

CJ's Speech at Launch of "The Law in His Hands"

5 November 2012

1 Today's occasion overwhelms me, and I am at a loss as to how to respond adequately, especially to kind words and wishes from so many of you on my retirement from judicial office.

2 In the life of an individual, there must be many great days in his/her life. Today is one of those great days. Another great day, for me, was when I was born, as 75 years later I am here with my family, all my good friends and classmates from law school, my judicial colleagues and officers, and staff of the Supreme Court and the Singapore Academy of Law, the Law Officers, my academic friends from our two law schools, members of the Bar and, not least, the Minister for Law and Foreign Affairs. One cannot ask for more or for a better send-off.

3 On Thursday 1 Nov 2012, my judicial colleagues gave me a farewell dinner and a treasured gift. On Friday, the Subordinate Courts gave me an unforgettable appreciation dinner and some memorable gifts. This morning, the judicial officers and staff of the Supreme Court also showered me with special gifts, but more touching, with their warmth and affection. I shall cherish all of these moments and gifts.

4 This evening's event is another special and unforgettable occasion for me and my wife. Justice Menon, my successor, has just launched a thick book as a tribute to my 26-year career as a JC/SCJ/AG/CJ. A tribute or *festschrift* is the highest form of peer recognition one can get, for which I now wish to express my deepest appreciation and gratitude to those responsible for its publication.

5 First, to Justice Andrew Phang, Professor Yeo Tiong Min and Justice V K Rajah who conceived the idea for this book more than a year ago to celebrate my 75th birthday. They went through all my judgments, lectures and speeches I had delivered in the last 25 years and set about getting academics and practitioners to critique the materials. Justice Phang told me several times that it is not easy to get academics to critique judgments unless they have something to say about them, usually critically. That Justice Phang and Prof Yeo have managed to find such a large number of writers to produce the essays in such a short time (in view of their other commitments) is a testament to their persuasive powers and influence in academic circles. My only contribution to the book is the title.¹ It does not mean “*taking* the law into his hands”.

6 So, in chronological order of the published essays, I wish to express my deepest gratitude to the following contributors. I cannot thank them enough for giving me their valuable time.

- (1) *Prof Yeo Tiong Min SC (Honoris Causa) and Prof Michael Hor - An Extraordinary Life.*
- (2) *Prof Thio Li-ann and David Chong Gek Sian SC - “The Chan Court and Constitutional Adjudication – “A Sea Change into Something Rich and Strange?”*
- (3) *Prof Hans Tjio and Lee Eng Beng SC - “Understanding the Company in Context”.*
- (4) *Prof Michael Hor and Aedit Abdullah SC - “The Chief Justice and the Criminal Law: A Promise Kept”.*
- (5) *Prof Lim Chin Leng - “The Chief Justice and International Law”.*

¹ In 1987, John Mortimer CC (of Rumpole of the Bailey fame) wrote an article with “Our Law in Their Hands – A Misuse of the Legal System in Singapore” which was published in the Daily Telegraph (London), 3 January 1987. Mortimer, together with KE Hildboren, defended JB Jeyaretnam in a defamation action in 1979 in *Lee Kuan Yew v JB Jeyaretnam* [1978-1979] SLR 429. JBJ relied on 3 defences: (i) the words did not have any of the meanings alleged or any meaning defamatory of the plaintiff; (ii) qualified privilege; and (ii) fair comment. F.A. Chua J rejected them and held for the plaintiff.

- (6) *T P B Menon and Associate Professor Tang Hang Wu* - "Precedent, Principle and Policy: Chan Sek Keong CJ's Contributions to the Law of Property and Trusts".
- (7) *Prof Yeo Tiong Min SC (Honoris Causa) and Cavinder Bull SC* - "Autochthony and Authority in the Law of Obligations".

7 Next, I would like to thank the staff of Academy Publishing for agreeing to publish the book. I did not instruct them to do it, and I hope that they will be able to recover the production costs.

8 As this is an occasion to say farewell to me, and not to listen to another of my interminable speeches, I should stop here. At the Judges' farewell dinner I asked Justice Menon to let me have a copy of his speech so that I could give a suitable response. He said "No. no response is required". However, he offered to give me an embargoed copy to be opened after delivery, which he did this morning.

9 This only leaves me to conclude my "thank you" speech in the words of Wittgenstein:

"What can be said at all can be said clearly, and *whereof one cannot speak, thereof one must be silent.*"²

10 Thank you to all of you for being here today.

² See Wittgenstein, Ludwig and Bertrand Russell (Contributor) and CK Ogden (Translator). *Tractatus Logico-Philosophicus* in Project Gutenberg (Original Publication: 1921) Release Date: October 22, 2010.