

Editorial: International Prize in Law Awarded to Lord Bingham at the Institut de France, Paris

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The first Onassis International Prize in Law was awarded to Lord Bingham, who has served as a member of EBLR's advisory board for many years, at the Institut de France, Paris in December 2009. The prize has been referred to as the Nobel prize in law, and is funded by the Onassis Foundation. Lord Bingham, as the first laureate, received a gold medal, a diploma bearing a citation and €250,000.

Professor Mads Andenas is a member of the selection committee, appointed by the Institut de France. At the press conference at the Institut de France jointly chaired by Gabriel de Broglie, the Chancellor of the Institute of France, and Antoine Papadimitriou, President of the Alexandre S. Onassis Foundation, Andenas introduced the laureate:

Lord Bingham's elegance and clarity have created an international reputation. At a time when the reputation of jurists is based on their international recognition, the form of legal argument is more important than ever before. Courts and scholars all over the world cite Lord Bingham's judgments and articles because he can convince us with his argument. At a time when the House of Lords and the Privy Council have lost much of their institutional authority, the senior UK judge is more cited than any other judge, including those from more important countries or from international courts.

Lord Bingham brings his form and persuasion to bear on issues that are fundamental and constitutional in nature and also the most pressing of our times. His decisions about the limits of the exercise and scope of state power have been determinative in setting how far the state can go in protecting citizens from terrorism. He has taught us that here is no state immunity, no matter how vital the interests of the state are. He has shown us how the exercise of state powers have to be proportionate. This follows from common law principles, and from international and European human rights obligations.

Bingham is the great lawyer of his generation in the UK. He was an outstanding barrister and gained early promotion to become a judge in the English system. He will be remembered for his lucid and learned judgments that have fashioned the development of the common law in the United Kingdom and influenced legal developments far beyond, in other national courts and in international courts such as the European Human Rights Court. As a judge he has upheld the rule of law in the face of challenges unprecedented since the last war.

Lord Bingham is the first judge to have held in succession the two highest judicial offices in England and Wales, as Master of the Rolls and Lord Chief Justice, followed

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by the highest judicial office in the United Kingdom, as Senior Law Lord. Outside his judicial work, he has made extraordinary contributions to academic life, the legal community and society in general. He also has made important scholarly contributions in a wide field, covering international law, commercial law and constitutional law. It is not unrealistic to speak about a transformation of the law taking place in the last twenty years. Both the role of law and the rule of law have changed in a fundamental manner; this follows from developments in human rights, in the independence of courts and judges, and in the relationship between the common law and European law. The impact of international law, the development of new commercial law, the reform of principles of procedure and changes in court organization are further features of this transformation of the law. Due both to the central positions he has held, and to his personal authority, Lord Bingham has had an influence on legal developments in a wider field than other judges in modern times. The courts he has presided over have become effective constitutional and administrative courts while continuing to develop commercial and civil law in times of rapid change.

Lord Bingham's scholarly writing has been influential. In the early 1990s he wrote in favour of UK incorporation of the European Human Rights Convention, and advocated the use of comparative law in the courts. He later argued for a UK supreme court, and for developing the principle of judicial independence. His analysis of the judgments on detention during the first and second world wars showed convincingly that they could not be upheld. Putting theory into practice, as a judge, Lord Bingham has first paved the way for, and then given effect to, the legislative incorporation of the ECHR. His recent writing on the rule of law has attracted international attention. He has also developed the use of comparative law sources. He has given judgments seeking to strengthen judicial independence. One recognition is the newly established Bingham Centre for the Rule of Law at the British Institute of International and Comparative Law which is dedicated to the promotion of this fundamental principle in its international aspect, developing the work that has formed the foundation of Lord Bingham's judicial career.

Lord Bingham was the unanimous and obvious choice for the selection committee. He is the first recipient of the Onassis International Prize here at the Institut de France, Paris. The prize has been referred to as the Nobel prize in law, and is funded by the Onassis Foundation. If there ever was to be a Nobel laureate in law, it would have to be Lord Bingham. He has not only delivered some of the most important judgments about the rule of law, but also explored, developed and applied the rule of law at many different levels, also as a scholar.

I expect you now understand what pleasure it gives me to introduce Lord Bingham.

Web links:

http://www.institut-de-france.fr/upload/images/newsletter/lettre_44/lettre_44.html
http://www.actualites.institut-de-france.fr/actualites_1_actualite_des_prix_et_du_mecenat.php?arbo=31&tRecherche=maintenant
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