

WORDS AND PHRASES JUDICIALLY DEFINED. Compiled BY MALAYAN LAW JOURNAL [Singapore: Malayan Law Journal. 1990. 618pp. Hardcover: S\$380.00.]

THIS recently published anthology of judicial definitions, “extracted”, as the preface says, “from judgments reported in the Malayan Law Journal from 1932 to 1988”, is yet another significant contribution to local legal literature. Those engaged in legal practice and research now have immediate and convenient access to phraseology that has received interpretation from our local judges.

The words and phrases in this compilation have been alphabetically arranged according to main headings. However, subheadings are occasionally employed to bring together related groups of definitions emanating from one root word or phrase which forms the main heading. Thus, under the heading of “jurisdiction”, one finds the following useful subheadings:

(also alphabetically listed): emergency, jurisdictional defect, jurisdictional error, jurisdictional fact, local jurisdiction and unlimited jurisdiction. Cross references to synonymous or related headings are also added for comprehensiveness. For example, under the same heading of “jurisdiction”, one is also referred to the definition of “original criminal jurisdiction”.

The subject matter of the coverage is necessarily not confined to any particular field of law or even to commonly used legal terminology. Language of everyday usage that has acquired judicial interpretation has also been included. Furthermore, judicially defined words from the vernacular of this region are peppered throughout the compilation, which reinforces the local character of this book. Where a word has been interpreted in a statutory context, the publishers indicate so by citing the statutory provision concerned.

As for the task of distilling essential extracts from judgments, there is a considerable variation in both the length and substance of the definitions lifted, not all of which need be inevitable.

An instance where the editing could be further improved is the extract defining criminal negligence under section 304A of the Penal Code,¹ taken from the case of *Adrian bin Khamis v. PP*.² This extract contains a review of a long line of cases expounding the meaning of criminal negligence, followed by the court’s own view on the subject. Despite some editing, the extract still runs over three pages. With due respect to the editors, one wonders if an extract made up of several judicial expositions on the meaning of criminal negligence (only one of which is the court’s own), spiced with a rigmarole of academic opinions, case precedents and rules of construction of a code, may not resemble a potpourri from which it is difficult to discern the essential flavour.

What the editors could have done is to set down the various judicial expositions on the subject separately, and against each, list the cases that have either followed or departed from them. After all, one function of a lexicon of this nature must be to present definitions in a conveniently comprehensible form, whenever that is possible.

Some other extracts, perhaps injudiciously, contain facts of the case and counsel’s submissions which do not quite go towards the understanding of the definitions extracted.³ As such superfluity adds little to the definitive function of the extracts, one feels that the editors could have been more discreet about the practice of lifting passages from judgments wholesale.

¹ Cap. 224, 1985 (Rev. Ed.).

² [1972] 1 M.L.J. 274, 274-278.

³ See, for instance, the definitions for the following words: “hunch” (extracted from the case of *Data Mokhtar bin Hashim v. Public Prosecutor* [1983] 2 M.L.J. 232, 276) and “personally” (extracted from the case of *T S Aroonasalam Chitty v. Seah Eng Koon* [1934] M.L.J. 164, 165).

All in all, more editorial pruning, both in terms of length and substance could have been put in to make the definitions more succinct and digestible.

There are, however, a few other shortcomings. It would be useful if a table of abbreviations, cases and statutes could be included. Especially important would be a table of statutes because statutory definitions abound throughout this book. Surprisingly, such a table is also missing from *Stroud's Judicial Dictionary*⁴ but the justification for one in this book is not lessened by such a comparison. Secondly, for reasons of convenience, citations of Singapore statutory provisions could have included citations of identical Malaysian provisions and *vice versa*. Thirdly, for the sake of thoroughness of this local survey, the editors might consider adding definitions found in judgments reported in other local law reports but not the Malayan Law Journal although one appreciates that there might be copyright problems that have to be worked out.

One other suggestion. Given that the price of this book is rather high and that the compilation does not include judgments reported after 1988, issuance of cumulative supplements, from time to time, seems desirable.

Despite the few shortcomings, the editors must be commended for coming up with the first local work of this nature which will undoubtedly be of assistance to the development of local jurisprudence. With a few thoughtful improvements, the editors' avowed optimism that this book "will be an invaluable guide in legal research and practice where the interpretation of words is of vital importance" does seem quite justified.

TOH KIAN SING

⁴ John S. James, *Stroud's Judicial Dictionary* (5th Ed., 1986).