchange to an institution in the People's Republic of China (Koh 2013, p. 46).

The precise origins of this course are unknown, but surviving records indicate that it was offered as least as early as 2004 (NUS Law 2004b).⁴⁰ The course was then taught by another faculty member who (has since left NUS Law⁴¹) also hailed from the People's Republic of China. As it was during 2002–2003 that NUS Law forged links with four leading institutions in the People's Republic of China (Tan 2017b, p. 182), that a course on Chinese law taught in Mandarin Chinese was established around that period was no coincidence. The development of a legal Chinese course in what was then Singapore's only law school also nicely mirrors the contemporaneous move towards linguistic instrumentalism by the Singapore government with respect to Mandarin Chinese in the realm of pre-tertiary education (c.f. Wee 2003).

5.2 *Student Exchange Programmes*

NUS Law's exchange opportunities for undergraduates are too numerous to list in full, but for our purposes, only a few exchange partner institutions offer or require any course of instruction to be in a language other than English. NUS' exchange partners in the People's Republic of China naturally offer courses in Mandarin Chinese.⁴² It is not clear whether it is mandatory for a NUS student to take any course taught in Chinese, but it may be worth their while to do so as there appears to be preferential treatment by NUS Law of credits earned by reading Chinese-language medium courses on exchange, based on a report by a law student who went on exchange at Tsinghua University (International Relations Office n.d., p. 2).

As of AY2018/19, students going for exchange at Kyushu University (Japan) are required to read a Japanese language course (NUS Law 2017a). There appears to be

Students may also need to undergo an interview and if selected for exchange at a Chinese partner university, will be required to read LL4009V Chinese Legal Tradition & Legal Chinese module in Semester 1. (Note: the exchange period for Chinese partner universities is in Semester 2)."

⁴⁰This professor was instrumental, amongst other things, for setting up student exchange programmes and fostering other links with law schools in the People's Republic of China (Tan 2017a, p. 232 n 54).

⁴¹This faculty member joined NUS Law in 1992 (Tan 2017b, p. 207) but has since left (possibly around 2008) to join the (then-) other local law school, SMU Law, although she appears to have also left SMU. See Sect. 4.2.

⁴²As of AY 2017/18, they were China University of Political Science and Law; East China University of Political Science and Law; Fudan University; Peking University; Tsinghua University; and Renmin University. Most, if not all these institutions also offer law courses taught in English.

no requirement for a student on exchange at Kyushu to read any law course taught or assessed in Japanese, although it may be an option.⁴³

As a matter of historical interest, to the reporter's recollection, the University of Heidelberg was an exchange partner institution at which proficiency in a non-English language (German in this case) was a mandatory requirement; however, Heidelberg was, according to the reporter's recollection, taken off the list of partner institutions around or shortly after AY 2012/13.

5.3 *Miscellaneous*

Apart from the Chinese Legal Tradition and Legal Chinese course, there appears to have been the option to write an undergraduate research dissertation in Chinese.⁴⁴ This option was exercised at least once and under the supervision of the professor who taught the legal Chinese course (Chan 2005).⁴⁵ This is perhaps the most impressive example of an exercise in bilingual legal education by an NUS Law undergraduate, but this bold experiment does not appear to have been repeated since.

It should also be mentioned for completeness that NUS Law also ran an LL.M. programme in Chinese law from 2004 to 2006, but it played no role in broadening bilingual legal education as the programme was designed to be taught entirely in English (NUS Law 2004a, p. 12).⁴⁶

6 Prospects for Bilingual Legal Education in Singapore

6.1 *Degree Programmes: Promise or Pipe Dream?*

Around early 2012, NUS Law announced that it had entered into a Memorandum of Understanding with Tsinghua University to offer new degree programmes that would have students of each institution spend the final year of their first degree (LL.B.) programme at the other institution, where they would earn a master's degree (LL.M.) (National University of Singapore 2012). Although the Tsinghua portion of the programme leading up to the LL.M. could have been completed by a NUS LL.B. degree student entirely in English as the Tsinghua LL.M. in Chinese law programme

⁴³ Albeit one that the reporter is unaware that any student has ever exercised.

⁴⁴ It is not (and has never been) necessary to write a research dissertation to graduate (with an honours degree) from NUS Law; the students who take up the option of writing one are always in the minority, numbering no more than twenty in a typical year.

⁴⁵ I am grateful to Lim Siu Chen of the CJ Koh Law Library of the National University of Singapore for sharing this information with me.

⁴⁶ This short-lived programme saw 14 graduates over its 2 years of operation: Tan (2017b), p. 216.

has always been entirely in English (Tsinghua University [n.d.](#)), there has since been no mention of any progress on this collaboration between the two institutions. As of May 2018, none of the six bachelor's-master's programmes (Exchange Plus) listed on the official NUS Bulletin involve Tsinghua University (National University of Singapore [n.d.](#)).⁴⁷

While it may be premature to write off the NUS-Tsinghua collaboration at this juncture—or indeed any institution from a jurisdiction where the legal language is not English—there remain considerable challenges to bilingual legal education in general that are detailed below.

6.2 Challenges and Obstacles

Despite efforts at NUS (and SMU), it is in the reporter's assessment that the following five challenges (or obstacles, if one is to be realistic) would make any substantial progress towards bilingual legal education difficult to achieve.

Student Monolingualism Despite the claimed achievements of state-promoted bilingualism, notional bilingualism for social and cultural purposes does not translate into a basis for effective bilingualism in law, except perhaps where Mandarin Chinese is concerned given that two of the three Singapore law schools offer a course in legal Chinese and offer (until the pandemic that began in 2020) exchange programmes with institutions in the People's Republic of China. As to other languages, the pool of students suitably prepared for serious legal work in a non-official language is vanishingly thin. Anecdotally and from the reporter's personal recollection, students demonstrating proficiency in a language other than English and mother tongue⁴⁸ simply do not attend NUS Law in substantial numbers.⁴⁹

⁴⁷The six programmes are with New York University, Boston University, Erasmus University Rotterdam, King's College London, University of Melbourne, and University of Toronto. To the best of the reporter's knowledge, none of the six offer a significant bilingual legal education programme either. Erasmus University Rotterdam's LL.M. programmes are notably all taught in English (Erasmus University Rotterdam [n.d.](#)).

⁴⁸For example, of the over thirty students in the reporter's high school graduating class who sat for school leaving examinations in Japanese language, only two went on to study law in Singapore (one in NUS and the other in SMU); of these, only the reporter continued to use Japanese in the course of his professional legal work.

⁴⁹The reporter is aware of two other students in his graduating class who had substantial German language proficiency. One went for student exchange at the University of Helsinki (where she read law courses in English but also Finnish language classes, amongst others), and a few years after graduating from NUS Law proceeded to earn master's (Mag. iur.) (in German) and doctoral degrees (Dr. iur.) (in English) in Austria. The reporter himself later earned a doctorate in law (Dr. jur.) at a German university with a dissertation written in English but which drew on the laws of two non-Anglophone jurisdictions, Germany and Japan. See Koh ([forthcoming](#)). The reporter is also aware of a student from an earlier graduating class who went on exchange at the University of Heidelberg.

Degree Programme Structure As there is virtually no flexibility for undergraduate law students in NUS Law to receive intensive instruction in a language other than English or mother tongue in the first two years of study,⁵⁰ the only students who are equipped, by the third year of their studies, to read law courses in a third language (whether offered as an elective or during exchange), the existence of any students ready for bilingual legal education each year (other than in Mandarin Chinese) will have been by accident, not design. Any student who proceeds to embark on a serious course of bilingual legal education—other than the one course in Legal Chinese and a one-semester exchange in a law school in the People’s Republic of China—would be in the minority of minorities.

Lack of Economic Incentives As Singapore has always adopted and has no reason to deviate in future from legal monolingualism, bilingual legal education offers minimal return on investment for a recipient who practises law in a Singapore-centric setting. Fields such as family and criminal law are notorious among the public imagination for their perceived or real lack of financial reward (Ng 2016), yet it is these fields that require the frequent use of languages other than English due to the nature of the clientele.⁵¹ Even with proficiency in a language other than a Singapore official language even at a level adequate for professional legal work, one’s prospects may vary in the job market,⁵² perhaps in part due to the substantial presence of English-speaking, foreign-trained and foreign-qualified legal practitioners in Singapore who are better equipped than local graduates to offer legal services in another language.⁵³

⁵⁰For students on the standard 4-year LL.B. or 3-year graduate-entry LL.B., as of 2017/18 the first four semesters (two years) of the LL.B. programme are completely taken up by compulsory courses, leaving no room at all for elective courses.

⁵¹From the reporter’s personal experiences as a legal practitioner, as well as anecdotal accounts, clients who are unable or prefer not to communicate in English are often those seeking criminal defence or family law services, and even commercial matters involving client interaction not in English involve invariably small and medium enterprises, with typically (though not always) lower-value work. Having said that, there are a number of small firms in Singapore that specialize in the niche and highly lucrative market for Indonesian business clients.

⁵²The reporter’s conversations with two different senior lawyers in the same big four Singapore firm separately and on different occasions in 2016 and 2018 yielded a mixed picture for Japanese language proficiency. The first lawyer (the managing partner of the firm) said in 2016 that there is no added value for a Singapore-trained and -qualified practitioner to know Japanese and that the firm would not hire on this basis; the second (a partner) mentioned in 2018 a case in which a Japanese-speaking local law student was offered a training contract (practical legal training apprenticeship in Singapore) at a leading Singapore firm in part due to that student’s Japanese language proficiency. There was also at least one case of a Japanese-speaking, locally-trained lawyer working with the Singapore practice of a Japanese law firm, but the reporter was informed in 2020 that this individual had ceased to be with the firm. Anecdotally, however, Indonesian language proficiency is attractive to (predominantly small) firms oriented towards Indonesia-related business.

⁵³In addition to foreign-qualified lawyers (who number over a thousand), a number of foreign-qualified lawyers have also passed the Foreign Practitioner Examinations and registered to practice both Singapore and foreign law. For the key statutory provision, see Legal Profession Act (Cap 161, 2009 Rev Ed), s 36B. As of 22 May 2018 there were 23 registered foreign lawyers under this

Continued Focus Exclusively on ‘Common Law’ and Common Law Jurisdictions Despite strong messaging from leaders of the legal community (see e.g. Menon 2015, pp. 18–19) and somewhat increased awareness amongst members of the practical importance of the law of civil law jurisdictions in our interconnected world,⁵⁴ it is difficult to say that locally-educated jurists have, as a whole, outgrown the entrenched affinity towards (and in some cases, outright veneration of) the common law tradition and common law jurisdictions, particularly England and Wales.⁵⁵ The language of the common law is English, and no other language is necessary—or even helpful—in understanding common law cases, doctrine, literature, or legislation. Legal education in a language other than English is, for practical intents and purposes, education about law that is *not* common law.⁵⁶ Hence, non-English legal education has limited appeal to an Anglophone student or jurist in a common law jurisdiction who is usually free from factors encouraging or compelling such learning to which others in the rest of the world are subject.⁵⁷ So long as real demand for non-common law training remains anaemic, bilingual legal education’s prospects of achieving mass appeal in Singapore are correspondingly dim. The only bright spot is may be the law (and thus language) of the People’s Republic of China, where pragmatic, economic incentives may yet keep the flame alive.

Lack of a Clear Candidate Language for Bilingual Legal Education Even if Singapore were hypothetically to do whatever it takes to implement a substantive bilingual legal education programme, the big question remains: which language should it be in? The influence—and indeed, dominance—of the English language in the international legal education scene presents Singapore, an ethnically and linguistically diverse state, a dilemma. No matter which language it chooses, it will exclude at least a substantial ethnic and linguistic minority. In the interests of fairness and equity between ethnic communities, unless Singapore were ready to bite

provision based on a search for lawyers with registration type of “36B LEGAL PROFESSION ACT” on the Legal Services Regulatory Authority E-Services portal at <https://www.mlaw.gov.sg/eservices/lrsa/search-lawyer-or-law-firm/>.

⁵⁴“We also hope to increase their exposure to other Asian legal jurisdictions, in particular civil law as it is practised in Asia.” (Chesterman 2015, p. 1). For an analysis of the challenges of civil law instruction in Asia arising from language, see Bell (2019).

⁵⁵This is based on the reporter’s experience as a student, junior faculty member, legal practitioner, and researcher in Singapore.

⁵⁶While non-common law can be taught in English (easy examples include international and European law), common law (in the narrow sense and excluding mixed jurisdictions such as Israel and South Africa) cannot be taught on a large scale to would-be practitioners of a common law jurisdiction without great difficulty (with limited exceptions such as Francophone Canada) other than in English.

⁵⁷These factors include commercial pressure (to which much of the entire non-common law world doing business with stubbornly Anglophone common law trading partners is subject), political circumstances (such as those in Europe), or centuries-long or newly-constructed scholarly tradition (Europe and East Asia).

the bullet and implement at least three bilingual legal education programmes featuring Mandarin Chinese, Malay, and Tamil respectively—which would be a tremendously costly, if not impossible endeavour—perhaps the best choice is to stick with what it knows best: legal monolingualism (in English).

7 Conclusion

A multilingual country with only one language for legal purposes—a seeming paradox that is, in a nutshell, Singapore. But as this Chapter demonstrates, the reality and demands of law and legal education are distinct from broader national language policy in government and education more generally. Despite the attractions of bilingualism in legal education, Singapore’s circumstances point to a perhaps unsatisfying, but ultimately the most realistic and workable solution: maintaining the status quo of colonial-origin legal monolingualism in a multilingual post-colonial state.

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