

Supporting the judiciary: Juta Law Publishing

A century has gone by since the South African judiciary was instituted following Union in 1910. Juta is honoured to have been, over the whole of this period, the publisher of legal works reflecting the great political and social challenges confronting the country, and the continuing endeavour of our courts to interpret the law and to assist in its development.

The house of Juta was founded in Cape Town in 1853 by Jan Carel Juta, an immigrant newly arrived from the Netherlands. From a very early time, Juta has been closely associated with the development and practice of the law in South Africa. In 1869, Jan Carel introduced a series of comprehensive law reports, and from these beginnings grew a broad range of authoritative legal texts, by prominent lawyers including members of the judiciary. Some of these became iconic works considered indispensable to this day.

Judicial reminiscences

In his *Biographical Memoirs and Reminiscences* Sir John Kotze, later Judge President of the Cape and, from 1922, a judge of the Appeal Court, gives his recollections of Juta's founder, dating back to 1859. Jan Carel Juta was 'a man of education, capacity, energy and strong will', to whom the Cape Colony owed a debt of gratitude for his publishing work. He 'has left us an example of what can be achieved by perseverance, devotion to duty and honourable commercial effort': a high commendation that Juta has endeavoured to deserve throughout the many years that followed.

The family connections

Jan Carel Juta had a further intimate connection with the law and the judiciary. His son, Sir Henry Juta, who was knighted in 1897, became Judge President of the Cape Provincial Division, and judge of the Appeal Court in 1920. Sir Henry was a Juta author, not only of legal works: in addition to legal treatises, he wrote many children's books, published in Juta's Juvenile Library.



An interest in law and public service, and a spirit of enterprise, were shared by other members of the family. Jan Carel's brother, Coenraad Jacobus, a former ship's captain from the Netherlands, served as Minister of War for the Transvaal Republic, as secretary to the Volksraad and as High Sheriff of the Transvaal. His son was

Sir Henry Juta, Judge President of the Cape from 1914 and Judge of Appeal prior to his retirement

appointed by President Paul Kruger as Johannesburg's first criminal magistrate (at the age of 19). He rose to become Chief Magistrate of Johannesburg and was a founder of the Rand Club. Juta Street in Braamfontein, Johannesburg, was named after the family.

The Duncan family, which became dominant in the firm during the 20th century, also produced a lawyer of distinction who was at the heart of a landmark battle in South African law (the famous Harris cases; AD judgments reported at SALR 1952 (2) SA 428 (A) and 1952 (4) SA 769 (A)). Graeme Duncan QC argued before the Appellate Division in 1952 that laws made by Parliament in the early 1950s to deprive Coloured people of the limited franchise that they had at the time were invalid. He succeeded, and successive courts ruled against the government. Although the government ultimately got round the legal restrictions, in the Harris judgments the courts demonstrated an independence and an adherence to principle that have become a hallmark of the South African judiciary under the new constitutional dispensation.

Deep roots: Judges' contributions to legal literature since 1910

Juta has relied on the considerable contributions of eminent judges to its publications over many years. Judges have also contributed to works no longer extant, or still to be published, and many continue to serve on the editorial boards of Juta's law journals.

Among some of the most renowned are:

- Cape Judge Percy Sidney Twentymen-Jones: *The Civil Practice of the Magistrates' Courts in South Africa*. First published in 1918, this work has been familiar to attorneys for many years as Jones & Buckle. Judge Jones, later Cape Judge President, was an excellent sportsman who represented South Africa in both rugby and cricket.
- Cape Judge Hennie Erasmus: *Superior Court Practice*. First published in 1994, but with roots going much further back, it is known as Erasmus to every practitioner of law in the high courts.
- Cape Judge Joseph Herbstein and AD Judge LJ de V van Winsen: *The Civil Practice of the High Courts and the Supreme Court of Appeal of South Africa*, originally published in 1954, has for many years been known simply as Herbstein & Van Winsen. Like Erasmus: *Superior Court Practice*, it is a standard text on civil procedure in the high courts. Retired Cape Judge Hennie Nel contributed substantially to the 5th edition (2009).
- The late Chief Justice MM Corbett: *The SA Law of Succession* (2nd ed 2002).
- Justice Edwin Cameron of the SCA (now of the CC): *Honoré: The SA Law of Trusts* (5th ed. 2002).
- Cape Judge Dennis Davis: numerous works, including *Gordon & Getz: The SA Law of Insurance* (5th ed. to be published 2010).
- South Gauteng Judge E Bertelsmann: *Mars: The Law of Insolvency in South Africa* (9th ed. 2008).
- Northwest Judge Adolph Landman: *Practice in the Labour Courts*.
- Justice Belinda van Heerden, now of the CC: *Boberg's Law of Persons and the Family* (2nd ed. 1999).

Another contribution to jurisprudential writing from Juta is the *Judiciary in Africa* (1998), a thought-provoking collection of conference papers by jurists from around the continent compiled by Justice D van Zyl and Justice B Ajibola. In keeping with its support of informed legal discourse, Juta's recently published *Judges in Conversation* (2009) enables a wider audience to share the insights of leading jurists from around the world who met at the Constitutional Court to discuss seminal human rights judgments that have shaped human rights law over the past century. 