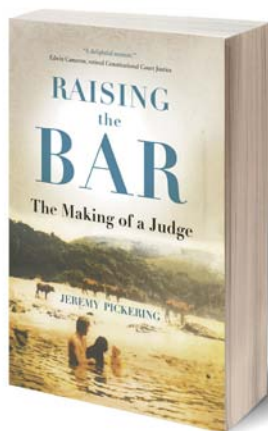


From the publishers



Raising the Bar: The making of a judge

by Jeremy Pickering

Staging Post 2025 (283 pages)

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Jeremy Pickering was a High Court judge from 1 September 1992 until his retirement on 30 August 2019, a period of 27 years. He was, he notes, the longest serving judge in South Africa at the time.

It will come as no surprise to readers of his judgments, amused by his intelligent eye for humour and his choice turn of phrase that, in his retirement, he has written his memoirs. One such judgment handed down in 2009 (*Ryan v Petrus* 2010 (1) SA 169 (ECG)) commenced thus at 171G-H:

“Mrs. Mieta Ryan is, by her own account, a God-fearing widow who lives her life according to the tenets of the Christian faith; who attends church regularly; who is the news correspondent for the local Catholic Womens’ League; and who considers herself as being almost indispensable to her congregation.

Despite this she holds the strong belief that, as a widow, the biblical injunction against adultery, expressed in the Seventh Commandment (Exodus 20:14), is of no application to her. No doubt fortified by her idiosyncratic view of what constitutes adultery she embarked on an adulterous affair with one Vernon Petrus.”

Advocates are not universally known for their brevity. The more charitable explanation is that our written work must be both accurate and sufficiently detailed to support our case, not – as the cynic might speculate – because we are paid by the page. Pickering’s memoirs consist of short chapters, each covering a brief phase of his life, an anecdote, or a case in which he was involved as prosecutor, counsel, or judge. He provides enough detail to provide context without inducing somnolence.

The book is interesting, humorous, informative and in significant part redolent of a past many of us would prefer to forget: the excesses of the apartheid state security apparatus and the lawyers on and off the bench who were either complicit in or resistant to unequal treatment by and before the law.

Pickering was born and raised on a farm near Stutterheim, a rural hamlet in the Eastern Cape. He shares amusing tales of his birth and early upbringing:



“I spent the daylight hours of my first weeks of life in the warm environs of the yeast-proving drawer of Holland bakery in Stutterheim. I was born prematurely and weighed under four pounds (1.8 kg). Stutterheim Hospital had no incubators. The September of my birth was an exceptionally cold month and spring showed no signs of arrival. The baker kindly agreed to accommodate me rent-free. My weight rose with the yeast and eventually I was allowed home to the farm.”

South African Tourism

Having obtained his law degree at the University of Stellenbosch on a state bursary, he had to work as a prosecutor and then as a state advocate. The latter assignment took him to Makhanda, then known as Grahamstown, where he reported to a foul-mouthed, malevolent individual, the Attorney-General, to whom he refers only as “H”. Whether this is out of an inability to repeat his name, from courtesy, or for fear of litigation is not disclosed. Pickering does not display similar reticence toward naming other characters who emerge from his book with bruised egos or reputational taints, some of whom I suspect are still alive. I digress. Pickering adopted the description by a BBC journalist of the late unloved British judge, Harman J, to describe the Attorney-General: “His smile ‘was reminiscent of pale afternoon sun striking the brass plate of a coffin’. When I read that I thought it was a perfect description of H’s thin lipped, sneering look.” Respite from H lay in six-week tours with the circuit court that dealt with criminal matters in various towns across the border region of the Eastern Cape. “In those days the only junior defence advocate was Jean Nepgen, later Nepgen J, the terror of the junior bar.” Nepgen J is one of several lawyers mentioned in relation to their early careers, who later rose to greatness in the judiciary.

Pickering did not have to suffer H for long. He elected to resign before his contractual commitment to the state had been discharged, to repay the outstanding portion of his bursary and take a gap year. Therein lies the assuredly unique tale of how Pickering J, as he would one day come to be known, took employment cleaning pigsties before successfully applying for a job with an itinerant circus, spending his first night sleeping on the hay with the elephants and later filling in for the circus clown, for a while making the role his own.

After joining the Bar, he soon relocated to Mthatha, where he developed a busy and varied junior practice. The reader is treated to stories both interesting and informative that provide fascinating insights into the lives and legal disputes of rural folk in