

SPEECH BY THE PRIME MINISTER AT THE
OPENING OF THE FIRST MALAYSIAN LAW
CONFERENCE AT THE COMMONWEALTH
HOUSE, KUALA LUMPUR ON 15TH JULY, 1971

Tuan Pengerusi; Yang Amat Berhormat Tun Azmi, Ketua Hakim Negara; Y. B. Tan Sri Kadir, Peguam Negara; Yang Berhormat Hakim-Hakim; Ladies and Gentlemen.

I welcome the opportunity to be associated with this First Malaysian Law Conference which is a significant new venture in the professional life of the Legal community of Malaysia and Singapore.

I wish, therefore, to thank you for inviting me to be present here this morning at this gathering of such distinguished and learned representatives of the Bar and of the Judiciary. This meeting would afford an opportunity for you to address yourselves in serious discussion to legal problems specifically related to our own time and to our own environment. It would also be a happy occasion for colleagues and, in many cases, old friends from student days, to meet together socially, renew old friendships and perhaps relive more carefree, youthful days.

I congratulate you on your initiative in bringing about this Conference and also your Committee for all the thought and hard work that has gone into organising it.

I should also like, on behalf of the Government, to take the opportunity to welcome our visitors from across the Causeway and hope that they will find their next few days in this open and hospitable city of ours, both pleasant and rewarding.

Ladies and Gentlemen,

I find it appropriate that this Inauguration is held in the surroundings of the Commonwealth House. Most of us present here received our training and education in the Law abroad, particularly in England. We thereby participated in one of the most successful

transplants that have been known. For in addition to the knowledge we received, we were imbued with a sense of justice and equity that stood us in good stead for the responsibilities we were to assume when we returned home.

When I speak of this as a transplant, I need hardly remind you that success in this type of operation depends heavily upon the suitability of the receiving tissue. The receiving tissue, in this case, was supplied by the political, social and cultural conditions of the Malaysian and Singapore environment.

There already existed in our countries a tradition of respect for one's fellowmen that had been enshrined in our customs and in our Adat Law and which, therefore, gave ready hospitality to the principles of humanity, justice and equity that form the basis of the Law of the Commonwealth. It is a matter for quiet congratulation that we see the Rule of Law so firmly established here and functioning to regulate not only human conduct but also the acts of Government and of those in power. Over the years, we have built up a conscientious Bar and a wise Judiciary, well fitted for their role as protector of the rights and dignity of men and for their supreme responsibility to preserve the Rule of Law in both our countries.

However, whereas the great principles of justice are fixed and abiding—the Law itself, as you are well aware, is dynamic. It has always responded to change; it is constantly adapting existing laws or making new ones to meet the changing necessities of both time and place. In the developing world especially, we have a need for a progressive legal system—for the formulation of laws which are an expression of our own needs and responses to our own problems. In times of rapid economic, industrial and social development, we must have the courage to reject and to change whatever legislation which no longer squares up to the facts of our society in the seventies.

Ladies and Gentlemen,

Over the next few days, I expect there will be a great deal of professional exchange amongst you. A Conference is an open invitation to deliberate at length on various topics and I know of no other group except possibly my colleagues in the Cabinet who can excel the lawyers at this particular pastime. You will, no

doubt, wish to use the opportunity to keep up with the various developments in the Law and to involve yourselves in the fascinating labyrinth of legal niceties.

At the same time, I note with particular pleasure that the subjects chosen for your special deliberation illustrate a concern for social justice, and for the future direction of Law in this country in terms of Legal Education, Law Reform, and the question of Fundamental Liberties. In the course of your deliberation, you will no doubt re-examine not only the tenets of the Law but your own personal convictions, against issues of great urgency and importance to our country. This is where your world and my world of politics coincide, and I should like, therefore, to take the liberty of making a few remarks.

First, I would like to address you as a professional body, concerned with the task of elevating your practice of the profession in Malaysia and Singapore. I can do no better than urge upon you words spoken by an early jurist, Sir Francis Bacon. He expressed this sentiment many centuries ago—"I hold every man a debtor to his profession; from which, as men of course do seek to receive countenance and profit, so they ought of duty to endeavour themselves, by way of demands, to be a help and ornament thereunto".

Bacon is making the familiar distinction between the practice of Law for making a living and as a way of life. In practising Law for a living, the individual seeks both prestige and financial reward. But, if he also sincerely wishes to be an "ornament to his profession", then he has to accept the responsibility that goes with membership of a privileged group in society. Lawyers are not only equipped, intellectually, but also by their training, to give the lead to their fellowmen. As men and women dedicated to the cause of Justice, they are in the best position to work for a more just and a more equal society.

All professions tend to operate on three levels—the level of technique, the level of science and the level of philosophy. In the first stage, you acquire your basic knowledge of your subject and its technicalities. When you begin further to apply basic principles to actual problems, then you are using the method of science. Finally, when you practise at the level of philosophy, you bring insights and perspectives to bear on problems, seen not only for

their legal implications but also in their broadest human and social terms. We sometimes call this wisdom. But, with this approach, lawyers too may lend perspective to the national task.

Ladies and Gentlemen,

The legal profession has always a crucial role to play especially in emerging countries. We are all familiar with the threefold relationship between the Legislature, the Bar and the Bench. Those who make the Law, those who practise in it, and those who interpret it, between them constitute the three pillars supporting the legal edifice essential to the security, stability and progress of any nation.

In countries where there is a long established Government, the legal process goes on fairly evenly. But, for my generation—and there are many in this room who belong to that group—soon after acquiring our training, we found ourselves deeply involved in the struggle for independence.

The movement that led to independence was fundamentally a constitutional struggle, bringing our text book ideals vividly to life. Out of our victory, came the right to frame our own Constitution and to enshrine our concept of the new Malaysian nationhood. More recently still, our brethren in Singapore faced a similar responsibility.

To formulate a new national Constitution is a great responsibility and, in professional terms, a very special kind of privilege and opportunity, that is given to very few members of the legal fraternity anywhere in the world. It was a process in which many of us became totally involved.

The first Malayan Constitution laid secure foundation that was meant to preserve peace and harmony amongst the different communities that comprise our nation. However, the generation gap prevented some of the younger members of our society from comprehending these Constitutional arrangements with the same degree of understanding and perspective as possessed by those of us who were actively involved at the time. As a consequence, our Constitution was subjected to criticism and abuse by forces destructive to the Rule of Law in this country.

We were compelled, therefore, to construct a new political framework based on a firmer foundation that took into account the facts of our economic and social realities. Again, we had recourse to the Law to devise Constitutional Amendments aimed at national unity on a lasting basis.

To secure this, we have gone deeper into the area of law enforcement than ever before. We have now handed over these Constitutional amendments to the people, and to the legal profession in particular, to administer and interpret and uphold as the best guarantee we have for the survival of this nation.

Ladies and Gentlemen,

In these formative years for the Malaysian Law, we must rely heavily on the conscience, experience and wisdom of the Judiciary on whom falls the vital task of interpreting laws which in some cases are new and without precedent. We rely on the Bar for their loyalty and support. In framing the law, we as legislators have to be acutely conscious of the realities—political, economic and social, which exist in this country. The Law does not, and cannot, exist in a theoretical vacuum. As administrators and interpreters of the law, you will, I am sure, be equally conscious of these realities. It will be your task to apply the strictest tests. But the vigour of your standard can only have validity and can only be useful to the legislators and to society if they are firmly grounded upon the realities of our society as it is in this time and place.

Ladies and Gentlemen,

Needless to say, the pace of change in Malaysia today and the gravity of the issues before us demand a greater response from us all even beyond the duties of our specialised spheres. National consolation is the responsibility of everyone. As lawyers and citizens, I urge everyone to leave the sidelines and forsake the fence-sitters. You are an influential body and can be a very strong and useful force for good in this country.

Our society, unfortunately, has become fragmented, even polarised, and so we must look for a new synthesis. To replace the communal groupings of the past, we look to other groups to be the new bridge for greater understanding and co-operation. The legal community possesses a multi-racial unity already, well secured by a professional bond which transcends race, religion

and political affiliations. It is your duty, therefore, to devote your earnest attention and dedicate yourselves to the promotion of racial harmony to achieve national unity. This Conference has made a good start in bringing you all together, ready to distil your years of experience in legal practice.

I do hope you will also examine in what practical ways the legal community can contribute to the task of national consolidation. Here, I should like to speak of the pressing concerns of the day, and, in particular, of the Second Malaysia Plan which, as you know, is the over-riding instrument with which we hope to achieve national unity.

The strategies we have devised in this Plan are not just matters of economics or of technology. We must not forget the other important dimension of the Plan which is its concern for social justice. People, like yourselves, with a highly developed sense of justice must surely appreciate the economic imbalance between the haves and the have-nots and among the racial groups in our society and support our efforts to correct them.

Ladies and Gentlemen,

I hope you will regard this Conference not only as a refresher course in terms of your legal knowledge but as an opportunity to re-dedicate yourselves to the Rule of Law; and to find new relevance for your profession both in upholding the Constitution and in promoting greater social justice.

We may be only a small country and our legal system comparatively young. But, we are conducting an important experiment in race relations here which has already led to some pioneer legislation for the safeguarding of human sensitivities—an area where even the more developed nations have not had much success.

If we succeed, then we would have contributed our share, however small, which might benefit our legal brothers elsewhere. Those of our citizens who are dedicated by their profession to the ideals of humanity, justice and equity, must give the lead. It is a lead that surely society has a right to expect from all of us.

With these thoughts, Ladies and Gentlemen, I leave you to your deliberations and wish you every success in your Conference.

I have every confidence that this Conference will become a biennial event as you all so desire; it will grow in stature and importance and will attract eminent jurists from other countries as well as from Malaysia and Singapore.

Once again, Ladies and Gentlemen, I congratulate the organisers for arranging this First Malaysian Law Conference and I now have much pleasure in declaring it open.