

WHAT IS JUSTICE ?

WHAT IS CONTEMPT OF COURT ?

Contempt of Court is generally defined as being the offence of being disobedient to, or discourteous toward, a court of law and/or its officers in the form of behaviour that opposes, or defies, the authority, justice and the dignity of the court.

It manifests itself in wilful disregard of, or disrespect for, the authority of a court of law, which is often behaviour that is illegal because it does not obey, or respect, the rules of a law court.

'I am a High Court Justice.'

Some years ago, a young European man, driving his Yamaha motorcycle on Wanchai Road, Hongkong Island, in the early hours of the morning on his way to work, was struck in the rear by a motor car while having been stopped due to a plethora of other vehicles on the busy road.

The motorcycle was only very slightly damaged.

The damage to the motorcycle was of negligible importance and young man was not injured. He was, however, shocked at having his Yamaha motorcycle hit while being stationary.

On alighting from his motorcycle, he approached, on foot, the motor car that struck his motorcycle and informed the European driver of the motor car that his vehicle had caused the minor accident.

The European driver of the motor car, looked up nonchalantly and replied in a stentorian voice:

'I am a High Court Justice! Do you realise this?'

A few hours later, in the office of a European detective in the employ of what was then known as The Royal Hongkong Police Force, the young man explained the details of the incident on Wanchai Road.

On listening to the narrative of the events, the detective, who had been writing down the statements of the young man, excused himself for about 20 minutes, returning with the intelligence that that which the young man had told him, including the licence number of the motor car that had struck the stationary Yamaha motorcycle and the statement from the driver, had been reconfirmed and that, indeed, the driver of the motor car was, without question, a Justice of the High Court of Hongkong.

At that time, Hongkong was a British Crown Colony of Great Britain.

The European detective, then, asked the young man as to his mien at the time of, and following, the incident.

Within a period, not exceeding two minutes, the European detective had suggested, in no uncertain terms, that the young man had been in the wrong due to the boldness in his approach to the motor car that had struck his motorcycle, that aggressiveness, being akin to bellicosity in both action and speech, as well as a suggested attempt at intimidation in respect of a dignified, High Court Justice.

Throwing down his pencil on his desk in a show of exasperation, the European detective, clearly perturbed, said that he had to go to the toilet for a minute.

The pencil rolled off the desk and landed on the wooden floor, near to the chair of the young man.

The young man retrieved the pencil and placed it, once again, on the desk, just above the written complaint that the European detective had been writing.

By this action, the young man noted that at the top of the page of his complaint, having been transcribed carefully by the European detective, there had been written, in the capital letters: '*NFA*'.

When the European detective returned, he told the young man that, as far as the police was concerned, the fault lay with the young man, not the High Court Justice.

The European detective then warned the young man, his face, now, indicating a determined assertion of authority in stark contrast to his former interest in the details of the incident.

The European detective, then said:

*‘I think you would be advised to forget this incident ... It is in your best interests to do so.
Do you understand me?’*

About one year later, in a conversation with a solicitor at a dinner party, the young man was enlightened on learning that the letters, ‘**NFA**’, was the jargon of The Royal Hongkong Police Force: ‘**No Further Action.**’

The young man was, at the time of the above-mentioned incident, a journalist, employed by a then popular, morning tabloid newspaper, named The STAR.

Had that newspapers published and disseminated the details of the incident in the British Crown Colony of Hongkong, including the name of the High Court Justice, the licence number of this gentleman’s motor car, that is the vehicle that struck the stationary Yamaha motorcycle on Wanchai Road, as well as the details that proceeded, thereafter, how would the Hongkong Government have reacted to such a report?

Would the publication in The STAR in respect of this incident have been deemed a Contempt of Court?

Would the details of the European detective’s statement to the young man, after two hours of questioning and taking down the details of the incident, have been suggestive of an implied threat?

Had the European detective been instructed, directly or indirectly, by the High Court Justice to warn the young man of the suggested consequences if he pursued his complaint?

One could not help but be reminded of William Shakespeare’s immortal words:

*‘O judgment! Thou art fled to brutish beasts,
And men have lost their reason.’*

Faced with this situation, one that could have suggested dishonour with regard to the Hongkong judiciary,

would the Hongkong Government just sweep the matter under its bureaucratic carpet, claiming that it was in the interests of justice so to do?

Does not justice demand equal treatment to all: '*Suum cuique tribuere*'?

'How Are You, Today, Mr XXX?'

In the trial of a multi-billionaire in the High Court of the British Crown Colony of Hongkong, some years ago, the Defendant, having been accused, inter alia, of conspiracy to defraud, corruption and false accounting, the trial judge, at some of the opening sessions of the many days that the trial was in progress, was heard to have asked the Defendant, in open court:

'How are you, today, Mr XXX?'

The Defendant, always, smiled and thanked the High Court Justice for the kind consideration.

A number of the barristers and solicitors at this trial, those for the defence as well as those for the Crown, were shocked and dismayed at such utterances, issued from the mouth of the trial judge who had, up to that day, an impeccable record.

The trial judge was, eventually, asked to recuse himself ... in the interests of justice.

He was invited, in open court, to recuse himself on the grounds of being unqualified to perform the legal duties as was his mandate, due to, inter alia, a potential conflict of interest and/or a display of a decided lack of objectivity and impartiality.

The Defendant was facing, among other things, fraud charges in the amount of more than \$HK4 billion.

It was well known that, during the Defendant's control of a company, listed on The Stock Exchange of Hongkong Ltd, he had been the prime mover that had caused it to become insolvent, that is unable to pay its debts as they fell due.

It was, at this time in the history of the territory, the largest corporate insolvency ever to have come to light.

That was not all, however, for, at a cocktail party at which the Defendant was present, the trial judge, who had, also, been invited to attend, being more than a little tipsy, strolled over to the Defendant, wishing him all the best in his defence in respect of the charges with which he was facing.

Some solicitors and barristers, not associated with this case, were, also, present at this cocktail party.

They took note of the incident and passed on the details to those solicitors, involved in the case.

The above facts have, for the most part, never been published, probably due to the trial, being sub judice – under judicial consideration and, therefore, prohibited from public discussion, elsewhere.

If a medium had published the above facts, the medium, its editor as well as the journalist who penned the facts, would have been charged to Contempt of Court, no doubt.

But, would it have been in the interests of justice for the above facts to have been brought to the surface for all to bear witness?

Does not justice lie at the heart of moral and political philosophy?

It is a very necessary virtue of individuals in their interactions with others, and the principal virtue of social institutions, although it may be said not to be the only one.

Just as an individual can display qualities, such as integrity, charity and loyalty, so a society can also be more or less economically prosperous and artistically cultivated.

Justice is defined in the legal maxim as to render every man his due.

Punishment has to be properly imposed; and, the quantum of punishment must reflect the seriousness of the offence for which a person has been charged, fairly, objectively and impartially.

There is a division between corrective and distributive justice, however.

Corrective justice covers that which is due to a person as punishment; distributive justice is that which is due

by way of benefits and burdens other than punishments.

In teleology – the explanation of phenomena in terms of the purpose they serve rather than of the cause by which they arise – it is commonly held that an account may be given of the good for human beings; and, that justice is the ordering principle through which a society pursues that good.

Judges Are Just As Prone To Corruption As Are Most Men

As the gangland monster that roamed the streets of Los Angeles between the 1930s and the 1960s, he maintained (and proved) that all manner of man could be bought – for a price.

Many of the judges, during the years that Meyer Harris ‘Mickey’ Cohen, the head of the Cohen Crime Family, was in his heyday, accepted material cash ‘gifts’ from Mickey Cohen, directly and/or indirectly, in the form of donations to one or more of so-called ‘charities’, to which the judges were said to have sponsored.

It was, in fact, as history has proved, an open secret in those three decades that justice was only, on occasions, served in the ‘*City of the Angels*’.

The Cohen Crime Family had full control of all contraband, coming into and out of California via ships, trains and motor vehicles, during those 30 years.

Drugs, such as heroin and cocaine and other addictive substances, prostitution, the numbers’ rackets (a form of illegal gambling or illegal lottery, played mostly in poor and working class neighbourhoods), as well as control of the races, dogs and horses, the Cohen Crime Family controlled them all.

In those days, numerous licentious parties, some held in sleazy parts of Los Angeles and some held in luxury hotels that the Cohen Crime Family owned or controlled, included prominent politicians, those in power in California and those even as far away as Washington D.C., high-ranking members of the Los Angeles Police Department, judges, gaggles of ladies of the night, and, always, armed members of Cohen Crime Family – just to keep the peace.

While murders were commonplace in Los Angeles, during the 1930s through to the 1960s, Mickey Cohen was never charged for being involved in such despicable crimes – even when he was known to have been present at the venue where the murders took place.

If nothing else, Mickey Cohen proved that few men are totally innocent: All could be bought if the price was right.

For many – if not most – of the judges of Los Angeles, during those days of debauchery, sex was one of the many ways to pervert the course of justice.

As one madam of a house of ill repute remarked, openly in court, cops and judges have to fuck, also.

In Hongkong, when it was a British colony, corruption was rife, in The Royal Hongkong Police Force, in local politics, even to the extent of bribing an employee of a prestigious hotel in order to obtain the position of a waiter or the attendant in a toilet.

In Wanchai, one of the many red-light districts on Hongkong Island, murders were quite common, especially when a john refused to pay the amount of money, agreed with a prostitute for a legs-up – burley bodyguards were around just about every corner of this district of Hongkong Island.

Girls, as young as 14 years, were singled out by smooth-talking pimps and encouraged to entertain elderly men who were told that they may ‘play’ and touch any part of the innocent children, but not to the extent of fornication.

In the Hongkong of today, many things have changed, but organised crime continues to proliferate.

Triad organisations continue to operate with impunity in various parts of the territory in spite of them, being illegal organisations.

One may only ponder how, in the civilised world that Hongkong claims to be, organised crime in the territory, housing about 7.40 million, men, women and children, cannot be materially contained.

May One Criticise Members Of The Court?

A number of decisions, made by learned Justices of the High Court, in respect of the questionable acts, perpetrated by some, would-be political zealous residents of the territory, have recently been challenged.

On or about September 12, 2018, the Chief Executive of the Hongkong Special Administrative Region

(HKSAR) of the People's Republic of China (PRC) – as Hongkong is now called – Ms Carrie Lam Cheng Yuet Ngor (), took exception to statements that she claimed were insulting and/or personal attacks on judges.

Ms Carrie Lam Cheng Yuet Ngor, in her own words, said that the attacks were '*regrettable*' and '*unacceptable*'.

For what reason would this very intelligent lady take this stance?

Going back about 35 years, to that trial judge who had been in the habit of acting in a more-than-friendly manner in respect of the health of the defendant in an important criminal trial where the defendant had been accused, inter alia, of fraud of more than \$HK4 billion, would it have been '*regrettable*' and '*unacceptable*' to criticise that trial judge?

This High Court Justice was a known sot who had been in the habit of drinking up to two bottles of wine with his luncheon at The Hongkong Club where he was a member up to his death.

Further, would it have been '*regrettable*' and '*unacceptable*' to criticise this High Court Judge for being at the same cocktail party as was the defendant and having a conversation with him?

This same judge, in a drunken stupor after imbibing his usual ration of wine with his luncheon at The Hongkong Club, while trying to make his way back to court, slipped on his approach to Justice Drive and his fall, along with injuries to his face, were published on the front pages of a number of Hongkong newspapers.

How could a High Court judge be permitted to adjudicate in such a state of obvious semi-consciousness?

Was that incident just '*regrettable*', but not '*unacceptable*' in spite of its publication on the front pages of newspapers in Hongkong?

This same High Court Justice stayed, during the trial, at The Mandarin Oriental Hotel, at Hongkong tax-payers' expense, and it was known that, from time to time, he had ladies share his quarters – when he was not in his cups.

Is this behaviour acceptable for a High Court Justice?

Should he have been criticised for fornication with ladies of the night in this five-star hotel, or, alternatively, would it be fair to state, as did that madam when Mickey Cohen was operating, openly, in Los Angeles for three decades: *‘Cops and judges have to fuck, also.’*

It is held that society must respect the law, the judges as well as members of the court.

But in some instances, it may be difficult to hold respect for certain judges not just for their legal determinations, but for not taking into considering the diffusing effects of such determinations.

Law and Morality

Within the tradition of Natural Law – the unchanging moral principles, regarded as a basis for all human conduct – having had its roots in the philosophies of Aristotle and St. Thomas Aquinas, the political community has, generally, been understood in terms of a fundamental goal.

That fundamental goal is fostering that which is considered the ethical good for all citizens within a society.

A society is defined as the amalgamation of communities in which there is an interaction between the communities.

The law is meant to seek to inculcate habits of good conduct.

It supports a social environment that encourages citizens to pursue worthy goals.

It is questionable that considerations are sometimes given to the wisdom of restraint and, as such, on appropriate occasions, citizens may indulge in depraved tastes or, otherwise, fall short of that which is considered as being acceptable standards of behaviour.

Freedom to engage in vice – immoral or wicked behaviour – however, does not call into question the legitimacy of a state’s concern with individual morality.

Liberal tradition has tended, over time, to place constraints of principle upon the scope and aims of the law.

Questions have been posed as to whether or not one should take into account only the immediate effects of behaviour or more remote and diffuse effects as well.

Thus, it could be held that immoral behaviour which, in the short term, may hurt nobody, may, down the road, lead to a decline in morality in society, thereby diffuse harmful effects.

Thus, the disrespect that one may rightfully have had for that 1983 Justice of the High Court of Hongkong, who was appointed as the trial judge in one of the most-important cases of the day.

Aside from being a sot and casting aside that which disregarded, openly, the type of conduct that was expected of him as a Justice of the High Court, he was a known fornicator, who took full advantage of his position in order to satisfy his lust.

Infamy may be attained in bed at ease; honour, on the other hand, may be attained in the torment of actions.

If one values the joys of the flesh over the value of honesty, one may be lost – forever.

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