

## Oagile Bethuel Key Dingake, *Judges*

Chennai: Notion Press, 2020, 362 pages, paperback, ISBN-10: 1648288650 and ISBN-13: 978-1648288654.

The lockdown gave me a little more time for mental improvement through reading and I elected to read one of Judge Dingake's books entitled *Judges*. Notion Press of India published the book that runs into 362 pages. The book is now available on Amazon and other online book platforms. This is the review that I promised. This book discusses the work of judges, highlighting judicial values that are essential for earning and retaining public confidence in the judiciary. These values include independence, impartiality, integrity, propriety, equality, competence and diligence. These core values, commonly referred to as the Judicial Integrity Group in Bangalore, India, agreed upon the 'Bangalore Principles of Judicial Conduct' in February 2001. In 2003, the United Nations Human Rights Commission (UNHRC) endorsed the above principles, which are considered amongst common and civil law jurisdictions as the authoritative statement on the values that should inform judicial conduct.

In his book, Judge Dingake argues that Judges must be independent and impartial. For him, independence means, *inter alia* that a judge should not take any instructions from anyone or be influenced in any way in determining any matter. Impartiality means that a judge should treat the parties before him/her equally providing them with equal opportunity to say their side of the story. He emphasises that a Judge should have no personal interest in the outcome of a case. He takes the view that every judge is a product of his/her time and that it is through this prism that his/her objectivity must be assessed and critiqued. The purpose of objectivity, according to Judge Dingake, is to be dispassionate. He concedes that this objectivity is difficult but attainable. Judge Dingake compellingly makes the case that the primary function of a judge is to dispense justice. Where there exists –as happens often in most things of life – an asymmetry of power, it has always been a revered principle of liberty and freedom that judges are no respecters of persons but the law, and that they are ever vigilant to ensure that any governmental action is justified. Judge Dingake's considered view is that that today's judge is required to give effect to the values of a pluralistic society that cherishes democracy, human rights, tolerance and diversity. Indeed, this book exemplifies these values.

It took me a while to begin to read this book because I thought I would find it complicated. I was a touch apprehensive and feared that I would encounter legal jargon and thus struggle to understand the book's pith or fulcrum. This is because legal practitioners –among whom Judge Dingake unfortunately numbers – are notorious for communicating in tongues. I was pleasantly surprised to find that this book is written in simple English and with breath-taking clarity. Judge Dingake introduces the issues discussed in each chapter proceeds to do exactly that and at the end of each chapter, he gathers the threads together to summarise the key message. One does not need to be a lawyer to understand the message of this book. For me, the key message that I got is that in a democracy, Constitutions matter and it falls upon judges to breathe life into the Constitution – an important instrument for safeguarding lives and rights.

Judge Dingake's style reminded me yet again of a few of the legendary Lord Denning's writings that I have read. Like Lord Denning, Judge Dingake writes simply and uses short sentences to devastating effect. Small wonder why Dingake is regarded as Botswana's Lord Denning. However, their writing styles also differ significantly. Where Lord Denning writes in prose, Judge Dingake tends to be scholarly and even philosophical. Both their works are fun to read and are persuasive. Notably, in this book Judge Dingake candidly discusses the dilemma judges face when deciding difficult cases such as those concerning the death penalty, abortion, euthanasia and same sex marriages. Although he remains quite balanced and dispassionate in his discussions of the issues, it is not difficult to tell where he stands. Some of his valuable insights come in when he discusses the question of whether judges make law or not. In discussing these

issues, his experiences, vast scholarship and knowledge come into full display. It is clear to me that Judge Dingake manages his time wisely. Not many judges can write so many books and still manage to deliver sound judgments in time.

In this book Judge Dingake reminds the reader that perhaps the most important part of a judge's task is fact finding; that judging is primarily about finding facts and applying the law to those facts. He writes that once you have the facts, the law tends to take care of itself. There are many messages to take home from reading Judge Dingake's book. However, for me the key one is that judges should not be beholden to political power.

There is also a lighter side of the book, like when Judge Dingake quotes John D Voelker as saying of judges: 'Judges... may be divided roughly into four classes; judges with neither head nor heart - they are to be avoided at all costs; judges with the head, but no heart - they are almost as bad; then judges with the heart but no head- risky but better than the first two; and finally, those judges who possess both a head and a heart'. I highly recommend this book to everyone interested in the work of judges and the importance of law to our daily survival.

***Reviewed by Moses Magadza***

Email: [moses.magadza@gmail.com](mailto:moses.magadza@gmail.com)

#### **Acknowledgement**

This book review first appeared in *Mmegi*, 3 April 2020