

"Africanise" SA Law: Hlophe

Written by Rudi Prinsloo
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South Africa's mix of English and Dutch law needs to be "Africanised" to make it more relevant, Cape Judge President John Hlophe said in Durban on Thursday night.

"I believe that people need law that embodies their own culture and their values. We need to Africanise our law and make it relevant to the masses. There is a huge void in our legal system," he told a symposium organised by the Progressive Professional Network.

South Africa's common law was a fusion of English and Dutch law, which had been imposed at the expense of indigenous law.

"If we do not transform the legal system we will have a problem because people will not identify with the system.

"We need to have the situation where people obey the law not because they fear being sent to jail, but because they feel that it is the right thing to do and something they are proud of."

He said South Africans had a legitimate expectation for transformation in the judiciary.

"I describe transformation as change for the better. The society is crying out loud for transformation. The citizens have a legitimate expectation."

He also believed that there was a need for courts to use African languages.

"We expect courts to allow citizens to use their own languages. The Constitution in my view imposes a duty on us to advance the use of African languages in courts."

Using interpreters was not adequate, as "languages get diluted if interpreted".

He called for judgments, especially those of the Constitutional Court, to be made more accessible.

"Just take out all the Latin expressions from the judgments and make them simple for people to understand."

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