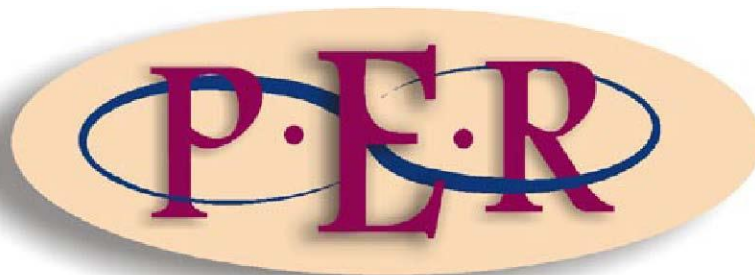


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**THE LAW FACULTY OF THE NWU POTCHEFSTROOM CAMPUS
CELEBRATES ITS HALF CENTENARY**

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THE LAW FACULTY OF THE NWU POTCHEFSTROOM CAMPUS CELEBRATES ITS HALF CENTENARY

HS Gouws*

1 Introduction

The Law Faculty of the North-West University, Potchefstroom Campus, is celebrating its half centenary in 2015, having been founded in 1965. Law subjects were first introduced in 1932 after the Senate had decided on 11 November 1931 to accept the recommendations of a commission which had to examine the possibilities of adding law subjects for the BA degree.¹ The newly found Law Faculty held its first meeting on 4 August 1965.²

2 A vibrant faculty

Today, fifty years later, the Law Faculty of the North-West University, Potchefstroom Campus, is a highly esteemed and vibrant law school. With 1 210 undergraduate students in 2015³ the Faculty is still one of the smaller faculties in South Africa, but according to the Dean, Prof Nicola Smit,⁴ being smaller means that the staff personally know the students.⁵

Despite being one of the smaller law faculties, it is noted in international circles. Prof Willemien du Plessis⁶ says that the Faculty draws more post-doctoral researchers than the bigger law faculties. Currently there are 36.

As far as postgraduate students are concerned, the Faculty has also become a sought after destination. Currently 30 LLM students and 28 doctoral students registered in

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¹ PUK 1931 *Notule van die Senaat* 057.

² PU for CHO 1965 *Notule van die Vergadering van die Fakulteit Regte* 1.

³ Smit 2015 [Personal Interview].

⁴ Smit 2015 [Personal Interview].

⁵ Stander 2015 [Personal Interview]; Crous 2015 [Personal Interview].

⁶ Du Plessis 2015 [Personal Interview].

the Faculty are from outside South Africa.⁷ The Faculty has 132 LLM and three MPhil students. This year 62 students enrolled for a LLD.⁸

Various co-operation agreements exist with overseas universities. The first was an agreement for an academic exchange programme with the University of Leiden and the Vrije Universiteit, Amsterdam, which was signed in 1992, when Prof Ig Vorster was the Dean. He passed away in May 2015 and letters of condolence were received from the University of Leiden, noting the large role Prof Vorster played in the creation of this exchange programme.⁹

According to this agreement two final year LLB students would study at Leiden during the third semester, attending classes and writing exams. Later a similar agreement was signed with the University of Leuven in Belgium. The first students went to Leiden and Leuven in 1994.

In 2004 the University of Leiden awarded the PU for CHE its prestigious Meijers Medal, honouring the PU for CHE for the relationship between the two faculties.¹⁰ During the tenure of Prof Francois Venter as Dean (2000 to 2012) more agreements with other universities were concluded.¹¹

A dynamic research culture exists within the Faculty. Research is co-ordinated by the Research Unit: Development in the South African Constitutional State. Under the directorship of Prof Willemien du Plessis, the Research Unit addresses developmental and legal challenges in South Africa.¹² The 2014 report¹³ of the Research Unit defines its activities:

The research in the Unit centres on issues of importance to South Africa, the Southern African Development Community (SADC) and Africa. The research relates amongst other things to land (e.g. land reform, virtual property and food security), the environment (e.g. its relationship to local government and energy in the region), trade (e.g. public procurement, transboundary insolvency), cultural diversity and decent work (in South Africa and SADC).

⁷ Du Plessis 2015 [Personal Interview].

⁸ De la Harpe *Postgraduate Student Numbers* [e-mail].

⁹ Elias *Untitled* [e-mail]; Lawson *Deelneming Overlijden Prof Ig Vorster* [letter].

¹⁰ Anon *Universiteit Leiden Faculteit der Rechtgeleerdheid*.

¹¹ Venter 2015 [Personal Interview].

¹² Faculty of Law *2014 Report Research Unit 1*.

¹³ Faculty of Law *2014 Report Research Unit 1*.

In 2014 thirty-five researchers participated in various capacities in the work of the Research Unit. Twenty-two of these researchers have doctoral degrees, while most of the other researchers have LLM degrees. Eight NRF-rated researchers participate in the Unit, of whom two are B-rated researchers and one a P-rated researcher.

The Faculty has eleven professors, six associate professors, six senior lecturers, eleven lecturers and two junior lecturers. A good balance has been attained, there being 17 professors and 19 senior and junior lecturers. Two of these are post-65 years of age appointments, they being Profs Gerrit Pienaar and Francois Venter.¹⁴

2.1 The unique character of the Faculty of Law at the NWU Potchefstroom Campus

In the fifty years of its existence, and within the context of the university in which it is established, the Faculty of Law at the North-West University, Potchefstroom Campus has developed its own character.

The Faculty was founded in the Potchefstroom University for Christian Higher Education, which has for many years been the philosophical foundation of all science practised here.

In 1975 Van der Vyver¹⁵ wrote that two aspects give the law education at this Faculty its unique character. On the one hand there is an emphasis on historical values and on the other hand a philosophical approach with principled values.

Most of the pioneers at the Faculty had their training at the University of Stellenbosch, which was then known for its traditional approach to jurisprudence. Van der Vyver explains that this traditional approach relates to the fact that South African law is rooted in the historical Roman-Dutch Law.

¹⁴ Smit 2015 [Personal Interview].

¹⁵ Van der Vyver "Voorwoord" vii.

De Beer¹⁶ agrees with Van der Vyver, and wrote in 1991:

The emphasis of the principal foundations of the law ... and ... the Christian-historical character of the PU for CHE, determines the unique character of law education in Potchefstroom. The fact that Philosophy of Law has become a specialist area of Potchefstroom quickly received national acknowledgement and is nothing more than the logical development of this unique approach.

By 2001 the Strategic Plan¹⁷ of the Faculty states that, although it has not been cultivated purposefully, the Faculty has developed a certain identity within the context of the academic community. "It is not possible to define this in detail, but it is connected to the Christian historical and Afrikaans character of the university."

According to Prof Willemien du Plessis,¹⁸ these two aspects still defines the unique character of the Faculty. With Philosophy of Law at the foundation of all subjects, students of the Faculty go into the world as well-rounded people. "They think further and are more critical than students of other universities."

This modern faculty thus has its roots in history that stretches back nearly 150 years.

3 Overview of the history of the North-West University, Potchefstroom Campus

The Potchefstroom University College (PUC) has its origins in the founding of a Theological School for the Reformed Church on 26 November 1869 at Burgersdorp.¹⁹

In 1877 it was decided to also instruct students to enable them to obtain literary degrees.²⁰ After having considered the issue for a period of time, the synod of the Reformed Church decided to move the Theological School to Potchefstroom at its meeting in Middelburg in April 1904.²¹

¹⁶ De Beer 1991 *THRHR* 345.

¹⁷ PU for CHE *Strategiese Plan*.

¹⁸ Du Plessis 2015 [Personal Interview].

¹⁹ Van der Schyff *Wonderdaad* 2.

²⁰ Du Plessis *Geskiedenis van die Potchefstroomse Universiteitskollege* 2.

²¹ Van der Schyff *Wonderdaad* 81.

On 13 February 1905 the official opening of the Theological School took place in Potchefstroom.²² The initial student corps numbered 18 to 20, including two students in the equivalent of Grade 10, two in Grade 12, four theological students and two students studying to obtain literary degrees.²³

By 1913 the curators were struggling to keep the Theological School afloat financially. They applied for assistance from the government.²⁴ This subsidy was granted on condition that the Literary Department and the Theological School be separated. From April 1919 the Literary Department was known as "Het Potchefstroomse Universiteitskollege voor Christelike Hoger Onderwys".²⁵

The incorporation of the PUC into UNISA in 1921 was met with much resistance, due to the fact that the PUC lost its "surname" *voor Christelike Hoër Onderwys*. No stone was left unturned to have this suffix restored, and in 1933 a private bill was accepted by parliament to this effect.²⁶

According to Du Plessis²⁷ the aspiration to become independent was kept alive and was achieved with another private bill. The independence was celebrated with much pomp and ceremony during the week of 14 to 17 March 1951.²⁸ After this the PUC was officially known as the Potchefstroom University for Christian Higher Education.

The next major milestone in the history of the university was reached in 2004 when the PU for CHE, the University of the Northwest and the Sebokeng campus of Vista University amalgamated to form the North-West University.²⁹

4 Law subjects instituted

The first time the possibility of incorporating law subjects into the curriculum of the PUC was raised was in 1922 when a local attorney, JLP Erasmus, wrote to the PUC,

²² Van der Schyff *Wonderdaad* 89.

²³ Schulze *Veritas Vincet Jubileumuitgawe* 58.

²⁴ Anon 1969 *PU-Kaner* 15.

²⁵ Coetzee "Gesiedenis van die Onderwys in Potchefstroom" 249.

²⁶ Prinsloo *Potchefstroom* 150 68, 69.

²⁷ Du Plessis *Geskiedenis van die Potchefstroomse Universiteitskollege* 60.

²⁸ PU vir CHO *Gedenkprogram* 3.

²⁹ NWU 2015 http://www.nwu.ac.za/af/nwu/glance_a.html.

requesting that the College consider teaching law subjects. This led to an extensive investigation and careful consideration, after which it was decided not to institute the teaching of law subjects.³⁰

By the time the decision was taken by the Senate of the PUC in November 1931 to present law subjects at the PUC, it was too late to reflect this in the Calendar (year book) for 1932. Therefore law subjects appear in the Calendar of the PUC for the first time only in 1933.³¹

An advertisement to invite prospective students to register for law subjects appeared in an Afrikaans newspaper published in Potchefstroom, *Die Westelike Stem*, on 24 February 1932. In the advertisement the PUC announced that they would present courses in Law and Administrative Sciences "at times that will be convenient for students who already work fulltime".³²

The law subjects resorted under the Faculty of Arts and the qualification students could obtain was a BA (Law).³³

5 Prof LJ du Plessis was the first lecturer in law subjects

The lecturer for the law subjects, when it was introduced in 1932, was Lodewicus Johannes du Plessis (1897-1968), one of the most exceptional lecturers that ever joined the staff of the PUC. In his obituary in the *Potchefstroom Herald* it is said that he was an original and brilliant philosopher.³⁴

Du Plessis obtained his matric at the age of 15 as the best student in the Union. He joined the staff of the PUC in 1918 after receiving his BA at the end of 1917. During 1923 Du Plessis received a Master's Degree in the classical languages (Latin and Greek). Shortly afterwards he studied Economics, Political Science and Law, and he obtained a Master's Degree in Economics in 1931.³⁵

³⁰ Du Plessis *Geskiedenis van die Potchefstroomtse Universiteitskollege* 108.

³¹ PUK *1933 Jaarboek* 86.

³² PUK *Die Westelike Stem* 5.

³³ PUK *1933 Jaarboek* 86.

³⁴ Anon 1968 *Potchefstroom Herald* 15.

³⁵ Potgieter *LJ du Plessis as Denker* 9.



Photo 1: Prof L.J. du Plessis (1897 – 1968) was the first lecturer in law subjects when law was first introduced in 1932. Prof Du Plessis has been described as an exceptional lecturer and an original and brilliant philosopher. Apart from being the founder and co-founder of various Afrikaans business enterprises, of which Volkskas was the best known, Du Plessis was also the secretary to the Bible translators who translated the Bible into Afrikaans.

(Photo: NWU Archives Potchefstroom Campus)

According to Du Plessis³⁶ law subjects were introduced – apart from the fact that the PUC would be able to present prospective students with a wider choice of subjects – because they "intimately" involved the Afrikaner. South Africa suffered a searing drought and economic depression during the 1930's. The Afrikaner people were amongst those hardest hit by the drought and depression. Consequently law subjects, geography, domestic science and economic science were launched at the PUC in the 1930's to present an opportunity for the Afrikaner people to uplift themselves through study.

Throughout his life Du Plessis endeavoured to further the cause of the Afrikaner people. He became the first chairman of the board of the bank founded for and by Afrikaners, Volkskas, in 1934 and served in this position for ten years.³⁷

Du Plessis was appointed as professor in 1932 and was the only lecturer in law subjects from 1932 until 1945 when WA (Willie) Joubert joined the PUC. He in turn became the only lecturer when Prof Du Plessis resigned at the end of 1945 to pursue a career in business in Johannesburg.³⁸

³⁶ Du Plessis 1936 *Die Veteraan* 14.

³⁷ Anon 1968 *PU-Kaner* 4.

³⁸ Du Plessis *Geskiedenis van die Potchefstroomse Universiteitskollege* 109

Prof Du Plessis was the first writer to publish in Afrikaans on the subject of Public Law. Henning³⁹ said that the articles by Du Plessis published in academic journals testify to an astuteness and depth that is difficult to equal. In 1961 he was the promotor for the first thesis in South Africa on Administrative Law. Henning concluded: "Prof Du Plessis was a man of brilliant talents and an exemplary human being".

Du Plessis was re-appointed at the PUC in 1953 first as senior lector and shortly afterwards as professor in the Department of Law and the Department of Political Sciences.

Apart from being the founder and co-founder of various Afrikaans business enterprises, Du Plessis was also the secretary to the Bible translators who translated the Bible into Afrikaans.⁴⁰ This is regarded as one of his greatest achievements.⁴¹ It entailed that he had to type the whole text of the Bible in Afrikaans, and he later said that his knowledge of Greek and Hebrew urged him to make certain suggestions to the translators.⁴²

Du Plessis resigned in 1961 at a time when "the social aspect of his life was not in perspective".⁴³

In 1963 he underwent a lobotomy in Cape Town. At the time this was seen as a remedy for certain psychological conditions, but today it is regarded as medical barbarism. After the operation he led a quiet life and he died on 19 October 1968.⁴⁴

WA Joubert (1918-1992) obtained a LLB and MA at the University of Stellenbosch. He was one of many former staff members and alumni who joined other law faculties in the country and excelled there. In 1952 he joined the law faculty of the University of the Free State. In 1959 he was appointed at the law faculty of UNISA, where he was dean from 1960. Prof Joubert was also the editor of the *Tydskrif vir die Hedendaagse*

³⁹ Henning *Voordragreeks LJ du Plessis*.

⁴⁰ Van der Vyver "Voorwoord" ii.

⁴¹ Anon 1968 *Potchefstroom Herald* 17.

⁴² Potgieter *LJ du Plessis as Denker* 11.

⁴³ Potgieter *LJ du Plessis as Denker* 15.

⁴⁴ Potgieter *LJ du Plessis as Denker* 23.

Romeins-Hollandse Reg and author of *Grondslae van die Persoonlikheidsreg* (Kaapstad 1953).⁴⁵

With the appointment of Joubert the law subjects were gathered together administratively into an independent department.⁴⁶

Various temporary lecturers served as lecturers in law subjects, of whom the first was HL Swanepoel.

6 First Dean of Law was also a journalist

The man who later became the first Dean of the Law Faculty of the PU for CHE, Hendrik Lambertus Swanepoel, was appointed as a part-time lecturer in 1947 and was permanently appointed in 1951.

HL Swanepoel (1912-1972) came to Potchefstroom in 1947 to join the local law firm AR Fleischack & Co. This was after a diverse career where he alternately practised law and worked as a journalist at various publications. This included *Die Burger* and *Die Transvaler*. He also founded the newspaper *Die Suidwester* in Windhoek, Namibia.⁴⁷



Photo 2: Prof HL Swanepoel (1912-1972) was the first Dean of the Law Faculty when it was founded in 1965. He joined the PUC in 1947 as a part-time lecturer. Previously he had worked alternately as a lawyer and a journalist. His students described him as a true gentleman and a fatherly figure. He won the Stalz prize in 1963 with Prof JC de Wet from Stellenbosch. He was mayor of Potchefstroom from 1966-1969. (Photo: NWU Archives Potchefstroom Campus)

⁴⁵ Van der Vyver "Voorwoord" ii.

⁴⁶ Du Plessis *Geskiedenis van die Potchefstroomtse Universiteitskollege* 109.

⁴⁷ Anon 1972 *PU-Kaner* 2; Anon 1972 *Potchefstroom Herald* 17.

Swanepoel obtained a BA and LLB from the University of Stellenbosch in 1933 and 1935 respectively and was awarded the LLD in 1943 at the same university.⁴⁸

When the law faculty was founded in 1965 he was unanimously elected as its first Dean.⁴⁹ He resigned at the end of 1971 due to poor health and died on 26 January 1972. Swanepoel and Prof JC de Wet jointly received the Stals Prize of the South African Academy for Science and Arts in 1963 for their book *Die Suid-Afrikaanse Strafreë*. He also published numerous articles in law journals, as well as two volumes of poetry.⁵⁰

Swanepoel was also a member of the Potchefstroom town council from 1962 to 1971 and mayor from 1966 to 1969.⁵¹

He was a hero to his students. They even imitated him by smoking the same brand of cigarettes as he did.⁵²

7 Aspirations for a law faculty

For many years the PUC aspired to found a law faculty. By 1951, at the time when the PU for CHE became an independent university, the planning for a law faculty was in a "developmental stage". The Department of Law subjects then still resorted under the Faculty of Arts.⁵³

During 1952 and 1953 the Dean of the Faculty of Arts, Prof HG Stoker, launched a fund raising initiative to enable the university to found a law faculty. The actual founding of the faculty in 1965 was preceded by a report by the then Dean of the Faculty of Arts, Prof JH Coetzee, who came to the conclusion that the founding of the faculty of law was a matter of urgency.⁵⁴

⁴⁸ Pretorius "Hendrik Lambertus Swanepoel" vii.

⁴⁹ PU for CHO 1965 *Notule van die Vergadering van die Fakulteit Regte* 1.

⁵⁰ Pretorius "Hendrik Lambertus Swanepoel" vii.

⁵¹ Anon 1972 *Potchefstroom Herald* 17.

⁵² Vorster 2015 [Personal Interview].

⁵³ PU vir CHO *Gedenkprogram* 52.

⁵⁴ De Beer 1991 *THRHR* 342.

8 First meeting of Faculty was a "joyful occasion"

The first meeting of the Faculty of Law took place on 4 August 1965. The minutes recorded that this was a "joyful occasion".⁵⁵

The faculty was organised into six departments. Prof HL Swanepoel, Dean, was the head of the Department of Criminal Law, Mr FJ van Zyl, who had joined the PU for CHE in 1954 as a lecturer in law, was the head of the Department of Private Law and International Private Law; Dr S Postma, who had been one of the first students to complete the LLB at the PUC, was the head of the Department of Roman Law and History of Law; Mr JD van der Vyver, who had been appointed as a lecturer in law in 1958 became the head of the Department of Philosophy of Law and Comparative Law; Mr JA Coetzee, who had been a lecturer in law since 1963, was the head of the department of Law of Evidence and Medicina Forensis, and Mr PJ von R Henning, who had been a lecturer since 1964, was head of the department of Constitutional Law, Administrative Law and Public Law. The other staff member was Dr D Cilliers, a medical doctor, who taught Medicina Forensis on a part-time basis.⁵⁶

9 Unique teaching culture

Alumni fondly remember the unique teaching culture at the University in the early years of the Faculty and before. Prof Ig Vorster recalled that the cafeteria was situated in the complex of the Totius Hall. This was right next to the Main Building, where the Department of Law was situated. During Prof LJ Du Plessis' time the formal classes were conducted in the Main Building. It was expected of students to prepare certain chapters in the prescribed textbook for a class. As the class commenced Prof Du Plessis would ask if there were any questions. More often than not there were no questions and the class was dismissed after about 10 minutes. The students and the lecturer would then retire to the cafeteria and over a cup of tea a discussion would follow rivalling the best of classes.⁵⁷ Prof Ig Vorster told the *PU-Kaner* in 1991⁵⁸ that the

⁵⁵ PU for CHO 1965 *Notule van die Vergadering van die Fakulteit Regte* 1.

⁵⁶ Cloete 1966 *Die Besembos* 89.

⁵⁷ Vorster 2015 [Personal Interview].

⁵⁸ Anon 1991 *PU-Kaner* 32.

actual class would then begin. More than anything else, Prof Du Plessis enjoyed getting the students to argue. A hot debate would follow and it would only be later that you would realise that he had shot down a student's whole argument and that an academic conversation of the highest calibre had taken place.

This custom was continued in the days of Prof HL Swanepoel. Prof Francois Venter, previous Dean of the Law Faculty, said: "The cafeteria was the place where Prof Swanie formed us intellectually. He had the ability to motivate us without pushing. He engaged us in conversation and encouraged us to use our brains and so shaped our minds."⁵⁹

Another memory that many of the alumni share is Prof Swanepoel's unorthodox way of conducting tests. One of the students in the class would collect the questionnaires from Prof Swanepoel. On the day of the test he would open the envelope, distribute the questionnaires and the class would write their test. Afterwards one of the students would gather the test papers and deliver them to Prof Swanepoel's office or his house. The professor himself would not be anywhere near the room where the test was written. Prof Swanepoel was of the opinion that lawyers should be honest and if he was not able to trust them to write a test, how would they ever learn to be honest in their profession? Many of the well-known alumni of the Faculty say that this is their strongest memory from their student years.⁶⁰

⁵⁹ Venter 2015 [Personal Interview].

⁶⁰ Van der Vyver *Fakulteit Regte 50 Jaar* [e-mail]; Vorster [Personal Interview] 2015; Anon 1988a *PU-Kaner* 5.



Photo 3: From 1932, when law subjects were instituted, they were housed in the Main Building, and it is still the home of the Law Faculty. The Main Building was officially opened on 4 April 1931. It was built with a government grant augmented by public funds. The building was designed by Henry Louw of Bloemfontein. In 1949 a devastating fire in the library on the top floor in the north wing caused considerable damage. This hastened plans to build a new Library. In 1984 the Main Building was thoroughly renovated and was declared a National Monument. The Law Faculty was then the sole occupant of the building. The Main Building is the icon of the NWU Potchefstroom Campus, and also of Potchefstroom. It attracts many visitors, and during the graduation season all graduates want their photo taken with the Main Building in the back ground. Through the year students find the Calvyn fountain in front of the Main Building an irresistible attraction to swim in. (Photo: NWU Archives Potchefstroom Campus)

10. Postgraduate programme abounds

The first honorary doctorate in Law was awarded to Mr PGW Grobler in 1938. He was the Member of Parliament for Rustenburg and was an avid supporter of the PUC.⁶¹ The first doctoral degree was conferred on Johan Raubenheimer in 1962. The title of his thesis was: "Kollegiale Administratiewe Howe in die Republiek van Suid-Afrika." His promotor was Prof LJ du Plessis.

Before the founding of the Faculty students could register for a doctoral degree directly after acquiring a LLB degree without having to take a Master's degree first. It was only thereafter that a Master's degree became a prerequisite for doctoral study.

⁶¹ Van der Schyff *Wonderdaad* 436.

Due to this the first LLM was awarded only in 1974. It was conferred on GL Grobler *cum laude* with a dissertation entitled: *Die Grondslag vir Aanspreeklikheid van die Verkoper weens Gebreke in die Koopsaak*.⁶²

When the Faculty reached its quarter centenary in 1991, a total of 16 Master's degrees and 18 Doctoral degrees had been conferred.⁶³ The establishment of a structured Master's Degree in 1985 attracted more postgraduate students. In 1989 the Faculty had 27 LLM students and 15 LLD students.⁶⁴ The first structured Master's degree was in Estate Planning. The name was changed to a Master's Degree in Estate Law the following year.⁶⁵ It is currently the longest running Master's programme in the Faculty, having reached its 30th year in 2015. The North-West University is the only university in South Africa offering this degree.⁶⁶

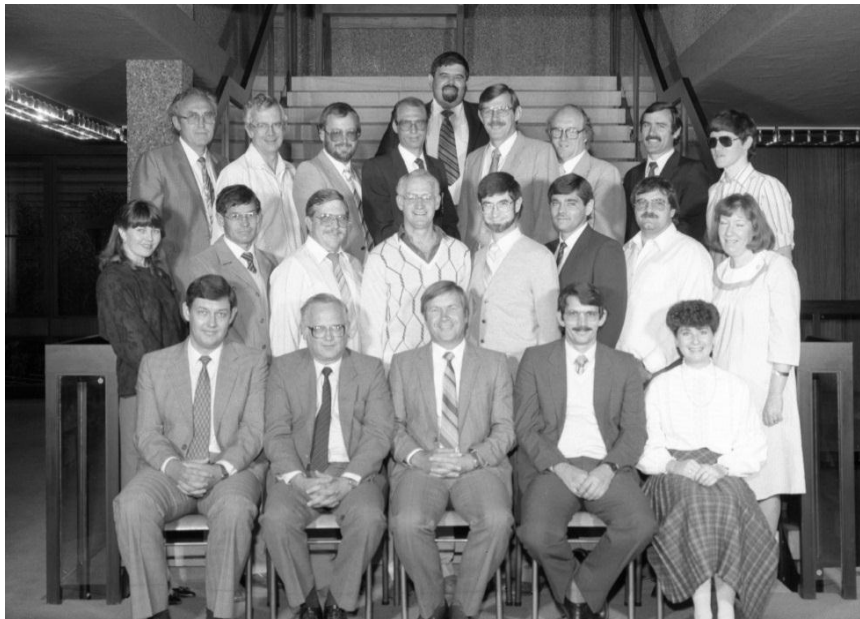


Photo 4: This is a group photograph of the first students to complete the LLM in Estate Law in 1986. This LLM was the first structured Master's degree to be instituted in the Faculty. They are (Front row): WM van der Westhuizen (lecturer), Proff I Vorster (lecturer), W Scott (Dean), CR de Beer (Vice-dean) and Me AMC de Beer. Second row: Me CMW de Kok, JD Claassen, GSG van den Heever, S Friedrichs, DJ Steenkamp, JJ Kotzé, CA Hollenbach, PR Watson. Third row: CP de L Beyers, JW Maree, PS Scholtz, GG Hough, JA Erwee, R Vermaak, NJW Bothma, CJA Lourens. Back: B Engelbrecht. (Photo: NWU Archives [Piet Fotokuns collection])

A structured Master's degree in Import and Export Law was instituted in 1995. Advocate Altus Joubert, senior counsel from the Johannesburg Bar, was one of the first students in this programme. For the past approximately 15 years he has taught

⁶² Van der Vyver "Voorwoord" viii.

⁶³ De Beer 1991 *THRHR* 344.

⁶⁴ PU vir CHO 1989b *Notule van die Vergadering van die Fakulteit Regte* 13.

⁶⁵ De Beer 1991 *THRHR* 343.

⁶⁶ De la Harpe *LLM in Estate Planning* [e-mail].

the module Customs and Excise Law. The oral exams for this subject, presided over by Adv Joubert, have caused many a student sleepless nights.⁶⁷

The third structured Master's degree was in Labour Law, and was first presented in 2001. Prof Piet Myburgh was instrumental in the founding of this degree and for many years almost singlehandedly presented the course. Guest lecturers include Prof Manfred Weiss and Judge Andre van Niekerk. The NWU Potchefstroom Campus presented Prof Weiss with an honorary doctoral degree in 2015.⁶⁸

The Faculty has offered a LLM in Environmental Law and Governance since 2006. An MPhil degree by the same name was instituted in 2008. This postgraduate programme was the first in the country to offer a fully comprehensive Climate Law and Governance module. It is also the only structured LLM programme in its field that explicitly focuses on the issue of environmental governance in relation to environmental law. It is one of the few in South Africa that comprehensively covers a broad spectrum of environmental law, governance and related issues.⁶⁹

This was followed by a Master's degree in Comparative Child Law in 2007. The Dean of Law at Justus Liebig University, Giessen, Germany, Prof Thilo Marauhn, and other members of the Faculty visited the Law Faculty at the NWU Potchefstroom Campus in 2007 with the aim of considering a joint Masters programme. Due to the expertise that existed in the Law Faculty of the NWU Potchefstroom Campus it was decided to create a LLM in Comparative Child Law. Potchefstroom would present the course from an African perspective and Giessen from a European perspective.

In terms of the agreement between the faculties, it was required of Potchefstroom students to study one semester at Giessen and for Giessen students to study for one semester at the NWU-PUK. Regrettably Giessen had to withdraw from the programme in 2013 due to a lack of funding, but the programme is still presented at the NWU Potchefstroom Campus.⁷⁰

⁶⁷ De la Harpe *LLM in Import and Export Law* [e-mail].

⁶⁸ De la Harpe *LLM in Labour Law* [e-mail].

⁶⁹ De la Harpe *LLM in Environmental Law and Governance* [e-mail].

⁷⁰ De la Harpe *LLM Comparative Child Law* [e-mail].

When the LLM programme in Climate Change Law and Governance was instituted in 2011, the Faculty made history. This is the first module of its kind to be presented at a South African University. The module is presented from a South African perspective and its importance is illustrated by the fact that the number of entrants almost doubled in the second year of its presentation.⁷¹

Good co-operation exists on an international level between the Faculty and other universities. In the past few years it has been attracting an increasing number of students out of Africa. Students from the SADC countries yearly receive bursaries, and there are currently postgraduate students from Botswana, Cameroon, Tanzania, Ethiopia, Namibia, Lesotho and Zimbabwe. Approximately 30% of the current postgraduates are international students.⁷²

11. Research grew in importance

Considering the emphasis that is currently placed on research, it is almost unimaginable that the University had published a report in 1951 stating that the institution should focus on education and that research was a secondary matter.⁷³

From 1951 until 1977 research at the university was conducted by way of institutes. This changed in 1978 when the Minister of National Education approved a policy to curb the founding of new institutes at universities. Government declared that the primary task of research at universities should be to enhance the quality of its teaching.⁷⁴ Shortly afterwards the Faculty of Law appointed a commission to examine and report on organised efforts by way of which the climate of scientific research in the Faculty could be enhanced.⁷⁵

The recommendations of this report, which was produced only after a lengthy period of eight months, led to several changes taking place in the Faculty. Some of the recommendations included in the report were:

⁷¹ Faculty of Law *Uit die Regsbank* [electronic newsletter].

⁷² De la Harpe *Postgraduate Student Numbers* [email].

⁷³ Tempelhoff "Navorsing aan die PUK" 142.

⁷⁴ Tempelhoff "Navorsing aan die PUK" 165.

⁷⁵ PU vir CHO 1979 *Notule van die Vergadering van die Fakulteit Regte 2*.

- That an administrative officer be appointed in the Faculty, and that the Vice Dean not be burdened with administrative duties.
- That a law library be equipped within the Faculty so that members need not have to go all the way to the library to find basic sources.
- That the Main Building was in urgent need of repair. This was regarded as a matter of the highest priority.
- That the staff offices were inadequate and in need of a comprehensive upgrade.
- That the Dean will distribute all legal work the Faculty is doing for various departments within the University, equally between staff.
- That every lecturer should spend twenty hours per week doing research.
- That within a year after a lecturer was appointed he should publish at least one article of approximately 20 pages in an accredited scientific journal.⁷⁶

Shortly after this report was published the first administrative staff member for the Faculty was appointed. A law library was created in the Faculty and was used for many years until the use of electronic sources made this largely redundant.

In 1990 the Faculty completed a large research project on unfair terms of contract. This was undertaken for the South African Law Commission. Prof CFC van der Walt headed this project, which took five years to complete. A team of 35 researchers worked on it and published more than 30 articles in scientific journals on this subject.⁷⁷

The Research Unit, *Development in the South African Constitutional State*, was recognised as a Focus Area by the University in 1998 and upgraded to become a Research Unit in 2007.⁷⁸

Initially both the research programme and the postgraduate programme were managed by the director of the Research Unit. In 2011 a Director: Postgraduate

⁷⁶ PU vir CHO 1980 *Notule van die Vergadering van die Fakulteit Regte* 84.

⁷⁷ Tempelhoff "Navorsing aan die PUK" 178.

⁷⁸ Faculty of Law *Potchefstroom Campus Research Unit* 5.

Education was appointed to manage the postgraduate programme. The first director of the focus area was Prof Francois Venter, who was succeeded by Prof Willemien du Plessis in 2001, who still is the director of the research unit.

12. Lecture series spread the word

As the Faculty's contribution towards the University's centenary celebrations in 1969 a lecture series named in honour of the first lecturer in law subjects at the University, Prof LJ du Plessis, was instituted.⁷⁹ The first guest speaker in this series was Prof (Mrs) AL Conradie from the University of Natal.⁸⁰

During the Faculty meeting of 9 October 1975 the motion, to institute a lecture series for faculty members, was enthusiastically approved. Basic guidelines for the conducting of the series were immediately discussed and approved.⁸¹ In 1981 it was decided to name this lecture series after the first Dean, Prof HL Swanepoel.

After the HL Swanepoel lecture series was established, it was decided that guest speakers from outside the University would lecture in the LJ du Plessis lecture series and Faculty members in the HL Swanepoel series. The last time the LJ du Plessis lecture series was mentioned in the minutes of the Faculty meetings was in 1985.⁸²

By 2005 the HL Swanepoel lecture series was reserved for guest speakers and at the same time a lecture series for Faculty members, the "Mini-Swanies", was established.

Nobel Prize winner and alumnus of the Faculty, Mr FW de Klerk, was honoured in 2002 by naming a lecture series after him. He presented the first lecture in the series and was also the guest speaker at the seventh lecture in 2008. Other guest lecturers in the series included Judge Dikgang Moseneke, Judge Louis Harms, Judge Kate O'Regan, Adv Jan Henning, Adv Paul Hoffman and Judge Deon van Zyl.⁸³

⁷⁹ Henning *Voordragreeks LJ du Plessis*.

⁸⁰ Anon 1968 *PU-Kaner* 4.

⁸¹ PU vir CHO 1975 *Notule van die Vergadering van die Fakulteit Regte* 2.

⁸² PU vir CHO 1985 *Notule van die Vergadering van die Fakulteit Regte* 3.

⁸³ NWU 2008 http://www.nwu.ac.za/content/fw-de-klerk-speaks-puk-about-future-perspective_



Photo 5: Former state president, FW de Klerk, is an alumnus of the Law Faculty. He completed the LLB in 1958 *cum laude*. He was awarded an honorary doctorate in 1990 and in 1991 became Chancellor of the PU for CHE. A lecture series named after him was instituted in the Faculty in 2002. (Photo: NWU Archives Potchefstroom Campus)

13 Publish or perish

Since the earliest times it has been one of the aspirations of the Faculty to have its own publication. For many years the publication of an own law journal was discussed at Faculty meetings, but in spite of detailed planning this idea was scrapped in 1978 due to the unaffordability of the printing costs.⁸⁴

Three years later it was decided to publish in one volume the papers presented during a year in the HL Swanepoel lecture series. In the same year, 1981, the first volume was published.⁸⁵ The last volume appeared in 1993, and in 1994 the Faculty decided to discontinue the publication due to high printing costs. It was decided that the lecture series would continue and that the presenters of papers should endeavour to have them published in other journals.⁸⁶

⁸⁴ PU vir CHO 1978 *Notule van die Vergadering van die Fakulteit Regte* 1.

⁸⁵ Fakulteit Regte *HL Swanepoel-lesings*.

⁸⁶ PU vir CHO 1994 *Notule van die Vergadering van die Fakulteit Regte* 4.

14 *PER* is the first South African electronic law journal

One of the success stories of the Faculty is the publication *PER*, which is the acronym for "Potchefstroom Elektroniese Regsjoernaal". This law journal was the first to be electronically published in South Africa.

PER was the brain child of Prof Francois Venter, a previous Dean of the Faculty, and he was the first editor. One of the advantages of an electronic publication, according to Prof Venter, was that there were no printing costs. Another advantage is the global availability. "It presented the opportunity to send the research output of the Faculty into the world, not only to a few local readers or libraries," said Prof Venter.⁸⁷

Initially only contributions from Faculty members were published, but slowly *PER* attracted more interest.

After Prof Christa Rautenbach was appointed as executive editor in 2002, she endeavoured to have *PER* accredited. Prof Rautenbach was co-editor with Prof Venter from 2006 to 2011 and became editor-in-chief in 2012.

In 2003 *PER* was accredited with the International Bibliography of the Social Sciences (IBSS). The IBSS is one of the lists acknowledged by the Department of Education for accreditation. The data bases that *PER* is accredited with are Heinonline, SA EPublications, Sabinet Open Access, Sabinet, African Journals, SAFLII, Open Access Journals, Scielo, SSRN, Boloka and AJOL.

The SSRN (Social Science Research Network) shows that *PER* articles were downloaded 12 461 times from 2009 to 2014. The Scielo.org data base shows that 13 919 articles were requested between 2009 and 2014. *PER* is accounted within the top ten South-African journals (out of 51 journals) and the number one law journal on this data base. The international stature of *PER* is also growing. Currently *PER* is fifth on the data base of the Washington & Lee University School of Law.⁸⁸

⁸⁷ Venter 2015 [Personal Interview].

⁸⁸ Rautenbach *PER* [e-mail].



Photo 6: *PER* (*Potchefstroom Elektroniese Regsjoernaal*) is the first electronic law journal to be published in South Africa. The first editor was Prof Francois Venter. Prof Christa Rautenbach became editor-in-chief in 2012. The SSRN (Social Science Research Network) shows that 12 461 articles from *PER* were downloaded between 2009 and 2014. (Photo: Faculty of Law)

15 Deans and early lecturers of the Faculty

Since its inception the Faculty of Law has been led by eight Deans. They are Prof HL Swanepoel (1965-1971), Prof JD van der Vyver (1972-1974), Prof HN Pretorius (1975-1980), Prof WE Scott (1981-1986), Prof CR de Beer (1987-1992), Prof I Vorster (1992-2000), Prof Francois Venter (2001-2012) and Prof Nicola Smit (2013-).

Including the first lecturer in law subjects, Prof LJ du Plessis, and the first Dean, Prof HL Swanepoel, the Faculty has over the years had the privilege to house some of the brightest academic minds in South Africa.

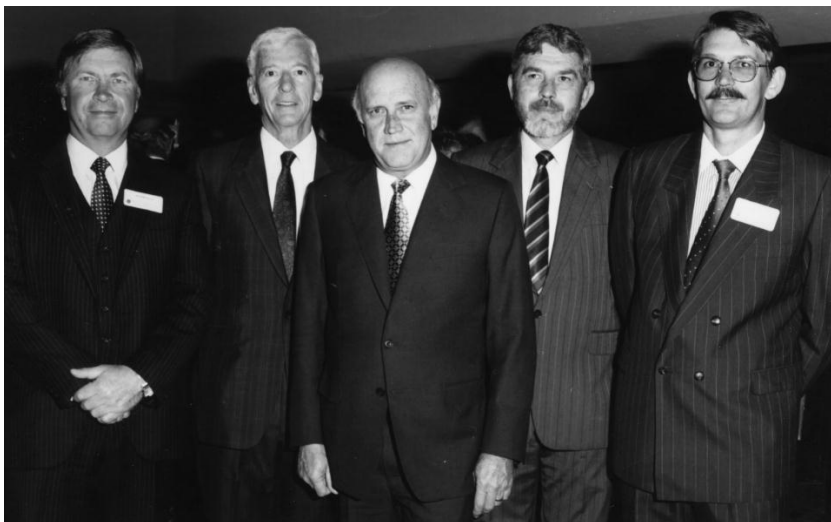


Photo 7: During the celebrations of the Faculty's twenty-fifth anniversary this photo of the Deans was taken with its most illustrious alumnus, Mr FW de Klerk (center). The Deans are Profs Willem Scott (1981-1986), Johan van der Vyver (1972-1974), Nic Pretorius (1975-1980) and Chris de Beer (1987-1992). (Photo: NWU Archives Potchefstroom Campus)

15.1 Second Dean, Prof JD van der Vyver

Johan David van der Vyver (1934-) is widely regarded as one of the most influential academics that ever joined the ranks of the Faculty. *Koers*⁸⁹ described him as

⁸⁹ Vorster, Du Plessis and Reinecke 1999 *Koers* 127; Van der Schyff *Sages en Legendes* 156; Van Eeden "Stem van Potchefstroom" 486.

"amongst the greatest" of the "voices" that ever came forth from Potchefstroom, these "voices" being those of influence exercised in certain areas from a Christian and specifically Calvinist viewpoint.

Van der Vyver obtained a LLB degree in 1956 from the PU for CHE and became a part-time lecturer in 1958. He was appointed as professor in 1969 and was Dean of the Faculty from 1972 to 1974.⁹⁰

Nowadays, in the "new South Africa", which is a Constitutional State with a Human Rights Charter, words like "human rights" and fundamental rights are almost fashionable. In view of this, *Koers*⁹¹ wrote that it could easily be forgotten that previously there were people who, at a huge loss of personal popularity in their own circles, reflected on, researched and propagated such principles. To do so was seen in certain circles in South Africa as high treason.

Van der Vyver was one of the heralds of fundamental rights in South Africa, and the first South African academic and Afrikaner academic that thoroughly researched the concept of human rights. Van der Schyff⁹² says that Van der Vyver's increasing critique of the South-African judicial system and the government in their implementation of the apartheid policy, as well as his internal critique against the PU for CHE for what he regarded as academic censorship, brought him into conflict with the management of the University. He resigned at the end of 1978 and was appointed at the University of the Witwatersrand. It was not his choice to leave Potchefstroom.⁹³

In 1995 he was appointed as IT Cohen Professor of International Law and Human Rights at the Emory University in Atlanta, USA, a position he still holds. The same year the PU for CHE awarded him its prestigious Alumni Address.⁹⁴

By 2003 he was awarded an honorary doctorate by the PU for CHE. According to the citation in the programme of the ceremony,⁹⁵ his list of publications is "overwhelmingly

⁹⁰ Van der Vyver *Fakulteit Regte 50 Jaar* [e-mail].

⁹¹ Vorster, Du Plessis and Reinecke 1999 *Koers* 127.

⁹² Van der Schyff *Sages en Legendes* 156.

⁹³ Van der Vyver *Fakulteit Regte 50 Jaar* [e-mail].

⁹⁴ PU vir CHO *PUK-Alumni Oorkonde*.

⁹⁵ PU vir CHO *Gradeplegtigheid Mei 2003* 6.

long, diverse and profound". His most important contribution to South African jurisprudence is his early publications on human rights. The thesis for his doctoral degree is regarded as the most important of these contributions and can be regarded as a milestone in the history of jurisprudence in South Africa.⁹⁶

He also received an honorary doctorate from the University of Zululand in 1993. He was awarded the Toon van den Heever prize from the South African Academy for Science and Art in 1978 for his book *Die beskerming van menseregte in Suid-Afrika (The protection of Human Rights in South Africa)*.⁹⁷

15.2 Third Dean, Prof HN Pretorius

Prof HN (Nic) Pretorius (1938-2012) served as the Dean of the Faculty from 1975 to 1980. Like his predecessor, he also received the Toon van der Heever Prize. This was in 1987, for his book *Burgerlike Prosesreg in Landdroshowe*.⁹⁸

After his tenure as Dean he played an important role in the permanent establishment of the Law Clinic.⁹⁹ In 1989 he was appointed as the convenor of a committee to launch a body to unite legal aid institutions in South Africa. He was subsequently elected as president of the Society of Legal Aid Institutions.¹⁰⁰

Shortly afterwards he was appointed as a member of the Legal Aid Board and resigned from the PU for CHE.

15.3 Fourth Dean, Prof WE Scott

Prof WE (Willem) Scott (1945-2002) was Dean from 1981 to 1986. At the age of 36 he was the youngest person to be appointed in this post. Like all his predecessors except for Prof Swanepoel, Prof Scott had acquired his undergraduate education at the PU for CHE. He had also received his doctoral degree *cum laude* in 1975. He was the only dean who, as an undergraduate student, had been the captain of the first

⁹⁶ PU vir CHO *Gradeplegtigheid Mei 2003* 6.

⁹⁷ PU vir CHO *Gradeplegtigheid Mei 2003* 6.

⁹⁸ Anon 1987 *Potchefstroom Herald* 6.

⁹⁹ Anon *Curriculum Vitae: Henning Nicolaas Pretorius*.

¹⁰⁰ Beukman *Prof Nic Pretorius* [e-mail]; Anon 1988b *PU-Kaner* 46.

rugby team of the PU for CHE. In the first year of his captaincy the PU won the intervarsity against the Kovsies 8 -3. He also played for the Western Transvaal under 20 team. He joined the staff of the Faculty as a *locum tenens* in 1969, was appointed as a professor in 1978 and became Vice Dean in 1980. He was appointed as Registrar of the PU for CHE in November 1986. Prior to his death in 2002 he was the Vice Rector: Academic for five years.¹⁰¹ He died at the age of 57 on 2 February 2002 after suffering a heart attack while playing golf with Dr Theuns Eloff and Prof Dries du Plooy. In his obituary in *Die Wapad* he is described as a true ambassador for the University.¹⁰²

15.4 Fifth Dean, Prof CR de Beer

Prof Chris de Beer was Dean from 1987 to 1992. He is an alumnus of the Faculty and was awarded his LLB *cum laude* in 1971 and subsequently received a prize from the Law Society of Transvaal for exceptional distinction. He was head of the department of Commercial Law before he became Dean. He became Registrar of the University of Pretoria in 1993.¹⁰³

15.5 Sixth Dean, Prof Ig Vorster

Prof Ig Vorster (1940-2015) was Dean from 1993 to 2000. He completed his undergraduate studies before the founding of Faculty and was one of the last connections the Faculty had with the era before its founding. However, Prof Vorster passed away on 6 May 2015 shortly before the celebration of the half centenary of the Faculty.¹⁰⁴

¹⁰¹ Anon 1987 *PU-Kaner* 13.

¹⁰² Du Plessis 2002 *Wapad* 1.

¹⁰³ Louw *Regsman word UP se Registrateur*.

¹⁰⁴ Cilliers Potchefstroom *Herald* 2.



Photo 8: Prof Ig Vorster was Dean of the Law Faculty from 1995 to 2000. He was one of the much loved Deans and noted for his humour. Prof Vorster passed away in May 2015. This photograph appeared with his obituary in the *Potchefstroom Herald* and was taken in Florence when he recently toured in Europe. (Photo: Potchefstroom Herald)

)

He obtained the LLB in 1963, one of a class of four students. He joined the Faculty in 1974 after being a part-time lecturer at the Vaal River Campus of the PU for CHE, and was appointed as professor in 1986.¹⁰⁵

Prof Vorster was one of the much loved deans of the Faculty. Many of the students who studied under him in the Faculty commented on the message announcing his death on Facebook. Prof Stef Coetzee said that he was a real gentleman and very witty.

Dr Theuns Eloff, former Vice-chancellor of the NWU, paid tribute to him during his funeral service and said Prof Ig had a wonderful sense of humour which ran like a golden thread through his whole life. He said Prof Ig often "stole" about 10 minutes of the allotted exam time, since the students first had to finish laughing at the funny names of the fictional characters he created in many questions.¹⁰⁶

After his retirement in 2000 he was appointed in a part-time capacity as legal advisor in the Institutional Office of the NWU. Since then this post has developed into a department with six legal advisors.¹⁰⁷

¹⁰⁵ Anon *Curriculum Vitae: I Vorster*

¹⁰⁶ Gouws *Fakulteit Regte 50 Jaar*.

¹⁰⁷ Vorster 2015 [Personal Interview].

15.6 Seventh Dean, Prof Francois Venter

Prof Francois Venter was Dean of the Faculty from 2000 to 2012. As the longest serving Dean of the Faculty he had to lead it through times of great change during the period when the PU for CHE amalgamated with the University of North-West to become the North-West University. Prof Venter obtained the BJur et Comm (1968), LLB (1970) and LLD (1978) at the PU for CHE. He was Vice Dean from 1987 to 1989.

During the CODESA (Convention for a Democratic South Africa) in 1991 and 1992 he was an advisor to the delegation of the South African government. He was seconded by the PU for CHE to the Constitutional Development Service as Chief Director: Planning (from September 1990 to June 1993).

Later, at the multi-party discussions at Kempton Park from May to December 1994, he was convener of the technical committee on Constitutional Matters.

After he retired as Dean in 2012 he was appointed as Research Fellow in the Faculty.¹⁰⁸



Photo 9: Prof Francois Venter was the longest serving Dean of the Law Faculty, being Dean from 2001 to 2012. (Photo: Law Faculty)

¹⁰⁸ Venter 2015 [Personal Interview].

15.7 Eighth Dean, Prof Nicola Smit

When Prof Nicola Smit was appointed as the eighth Dean of the Faculty in 2013, she became the first woman in this post. She is also the first Dean who does not have any qualification obtained from the NWU or its predecessor, the PU for CHE.

Prof Nicola Smit previously was the Vice Dean at the University of Johannesburg (UJ) and completed her undergraduate studies at the University of Pretoria and at UJ.¹⁰⁹

She completed all her undergraduate studies *cum laude*. She received the Prestige Bursary for Doctoral Research Abroad from the HSRC (the Human Science Research Council), now known as the NRF.¹¹⁰



Photo 10: Prof Nicola Smit was appointed as Dean in 2013. She is the first woman to become Dean. Prof Smit obtained an LLB cum laude from the University of Pretoria and the LLD from the Randse Afrikaanse Universiteit (currently University of Johannesburg). She was Vice Dean at the University of Johannesburg before she was appointed at the NWU Potchefstroom Campus. (Photo: Law Faculty)

16 Honorary doctoral degrees

Since the founding of the Faculty, honorary doctorates in Law have been conferred on BJ Vorster (1969), J van Wyk de Vries (1969), FLH Rumpff (1980), VG Hiemstra (1985), FW de Klerk (1990), J Th de Smidt (2001), JD van der Vyver (2003), W van Genugten (2012) and M Weiss (2015).

¹⁰⁹ Faculty of Law *Regte Law@NWU-Puk* [electronic newsletter].

¹¹⁰ NWU 2013 <http://www.nwu.ac.za/sites/www.nwu.ac.za/files/files/p-fl/cvs/2013/summarised%20cv%20nsmit%20.pdf>.

17 The Law Clinic – voice to the mute

In the 34 years of its existence the Law Clinic of the Faculty has made justice accessible not only to the community of Potchefstroom and the Northwest Province, as its services reach as far as Mpumalanga. The heading of an article published in an advertising supplement in the *Mail & Guardian*, "A voice to the mute", encapsulates the work done by the Law Clinic.¹¹¹

Legal aid to the public was first provided in 1981¹¹² by a handful of law students of the Faculty, more specifically to the people of Promosa, a community founded in 1959 to accommodate coloured people.¹¹³ Students provided the legal aid voluntarily until the first permanent lawyer, Mr TJ Naudé, was appointed in 1988. He resigned at the end of April 1989.¹¹⁴

In 1990 the current director of the Law Clinic, Mr Schalk Meyer, was permanently appointed as a full-time lawyer.¹¹⁵ In 1993 a Centre for Community Law was founded as an umbrella body, not only providing legal aid but also conducting a Street Law programme. According to Mr Meyer the purpose of the Street Law programme was to empower previously disadvantaged communities by teaching them about their legal rights. Voter education was brought to communities in the Western Transvaal through this programme, which was conducted by undergraduate students of the Faculty but was later phased out, as it was found that the programme had served its purpose and that conducting the programme was not really conducive to preparing the students for a career in law.¹¹⁶

¹¹¹ Anon *Mail & Guardian* 4.

¹¹² PU vir CHO 1981a 2.

¹¹³ Prinsloo *Potchefstroom* 150 104.

¹¹⁴ Anon *Kampusnuus* 1988 1.

¹¹⁵ Marais *Langdienstoekennings Fakulteit Regte* [e-mail].

¹¹⁶ Meyer 2015 [Personal Interview].



Photo 11: Mr Schalk Meyer was appointed as a full-time lawyer at the Law Clinic in 1990. He is currently the Director of the Law Clinic. During his tenure the Law Clinic has extended its services to reach as far as Mpumalanga.
(Photo: Law Faculty)

From its inception the purpose of the Law Clinic was seen as providing a community service while primarily giving students the opportunity to develop practical skills.¹¹⁷ Volunteering for work in the Law Clinic became an optional course in the LLB curriculum in 1985, and five students assisted Prof Nic Pretorius that year.¹¹⁸ Later work in the Clinic became compulsory for all LLB students.

In 1993 a law clinic was opened in Vereeniging. Clinics in Witbank, Middelburg, Nelspruit, Ermelo and Klerksdorp followed. Later the clinic in Klerksdorp was transferred to Legal Aid SA.

The Law Clinic, then known as the Centre for Community Law, launched the North-West Land Legal Cluster in co-operation with the Rural Legal Trust in 2001. This is currently been operated as the "Access to Justice Cluster" and has also expanded to Mpumalanga.

The objective of "Access to Justice Clusters" is to improve access to legal assistance in poor and rural communities. It entails lawyers from the Law Clinic visiting paralegal advice centres in rural communities to assist paralegals in advising people from the local community. The Potchefstroom Law Clinic serves eight paralegal advice offices, namely Leeudoringstad, Wolmaransstad, Orkney, Jouberton, Lethabong, Bojanala, Makwassie and Ventersdorp.¹¹⁹

¹¹⁷ PU vir CHO 1973 *Notule van die Vergadering van die Fakulteit Regte* 1.

¹¹⁸ PU vir CHO 1984 *Notule van die Vergadering van die Fakulteit Regte* 4.

¹¹⁹ NWU Potchefstroom Campus Law Clinic *Annual Report 2014* 16.

The Child Justice Unit (CJU) operates under the auspices of the Law Clinic. The CJU was founded in 1993 as part of a co-operation agreement between the PU for CHE and the University of Pretoria (UP) with the purpose of promoting justice for children. According to the agreement UP, would focus on research and the PU for CHE on the practical delivery.¹²⁰

In order to provide the children of Potchefstroom the means of reaching out for help at all hours, Childline was established in 2000. This telephone line is available 24 hours per day. The Law Clinic was involved with Childline until 2004. The CJU, however, still serves to protect and promote children's rights by means amongst others of "research, legal services to children, providing training to the community with a focus on children's rights, and educating and/or training human rights victims, workers and defenders".¹²¹

The Faculty of Law and the Law Clinic also host the School for Legal Practice for the North-West Province in association with the Law Society of South Africa.

Students who complete the school programme successfully receive a one-year reduction from their articles and may write the Attorneys Admission Examination immediately after completion of the programme.

The School for Legal Practice was founded in 2003. Twenty seven students were enrolled in the programme in 2014.¹²²

¹²⁰ Robinson 2015 [Personal interview].

¹²¹ NWU Potchefstroom Campus Law Clinic *Annual Report 2014* 12.

¹²² NWU Potchefstroom Campus Law Clinic *Annual Report 2014* 24.

18 Moot courts and mock trials

Moot courts have been held at the NWU since the earliest times. In the 1960's the Law Society (SRVP) had their own float in the yearly "Vreugdedag" (Day of Joy) procession, on which a moot court took place as the float passed through the streets.¹²³

A moot court was also an item in the various intervarsities held between the PU for CHE and other universities, but they have evolved from pure entertainment to serious competitions. Over the years students from the Faculty have shown their mettle in moot courts and mock trials.

A team from the PU for CHE participated in the first ever All Africa Human Rights Moot Court competition that was held in Harare, Zimbabwe.¹²⁴ Twenty years later, in 2012, the team of the PU for CHE, Chiara van Ingen and Melinda Kruger, won the English category of the competition in Maputo, Mozambique. The team was coached by Me Chantelle Feldhaus.¹²⁵



Photo 12: When Melinda Kruger (left) and Chiara van Ingen (right) won the All Africa Human Rights Moot Court competition in Mozambique in 2012 they were the first students from Potchefstroom to do so. The PU for CHE first participated in this moot court competition in its inaugural year, 1992. Ms Kruger and Ms van Ingen were coached by Ms Chantelle Feldhaus (center). (Photo: Law Faculty)

A team from the Faculty represented South Africa in the USA in 2003 in the Jessup Moot Court Competition. The team consisted of Tania Steenkamp, Karin Strydom,

¹²³ De Villiers 1964 *Besembos* 123.

¹²⁴ PU vir CHO 1992 *Notule van die Vergadering van die Fakulteit Regte* 1.

¹²⁵ Anon *Regte Law@NWU-Puk* [electronic newsletter]

Marthie Smit and Michel Koekemoer. They were coached by Ms Tharien van der Walt and the then Mr Stephen de la Harpe.¹²⁶ Out of the 481 teams that participated in the competition, the team was placed 22nd.

It is in the LexisNexis Mock Trial competition, however, that the NWU-PUK has shown that it is the best in the country. The University participated in this competition for the first time in 2008. Since 2009 the NWU-Pukke has won the competition every year, that being six years in a row. In 2014 the competition was held at the NMMU (Nelson Mandela Metropolitan University) and 22 teams took part in the competition, which is held on a knock-out basis.¹²⁷

19 Student law societies

The oldest student law society at the NWU, to which all law students belong, was founded in the early 1960's.¹²⁸ By the early 1970's the name by which it is still known, SRVP (Studente Regsvereniging Potchefstroom) had been coined.

Apart from organising the social aspect of student life in the Faculty, the SRVP also assists the Faculty in receiving first-year students and aiding them to make the transition from school to university.

Since 1987 the SRVP has published its own newsletter, *Ex Jure*.

The other society for law students is a student branch of the Black Lawyers Association.

20 Illustrious alumni

The Faculty is immensely proud of the achievements of its alumni. Various alumni have been appointed as judges. Others have played important roles as senior jurists in the organised legal profession, government and the private sector. Various

¹²⁶ Abourizk *Die Wapad* 2.

¹²⁷ Meyer 2015 [Personal Interview].

¹²⁸ De Villiers 1964 *Besembos* 123.

prominent politicians, including Mr FW de Klerk, the former state president, and various ministers have received their education at the Faculty.¹²⁹

Numerous alumni of the Faculty are also lecturers in other law faculties in the country and overseas.

21 Conclusion

At the dawn of the new South Africa in 1991, De Beer¹³⁰ wrote that the changes in the country were presenting exciting challenges to the South African law community. The Faculty not only acknowledged these challenges but was prepared and equipped to work with commitment on developing the ideals of the new South Africa.

Looking back on the history of the Faculty, especially on the past 25 years, it can be concluded that not only has the Faculty contributed largely to the creation of South Africa as a constitutional state, but it constantly strives for cutting-edge undergraduate education and postgraduate excellence, whilst its research is focussed on finding solutions for the challenges of the future.

¹²⁹ De Beer 1991 *THRHR* 344.

¹³⁰ De Beer 1991 *THRHR* 348.

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LIST OF ABBREVIATIONS

BA	Baccalaureus Artium
CJU	Child Justice Unit
CODESA	Convention for a Democratic South Africa
HSRC	Human Science Research Council)
IBSS	International Bibliography of the Social Sciences
LLB	Baccalaureus Legum (Bachelor of Laws)
LLD	Doctor Legum (Doctor of Laws)
LLM	Magister Legum (Master of Laws)
NMMU	Nelson Mandela Metropolitan University
NRF	National Research Foundation
NWU-PUK	North-West University Potchefstroom campus
NWU-Pukke	Students from the North-West University Potchefstroom Campus
PER	Potchefstroom Elektroniese Regsjoernaal
PU for CHE / PU vir CHO	Potchefstroom University for Christian Higher Education

PUC / PUK	Potchefstroom University College
SADC	Southern African Development Community
SRVP	Studente Regsvereniging Potchefstroom (Student Law Society Potchefstroom)
SSRN	Social Science Research Network
THRHR	Tydskrif vir die Hedendaagse Romeins-Hollandse Reg
UNISA	University of South Africa
UP	University of Pretoria

THE LAW FACULTY OF THE NWU POTCHEFSTROOM CAMPUS CELEBRATES ITS HALF CENTENARY

HS Gouws*

SUMMARY

The Law Faculty of the North-West University, Potchefstroom Campus, is celebrating its half centenary in 2015, having been founded in 1965. Law subjects were first introduced in 1932 after the Senate had decided on 11 November 1931 to accept the recommendations of a commission which had to examine the possibilities of adding law subjects for the BA degree. The newly found Law Faculty held its first meeting on 4 August 1965.

KEYWORDS: North-West University; faculty of law; history.

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