

Important legal legacy

Review **SHAILA KOSHY**
star2@thestar.com.my

MANY people, even those well-known like former Supreme Court judge Tan Sri Dr Eusoffe Abdoolcader, are forgotten by the general public over time.

Or if Eusoffe is remembered, it would only be for the time he was suspended after standing up for sacked Lord President Tun Salleh Abbas and had to fight for his job against allegations of "gross misbehaviour".

The public might remember Eusoffe as one of the five Supreme Court judges who were suspended in the 1988 judicial crisis during the premiership of Tun Dr Mahathir Mohamad 1.0. But few would remember that he was among the three who were reinstated after a tribunal concluded a closed-door hearing. More might remember his tragic death from a gunshot wound in 1996, post retirement at 71.

The politically aware would certainly remember that Prime Minister Tun Abdullah Ahmad Badawi, who succeeded Dr Mahathir, announced an ex-gratia payment in 2008, short of an apology, to Salleh and the judges who were suspended or sacked in 1988.

But, apart from senior lawyers and law lecturers in the region and some Commonwealth countries, few members of the public would remember Eusoffe's important judgments in the High Court and Federal/Supreme Court.

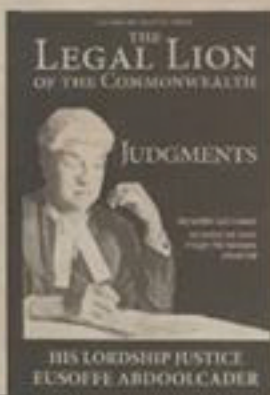
That could all change, though. Two Malaysians have channelled their love, respect and admiration for Eusoffe as a jurist and man into a book: *The Legal Lion Of The Commonwealth: Judgments*. It truly was a labour of love for Angela Yap and Ritchie Ramesh. The two-volume book was published after almost 12 years of research and interviews. Yap and Ritchie write in the book that this is just the first of several others to "revive the legacy of Eusoffe Abdoolcader and Malaysia's most illustrious forgotten family".

There have been several launches since the book came out the end of 2017. Co-publishers Akasaa Publishers and Avec are determined to share Eusoffe's story in as many places as possible. Last month, it was launched at the

A rare book that brings together the landmark legal judgements of former Supreme Court judge Tan Sri Dr Eusoffe Abdoolcader.

The Legal Lion Of The Commonwealth: Judgments

Editors: Angela Yap & Ritchie Ramesh
Publisher: Akasaa Publishers, nonfiction



Singapore Writers Festival. At the event, Malaysian lawyer-turned-actor Chacko Vadaketh, dressed in a gown, horse-hair wig and cravat, performed Eusoffe's reply to the congratulatory speeches at his elevation to the High Court in 1974.

Chacko was a fitting choice. His father, former Court of Appeal judge Tan Sri V.C. George, had given the Malaysian Bar's congratulations as then Bar Council chairman. George had waxed lyrical about Eusoffe's "calm love" for the law that grew into a "mild flirtation" and finally blossomed into a "passionate love affair".

The book isn't just a tome of judgments but is also a brief history of Malaysia. There are 36 judgments in Volume 1 and 47 in Volume 2. The editors have included Eusoffe's dissertation on the American doctrine of police power. He wrote the article to expound beyond what he had addressed in 1977 in the conviction of then Selangor Menteri Besar Datuk Harun Idris for corruption.

Don't worry, the book doesn't throw you straight into legalese but eases you into it by first sharing nuggets of Eusoffe's life.

His last surviving brother, Siroj, writes that Eusoffe - born on Sept 11, 1924 - so impressed the Japanese during their occupation of Malaya in World War II that they picked him to study law in Japan on a Monbusho scholarship. From their research in Japan, the authors opine that WWII had a

part to play "in the making of" Eusoffe. They believe that the teenager, who immersed himself in the ethics and virtues of the *bushido* (samurai) code (way of the warrior) was shaped by the code. Following his repatriation after the war Eusoffe left Malaya to read law in Britain on a King's scholarship.

Another nugget is that Eusoffe was the only one among the suspended judges who defended himself in the tribunal, say the authors.

Eusoffe was not perfect but he was fierce and fearless.

This book is suitable for youths, academics, historians, logophiles and the legal fraternity, say the non-lawyer authors. "... What binds us is that like Eusoffe, our individual experiences have led to a lifelong preoccupation with the lofty ideals of truth, justice and sacrifice," they add.

I like that they set out the judgments in chronological order. This allows readers to gauge whether there were any changes in Eusoffe's thinking from when he sat as a solo judge in the High Court to sitting in a panel of judges in the then Federal/Supreme Court. The editors have also included several quotations in boxes for easy reading.

Eusoffe was lauded by the British press as the "Legal Lion of the Commonwealth". His decision in Mak Sik Kwong which touches on a citizenship claim was cited

with approval by the Judicial Committee of the Privy Council (the highest court of appeal for many Commonwealth countries) in 1981.

A few of his judgments were quoted in Australian and New Zealand courts as foreign precedents. The highest court in Australia cited his decision - on the presumption of Constitutionality in the Harun Idris case - in the Franklin Dam case, which is referred to as one of Australia's most important Constitutional law decisions "in our time, if not since the creation of the federal system of government" there.

Apart from Mak Sik Kwong, his other cases of public interest are Tan Boon Liat (on habeas corpus), Datuk Harun Idris & Ors (Muhammad Ali vs Joe Bugner boxing match in Kuala Lumpur), and Merdeka University (setting up a private university).

For those interested, there is a WikiLeaks release online of a 1977 cable to the then US Secretary of State about the Harun case and decision. Among the thought-provoking appeals in the book are Mamat bin Daud & Ors (can Parliament criminalise acts likely to cause disunity), and J.P. Berthelsen (*Asian Wall Street Journal* staff correspondent's work pass cancelled without a hearing).

At another launch of the book, at Kinokuniya Bookstores in Kuala Lumpur, in August, British High Commissioner Vicki Treadell said Eusoffe's judgments were a legacy for the international community and an inspiration for a new generation of Malaysians.

"If he felt that government had strayed beyond their Constitutional place, he was not afraid of ... pointing out that actually, they were breaching the Constitution and the law."

This is not a quick read book. Take your time. Be inspired. After all, we have a new government to check.

The Legal Lion Of The Commonwealth: Judgments is available at Kinokuniya Bookstores, akasaa.com, and areca-books.com.

Bestsellers

FOR the week ending Dec 13, 2018:

Nonfiction



1. **Billion Dollar Whale** by Tom Wright & Bradley Hope
2. **Dr Who?: Capturing The Life And Times Of A Leader In Cartoons** by Dabuk Lat
3. **The Sarawak Report** by Clare Rewcastle Brown
4. **The Things You Can See Only When You Slow Down** by Haemin Sunim
5. **The People's Victory: How Malaysians Saved Their Country** by Kee Thuan Chye
6. **9 May 2018: Notes From The Frontline** by Nik Nazmi Nik Ahmad
7. **Unshakeable** by Aiman Azlan
8. **'So You Think I'm Funny?' - Tun Dr Mahathir Mohamad** by Bernice Narayanan
9. **Brief Answers To The Big Questions** by Stephen Hawking
10. **1MDB: The Scandal That Brought Down A Government** by P. Gunasegaram & Kimbiz

Fiction



1. **Spiral Through Time** edited by Brigitte Rozario
2. **Letters To God** by Norhafsa Harid
3. **Crazy Rich Asians** by Kevin Kwan
4. **To All The Boys I've Loved Before** by Jenny Han
5. **Marriage And Mutton Curry** by M. Shanmughalingam
6. **Breathe** by Dr Beni Rusan
7. **Rich People Problems** by Kevin Kwan
8. **China Rich Girlfriend** by Kevin Kwan
9. **The Rape Of Nancy Ng: 13 Nightmares** by Tunku Halim
10. **The Nectar Of Pain** by Najwa Zebian

Weekly list compiled by MPH Mid Valley Megamall, Kuala Lumpur: www.mphonline.com

Baffling mystery with plenty of surprises

Review by **BRUCE DESILVA**

NICKY Matthews, a New Mexico police sergeant assigned as liaison to the Tsaba'ashi D'yini reservation's police department, has a few things going for her. She's smart and tenacious. She respects, and has gained the respect of, the native American Indians living on the reservation. And she has so internalised their culture that she's visited by ghosts who provide warnings and premonitions.

But she also has some things going against her. The reservation's police chief, who thinks a woman's place doesn't include police work, undermines her at every turn. And her long-ago affair with an influential married man is a constant source of trouble.

When Nicky suspects that an

Hearts Of The Missing

Author: Carol Potenza
Publisher: Minotaur Books, murder mystery



wrapped in Pueblo Indian mythology, forensic evidence, ancient rituals, DNA tests, evil spirits, greed and violence.

The story involves so many characters and such a plethora of twists and turns that readers may find it difficult to keep track unless they pay close

attention - and maybe even take notes along the way.

The author, a biochemistry professor at New Mexico State University, is the prepublication winner of the annual Hillerman Prize for the best novel set in the American South-west. However,

her prose, while better than workmanlike, falls short of the simple elegance of the late Tony Hillerman's 18 novels about the exploits of a pair of Navajo police officers.

Potenza does a decent job of evoking the reservation's stark natural landscape, but she peppers her narrative with granular, often irrelevant, physical descriptions of her characters, including many minor ones. And when they speak, nearly all of her characters sound alike regardless of age, gender and ethnicity.

Still, the baffling mystery and the frequent surprises along the way will reward readers who stick with this story to the end. All in all, *Hearts Of The Missing* demonstrates enough promise to justify Potenza's plan for a series of Nicky Matthews novels. - AP