

Speech by

The Right Honourable Lord Woolf

Lord Chief Justice of England and Wales

My oldest grandchild is called Benjamin. He is aged eight and loves birthdays. This is because of the presents he receives. If you see him tackling the wrapping paper you can sense his excitement to know what the present is going to be this time. He is now of an age when he can be given a book. While he is a polite youngster and he will try and conceal his disappointment there is no doubt that he still regards a present of a book as an anti-climax. He has yet to learn just how exciting the contents of books can be.

Well, His Royal Highness is just a little older than Benjamin. To be precise in a few days he is going to celebrate his 76th birthday. It is the 50th anniversary of his being called to the Bar in London by Lincoln's Inn. I know that all his family, friends and admirers, among whom I include my wife and myself, very much hope that the two books we are going to launch today will make this a very special and memorable birthday for him. The books would never have been compiled but for his achievements as a lawyer and jurist over those 50 years. His achievements as a lawyer and jurist with a deep commitment and understanding of both the Rule of Law and the common law made the books possible, as I will now explain.

Why this is so will be revealed by the titles of the two books. The first is called *Constitutional Monarchy, Rule of Law and Good Governance*. These are three of the determining features of both Malaysia's written and Britain's unwritten constitutions. His Royal Highness is in

a position to speak with unique and outstanding authority on these subjects since I believe him to be alone in having served his country in succession as the head of the judiciary and as the constitutional monarch of the nation. The first volume is a collection of the Sultan's lectures and essays on these subjects.

It is when governments are subject to exceptional stress, such as exists in many parts of the world today, not least due to the activities of terrorists, that the Rule of Law and constitutional government need their champions to speak out on their behalf. This is what His Royal Highness is in an unrivalled position to achieve in this volume. He does so with striking force and clarity. There could not be a better time for his wise words to reach a wide audience.

What do we mean by the Rule of Law? It is a phrase that certainly in the United Kingdom is tossed around in discussion without properly being understood. But it is a phrase that goes to the heart of what a true democracy is about. It is an essential companion to parliamentary government. It is what prevents parliamentary government from descending into the elected dictatorship described by my predecessors in the 1930s.

A couple or so years ago I gave a talk on the subject in China. Afterwards I was asked a question by a member of the audience, who I am not sure was as innocent as she appeared. She asked me if there is any difference between the Rule *of* Law and the rule *by* law. The use of the word *by*

instead of *of* changes the sense dramatically. Rule by law can be the rule of the dictator. Dictators are fond of making laws to control their citizens. The Rule of Law is the rule by the laws that govern a true democracy. They are the laws that provide for a proper balance between the protection of human rights and the interests of the State, laws which an independent and responsible judiciary can enforce to protect all members of society from abuse of power.

But let me drive home my message not in my own words but in the far more eloquent words of His Royal Highness that appear in the first lecture of the first volume that we are launching today; they are:

“The rule of law” means literally what it says: the rule of the law. Taken in its broadest sense this means that people should obey the law and be ruled by it. But in political and legal theory it has come to be read in a narrow sense, that the government shall be ruled by law and be subject to it. The ideal of the Rule of Law in this sense is often expressed by the phrase “government by law and not by men”.

—HRH Sultan Azlan Shah

Supremacy of Law in Malaysia at page 12

I rest my case. There is nothing that I can add to this subject.

The second volume is a marvellous tribute of true affection and admiration by a son for his father. In the front piece it proclaims that it is dedicated by Raja Nazrin

Shah to His Royal Highness the Sultan. To many who are present, if not all those present, its title will not require explanation. It is *The Sultan Azlan Shah Law Lectures*. These are one of the most prestigious lectures of the common law world. They were founded in 1986 by Professor Dato' Seri Dr Visu Sinnadurai, then Dean of the Faculty of Law of the University of Malaya, in recognition of the contribution His Royal Highness the Sultan made to the University of Malaya.

Anyone can have the idea of establishing a series of lectures, but you can only attract a series of lectures of outstanding distinction to give the lectures if you can persuade the lecturers whom you have selected to accept your invitation. You have to persuade them that they should find the many hours necessary to prepare the lectures, that they should take the time off from their other commitments to travel up to halfway round the world to give the lectures. You have to persuade them that this is the one invitation, among the many others that they receive, that they should not decline.

How do you achieve this? Well first and foremost you must ensure the series of lectures are prestigious. This is why the lectures were only possible because the series bear the name of His Royal Highness. The fact that he had himself been Head of State and Chief Justice was important, but what really made the difference was the fact that he had an unrivalled reputation around the free world of being one of the courageous champions of the

independence of the judiciary and the Rule of Law. The fact that the lectures are held in this beautiful country and the lecturers and their partners are received with the greatest of hospitality helped, but what really mattered was that those invited regarded it as a great honour to be invited to give the lectures.

Of the many others who have helped to make the lectures a success there is one other person to whom a particular debt of gratitude from the common law world is due. It is my old friend Visu, who has worked indefatigably to make sure that the lectures have met with the success that they deserved. He has also made a most magnificent job of editing the two volumes. They look good and do justice to their contents. The editorial material is excellent and they have been most intelligently compiled. They need to be accessible to as large an audience as possible, and this, the distinction of their editing ensures. They look very attractive. I await the day that I will find that Benjamin is reading them with the attention they deserve.

I am proud to now launch the two volumes of the works that bear the name of Sultan Azlan Shah.

