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Information Division, Ministry of Culture, City Hall, Singapore 0617 - TEL: 3378191 ext. 352, 353, 354 / 3362207 / 3362271

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SPEECH BY MR. S. RAJARATNAM, SECOND DEPUTY PRIME MINISTER (FOREIGN AFFAIRS), AT THE BANQUET DINNER ORGANISED BY THE LAWASIA ENERGY SECTION AT THE HILTON HOTEL ON MONDAY 5 NOVEMBER 1984 AT 8.00 PM

I am told that the back of a British barrister's robe contains pockets into which grateful clients can put such money as they can afford for services rendered. This is a relic from the old days when Roman lawyers disdained payment for what they considered was a public duty but who not wishing to stifle completely a client's irresistible impulse to express his gratitude in a more substantial manner provided pockets into which drachmas could be quietly slipped by grateful clients. I regret to say this convention about voluntary payment of fees has fallen into disuse. Modern barristers, since they cannot sue clients for fees - no more than clients could sue their lawyers for losing cases - the practice is to insist on cash before delivery.

So instead of paying my and my wife's share for tonight's lavish dinner I thought I would reciprocate your hospitality by giving you a few tips on a little known corner of the law. For example if any of you receive an urgent appeal from a client in Andorra to take up a case, I urge you to refuse it forthwith. Andorra, a small, semi-independent state along the Franco-Spanish border is described in guide books as being inhabited by people who are hardworking, cheerful and hospitable. But this hospitality is definitely not extended to lawyers who are more than likely to find themselves in one of Andorra's inhospitable jails. This is

because of a decree enacted in 1864 and which reads as follows:

"The appearance in our courts of the learned gentlemen of the law, who can make black appear white and white appear black, is forbidden."

The result is that there is only one lawyer in that country and prudently he has never put in an official appearance in any of its courts. He makes a modest but safe living by drafting wills, conveyancing property and generally urging litigious citizens to settle matters out of court.

The result is that this 700-year old country has an astonishingly low crime rate and some Andorrans claim there is some correlation between the number of criminals and the number of lawyers. Elsewhere in the West crime and litigation has indeed reached unmanageable proportions despite or because of the presence in Western democracies of an estimated five million officials and professionals involved in the administration of the law.

Another country which lawyers should avoid is Mexico where its peasantry have a traditionally sanctioned aversion to lawyers. The most awesome curse a Mexican can pronounce on an enemy is: "May your life be filled with lawyers."

For those of you who are contemplating a holiday in Iraq and have a partiality for snake meat, I must warn you that it is illegal to consume reptiles in that country on Sunday.

The state of Kansas takes an even more illiberal attitude towards the consumption of reptiles. Apparently the real or simulated consumption of serpents and the like reached such epidemic proportions that a statute was enacted in 1923 making it unlawful for a person to eat or pretend to eat, in public, snakes, lizards, scorpions, centipedes, tarantulas and other recognizable reptiles.

If you should ever happen to be in Columbus, Montana, do not forget to tip your hat should the local mayor happen to be passing by. According to an Ordinance passed, presumably at the behest of a mayor with an inferiority complex, such discourtesy is tantamount to a misdemeanour.

However the attitude of the people of Teeside in Britain towards mayors is one of unconcealed hostility. There was the case of Teesider who was hauled to court for making a two-fingered gesture at a High Court judge in a public place. However the miscreant was honourably discharged after he had explained that he had mistaken the judge for the mayor.

Another legal peril you are likely to encounter, if you are travelling in Quebec is this: "Don't ever try to sell anti-freeze to a Canadian Indian because you are liable to be hauled into court." I was not able to discover to what devilish use the Indians put anti-freeze but it must have been something hair-raising to require legislative intervention.

The beer parlours of Saskatchewan, should your spirit of adventure ever take you there, is also unsafe for lawyers unfamiliar with its laws. It is unlawful for you to drink water in a beer saloon.

Since many of you will sooner or later visit New York and should you feel like seeing that great city on horseback you should definitely read its Sanitary Code, Section 9, Article 2. This becomes operative only if your trusted steed takes it into its head to collapse and die while touring that city. In the event of such a catastrophe you should at once lay out your trusted companion in as quiet a place in the street and attach a tag giving your real name and address. A less troublesome solution would of course be to take to your heels, but the more sensitive among you would probably regard such conduct as disrespect for a dead friend. Should the animal not have been removed by the sanitary authorities by

sunset then you must put lights around it, though it is not clear whether this additional imposition is to protect the horse or unwary pedestrians.

Reading some of the laws of the United States one gets the impression that Americans have an inordinate affection for dumb animals. Section 74 of California State Housing Act was presumably enacted to dampen somewhat this American propensity to surround himself with an assortment of domesticated animals. Section 74 reads as follows: No horse, cow, calf, swine, sheep, goat, rabbit, mule or other animal or chicken, pigeon, goose, duck or other poultry shall be kept in any apartment house or hotel or any part thereof.

Here are a few more legal tips to make for safe travel in foreign parts.

In Minnesota it is illegal to hang male and female underwear in the same clothes line. If you want to purchase a mouse-trap in the State of Colorado you must first obtain a small-game licence from the police.

If you want to get a hair-cut in Waterloo, Nebraska do so between the hours of 7.00 am and 7.00 pm. This is because an Ordinance passed in 1910 makes it illegal for barbers to eat onions between these hours. Since barbers have a tendency to inflict on their captive clients long and generally angry monologues on the sorry state of the world this injunction against consuming onions reveals the humane side of the law.

I would like to end this tedious but inexhaustible list of legal perils by drawing your attention to a piece of legal injustice which, as far as I know, remains unremedied. It has to do with Haggis a form of cuisine much revered in Scotland but which struck terror in the hearts of Brazilian customs officials when a Scotsman tried to get it past the customs in Sao Paulo. The officials became even more

suspicious when its owner swore repeatedly that the article concerned was edible. Going by its odour, texture and intimidating appearance the officials were firmly of the view that it was either a new kind of explosive or an unknown variety of lethal poison. The article was finally taken to an analytical chemist who after subjecting the haggis to various tests realised that the officials had been somewhat hasty in their judgement. At the same time he could not allow his officials to lose face in front of a foreigner. He therefore classified the noble haggis as "Unscheduled horticultural fertiliser." - to the satisfaction of all concerned. However as a result of this legal pronouncement on the nature of haggis most Brazilians think that horticultural fertiliser is a highly prized delicacy among the sturdy Highlanders of Scotland.

This concludes the first part of my improbable lecture on the law. The second part I fear, instead of being, as the first one was, an aid to digestion could seriously interfere with this function in the case of those of you who are not programmed for simultaneous digestion and cerebation. The only consolation I can offer to such unfortunate souls is that this will probably be the first banquet they have attended where they got two unsolicited lectures on the law for the price of one bar dinner.

This is something to talk about with their professional colleagues when they return home.

The second lecture, I am sorry to say, deals with the substantial contributions avant-garde jurists, lawyers, criminologists, political thinkers and others have made towards the inexorable increase in the break down of law and order and the emergence of lawless states in practically every corner of the globe. This seemingly uncontrollable increase in crime has afflicted rich and poor states, the advanced and the backward, the modernised and the traditional, communist

and capitalist. I am excluding from this discourse other examples of violence and crime - civil wars, political persecution and murders, terrorism, hi-jackings, the taking and execution of hostages, the indiscriminate planting of bombs in public places and acts of genocide launched by half-crazed despots in furtherance of a chosen religion, race, language or simply because they just relish blood sports. If you add these crimes to traditional form of crime, ours is indeed the most lawless age in mankind's history because its dimension is global.

My concern tonight is with traditional domestic crimes like robbery, swindling, lying, cheating, assaulting, extorting, murdering and, most sinister of all, defying and breaking the law for no other reason than to bring law and the machinery of law into contempt, ridicule and hatred. Though the reasons for the seemingly irreversible proliferation of lawlessness are complex and many, it is my view that so-called avant-garde jurists, judges, lawyers, criminologists and professors of law from advanced Western societies have made signal contributions towards contemporary crime explosion. Since avant-garde thinkers in Third World countries get their latest fads and ideas from the West on a "monkey see monkey do" basis I hope our Western friends will not take it amiss if I direct my strictures at certain Western legal innovators.

The first observation I would like to make before I pass on to causes is that we are getting closer and closer to societies dominated and manipulated by criminal organisations. As political parties fall into disrepute with the people and the law abiding majority are encouraged by unthinking intellectuals to develop a stylish contempt for law and the processes of law there is the strong possibility that vacuum created by the collapse of the established system of law and order could well be filled by a new form of law and order imposed by powerful and ruthless criminal organisations. This is not science fiction. This is a judgement made on the basis

of a 14-volume report submitted a week ago by Mr. Frank Costigan QC who was appointed four years ago by the Australian Government to inquire into alleged criminal activities of the Ship Painters and Dockers Union. This investigation accidentally uncovered a vast network of crime, murders, corruption, tax avoidance, corporate crime, drugs and the laundering of money acquired through illegal activities. The practitioners of crime are no longer small-time, mentally retarded street hoodlums. On the contrary the Costigan report asserts that it is "white-collar" crime that has become a threat to Australian society. Though Mr Costigan's complete report has yet to be published, unofficial reports have identified a powerful, wealthy pillar of Australian society as being involved in large scale criminal activity. At a recent press conference Mr Costigan warned that Australians had only three to four years to mount an effective battle against organised crime before the problem got completely out of hand.

Even more spectacular and convincing evidence of growing criminal power was furnished recently by the Italian authorities as a result of confessions made by a top Mafia defector. The Mafia is no longer a fraternity of ignorant Sicilian hoodlums connected with smuggling, extortion, prostitution, loan sharking and real estate speculation and who from time to time rearrange boundaries of operations through brutal murders and bloody shoot-outs. Today the Mafia, on the basis of evidence released by Italian authorities, is organisationally and in terms of economic power and even in managerial and entrepreneurial skills comparable to many of our top but law abiding multinational corporations. Like any top multinational the new Mafia worries about efficiency, productivity, innovation, competition, market expansion and profit maximisation. I am sure its legal advisers are no longer unsavoury down at heel legal hacks but polished high flyers from top law schools. It operates on the basis of two parallel structures: an American organisation which has a monopoly of all activities with the

United States and Sicilian Mafia which has a more multi-national dimension with connections in the Middle East and South-East Asia from which it derives its most lucrative raw material -opium. The Sicilian component has a "strategic command" composed of 10 leaders who represent many families. Its yearly turnover from heroin alone is estimated at US\$1 billion.

Perhaps the most sinister aspect of Mafia operations in Italy and one which could well constitute a model for criminal organisations in other countries is that in Italy the Mafia is no longer, as it once was, the tool of ambitious but unprincipled politicians. It is now strong enough to exercise political power directly and to have its own nominees in top echelons of politics, commerce, the judiciary, the press and the police.

The Mafia has in addition an intimidating criminal army which has murdered hundreds and possibly thousands who threatened its existence and interests. It has liquidated, often with deliberate brutality calculated to instil terror in those who seek to defy it, journalists, investigative judges, enthusiastic police chiefs and investigators, politicians, informers and much more.

There is considerable evidence to show that in all major cities of the world criminal organisations are proliferating and flourishing. There was a report a few days ago of Japanese gangsters mixing sweets containing lethal doses of cyanide in stores selling a company's products because that company, which manufactures sweets, refused to pay protection money. Last week the gang in a letter to a mass circulation newspaper, after taunting the police for failing to thwart the gang's activities proceeded to inform the police that it would cease distributing poison candies if the company concerned apologised, paid up extortion money and the police called off their investigations. And remember this is in a country where reputedly law and order is sacrosanct.

Streets and underground railways in many of the major cities of the world are far more unsafe than in most tropical jungles at night. In New York, which I visit from time to time, every apartment is an armed fortress. In addition to security guards and T.V. scanners, doors are bolted with a formidable array of allegedly fool-proof locks. Despite all these, despite higher living standards, better education, more democracy and the elimination of the oppressions and humiliations of the past shootings, muggings and lawlessness proliferate alarmingly. In both criminal and civil law, the judicial system is cracking under unprecedented strain. A multiplication of laws has in no way stemmed the criminal tide. I am told that America has not only the largest number of lawyers in the world but also more law per square inch than any other nation. So if it is not poverty, want or oppression which cause crime, then what is its source?

A comprehensive explanation for this paradox has yet to emerge. But I would like for a start to contribute my widow's mite and about which I hinted at the start of my second discourse. It is that under the cry of sanctity of human rights, arrest, indictment and evidence procedures have in post-war years been modified in favour of known criminals and those accused of crimes while at the same time shackling even further the capacity of law enforcement authorities to bring criminals to book. This avant-garde approach to crime and criminals has its roots in the somewhat flamboyant and in my view totally idiotic aphorism that it is far better that 10 guilty men should go free than one innocent man be condemned. Those who espouse this irresponsible doctrine have not been able to produce evidence that miscarriages of justice do in fact occur with disturbing frequency in ordinary criminal cases. This may be so in autocracies and in despotic societies but rarely in democracies where the rule of law prevails. There may be miscarriage of justice or worse in the area of politics but the hamstringing of law enforcement authorities to detect and punish ordinary criminals on grounds

of possible miscarriage of justice has in my view contributed substantially to growth of crime and violence and the weakening of law and order. The concern for the rights of the criminal has made it easier for the criminal to cock-a-snook at the police and at the courts because liberal modifications to laws have given him greater immunity from detection, arrest and conviction.

What is even worse is that the potential victims of rape, assault and murder, because of the greater immunity afforded the criminal, have been deprived of their right not to be mugged, raped, assaulted or murdered with growing impunity. The most important aspect of human rights and justice, in my view, is not the detection, arrest and punishment of a criminal but the existence of stern laws which would deter the criminal from contemplating injury or worse to his potential victims.

The point is that, thanks to the growing compassion for the rights and sensitivities of the criminal his potential victims are today left even more defenceless than before. Prospects of becoming a victim have increased manifold. What price human rights for criminals if the innocent majority who have been made victims of rape or stabbing or who have been crippled for life or whose lives have been terminated are told that the human right of criminals have been expanded and reinforced. That is why I think the time has now come for jurisprudence and criminology to shift its focus from the rights of the criminal to the rights and protection of his far more numerous and ever-increasing victims. In the days when crimes of violence were rare and infrequent concern with the rights of criminals possibly had a therapeutic value for guilt ridden intellectuals bent on redeeming incorrigible criminals. Today when crime is rife and when criminals are coming close to establishing a criminal society I would tighten laws to the point of deterring and even cowering criminals even if by doing so we run the risk, which is statistically extremely remote and rare, of unjustly sentencing a suspected criminal.

As against this risk I believe this sterner approach to law and enforcement would give more protection to potential victims of murderous criminals who now stalk and kill under cover of human rights conveniently provided by misguided liberals.

This is the spirit in which my government has all these years approached the law and though this has not earned us applause from human rights buffs abroad you can walk the streets of Singapore in relative safety, more so than in cities where champions of human rights have indeed made the streets safe for criminals and unsafe for the law abiding.

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