

The Silver State's Philosopher King

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“I shall endeavour to do justice, not only to the accused but also to the State. Lest we forget, justice not only means the interests of the accused but also the interests of the State. I would give the assurance that in the exercise of my judicial function I would uphold the absolute independence of my judgment. The independence of the judiciary remains a cornerstone in the structure of our system of government today. It not only guarantees that justice will be done and judgments firmly based on truth; it is also an indispensable condition of the Rule of Law.”

So said Raja Azlan Shah on his elevation as a Judge of the High Court in Malaya in 1965. Seventeen years later he became the youngest ever Lord President of the Federal Court, but had to resign as he ascended the throne as the 34th Sultan of Perak in 1984 (possibly the only Head of Judiciary to become Head of State—William Taft was President before later becoming Chief Justice of the USA). Five years later he became the ninth Yang di-Pertuan Agong of Malaysia.



His legal career and reign each spanned three decades, and throughout this time his wisdom and experience became legendary, particularly among younger Malaysians. I was one of them, and later felt honoured to be invited to the renowned Sultan Azlan Shah Law Lectures, where I appreciated the extent of his contributions to the field of law internationally.

As monarch, Sultan Azlan Shah continued to offer insights that inspired citizens across different endeavours, and I'm grateful to Professor Dato' Seri Visu Sinnadurai for gifting me a copy of *Constitutional Monarchy, Rule of Law and Good Governance* containing his edited selection of speeches.

At the 11th Tunku Abdul Rahman Lecture in 1984, Sultan Azlan Shah said,

... the rules concerning the independence of the judiciary are designed to guarantee that they will be free from extraneous pressures and independent of all authority save that of the law. They are, therefore, essential for the preservation of the Rule of Law.

"I have a passionate concern for the truth which is the object of the historian," he stated in a speech about the Malaysian Constitution.

We here were not unfamiliar with the principles of constitutional government—indeed, in the Malay States

the traditional pattern of government was based upon seasoned concepts of sovereignty and we knew the wisdom of a division of the supreme power in the State.

Much advice he issued remains pertinent, as in a lecture from 1986: “society must have access to an independent and responsible press ... in an attempt to maintain peace and security, the controls imposed on the press should be reasonable.” He closed by supporting a Freedom of Information Act, “under which members of the public have a right of access to specifically requested records, and that these should be made available, as of right, within a reasonable time.”

In an Aliran Seminar on Parliamentary Democracy, he stressed that “the elected government is not free to exercise governmental power in any manner it chooses, for in a parliamentary democracy, the exercise of governmental power is bounded by the rules as spelt out in the Constitution and conventions”.

As Royal Patron of the Malaysian Students’ Law Society in the United Kingdom and Eire he expressed support for the Rukunegara:

... it maintains our democratic way of life. It is a foundation for the creation of a just society and to ensure a liberal approach to the varied cultures and traditions of the unique mixtures that constitutes modern Malaysian society.



There is much more in this collection, including references to Aristotle, Locke, Disraeli and Montesquieu, but not his well-written judgments, so it omits his famous quote, “Every legal power must have legal limits, otherwise there is dictatorship.”

Much can be learned from the tangible objects he left behind too. Among the exhibits at the Sultan Azlan Shah Gallery in Kuala Kangsar are personal items that he obviously cherished—shoes, briefcases, robes, hockey sticks, driving licences. Looking back on his own remarkable life, at the opening of the gallery, he said:

Every success achieved is a gift from Allah Almighty. However, Allah does not bestow His grace to those who are not diligent nor those who neglect their duties. I realise and am aware of his *qada'* and *qadar*. But I am also very much aware of His promise to His servants who persevere and work hard in searching for His acceptance.

There are those who will choose to remember Sultan Azlan Shah by a single event in 2009 precipitated by deficiencies in the political parties. Instead of taking responsibility for their own failure to select winnable or reliable candidates, they let a situation unfold in which blame was attributed to the monarch instead. I am confident history will reveal how erroneous that attribution is. Al-Fatihah. ❧