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The book should be seen as a companion piece to LAWSA, with the latter volume dealing with certain matters exclusively, and with others in greater depth. The book is thus not meant to be an all-encompassing tome dealing with every conceivable topic in the greatest detail. Though that may be the case, there are few publications on the market that offer the same comprehensive and up-to-date coverage of this very topical area of the law.

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*Legal Terminology: Criminal Law, Procedure and Evidence.* By Michael Wilhelm Prinsloo, Marietta Alberts & Nina Mollema (editors). Juta & Co Ltd. 2015. 662 pp. Price: R650.00 (soft cover)

*Legal Terminology: Criminal Law, Criminal Procedure and Evidence* ('*Legal Terminology*') began as a concept project in 1985 when it became clear that legal terminology in African languages was lacking (see 'Introduction'). Thus, the South African Translators' Institute ('SATI') in 1987 formed a working group which later developed into the Committee for Legal Terminology in African Languages — now known as the Centre for Legal Terminology in African Languages ('CLTAL') (ibid). The object of CLTAL is to compile legal terminology in official South African languages and make legal terminology available to non-English- and Afrikaans-speaking persons (ibid). This first edition contains the compiled lists of legal terminology for criminal law, criminal procedure and the law of evidence in a bilingual 'dictionary' of English to Afrikaans (and vice versa). The concepts and definitions will then be translated into African languages, the first being Northern Sotho. Work has already begun in other official languages, such as Tswana, Venda, Southern Sotho and Xhosa. The *Legal Terminology* series deserves praise for its aim of increasing legal education generally as well as access to justice by beginning to change the monopoly that English and Afrikaans has over the legal process in South Africa.

The role of language in the law cannot be overstated. 'Scholars who study the social constitution of law have increasingly come to appreciate the importance of language in legal processes.' (E Merts 'Review: Language, law, and social meanings: Linguistic/anthropological contributions to the study of law' (1992) 26 *Law & Society Review* 413). For lawyers, words are the tools of the trade, so to speak. For laypeople, access to justice cannot be achieved unless the person is able to understand the legal process, their own rights, and the socio-legal context within which their conduct is being assessed. This is most starkly seen in the criminal context, where the accused's criminal record, even perhaps his liberty, is at stake. Section 35(3)(k) of the Constitution of the Republic of South Africa, 1996 recognises the importance of language in the right to a fair trial. The subsection states: 'Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands, or if that is not practicable, to have the proceedings interpreted in that language.'

The legitimacy of the criminal justice process is dependent on adequate communication and understanding of language and social literate norms at all phases of the process, including, for example, the filling-in of forms. This is a particular problem in South Africa where, according to the 2012 General Household Survey ('GHS'), anyone older than fifteen with a Grade 7 education is considered literate, but where only about 70 per cent of the adult population meets this standard (Statistics South Africa 'Statistical release P0318 General household survey 2013', available at <http://www.statssa.gov.za/publications/P0318/P03182013.pdf>, accessed on 15 November 2015).

The Preface indicates that the aim of the book is to assist in 'bridging of communication problems in a legal setting such as the court'. The court process could certainly be aided by a comprehensive resource that begins to systemise legal meanings in a way that can be clearly understood by those who work with these concepts on a daily basis. The reader is immediately struck by the vast group for which this book professes in its Preface to target: 'legal practitioners, interpreters, translators, the compilers of legislation, students of law and even the man on the street'. The aim of terminology or terminography is to provide a term for a specific concept or principle (see Explanatory Notes) — in this case, legal concepts in the area of criminal law, criminal procedure and the law of evidence. A book of legal terminography, which comprises the principles and practice of compilation of technical dictionaries that can balance the need for simplistic explanations without over-simplifying them, would be helpful to any of the abovementioned groups of people.

As a teacher of criminal law and procedure, I know that students always struggle with understanding and applying the more intangible legal concepts in criminal justice, such as 'reasonableness'. Here *Legal Terminology* is particularly helpful in that it provides simple summaries of the legal test for reasonableness and not just a plain-meaning explanation of the term. For example the term 'reasonable grounds' is defined (at 251) as follows: 'A person can be said to have reasonable grounds to believe or suspect something if his belief or suspicion is based on facts from which any reasonable person would in view of those facts draw the same conclusion.' Knowing how students struggle to apply this concept in the context of police arrest and police use of force, I would certainly make use of these, and related, definitions for teaching purposes.

A potential weakness of a book of terminology that purports to be a comprehensive resource is that it may never be possible to include all relevant concepts and definitions. This is an aspect of *Legal Terminology* that can be criticised. There are certain significant criminal procedure terms omitted. Some examples would be 'alternative dispute resolution' and 'restorative justice'. These mechanisms have been increasingly used in the criminal justice system (see South African Law Commission *Alternative Dispute Resolution* Issue Paper 8, Project 94; National Prosecuting Authority 2005–2006 Annual Report (1997) 24, available at <https://www.npa.gov.za>, accessed on 30 June 2015). On the other hand 'diversion of a criminal trial' is

included, but is not linked to the Child Justice Act 75 of 2008. Within the area of sexual offences, certain sexual offences are defined in relation to their definition in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 ('SORMA'), and others are not. For example, 'rape' is defined in terms of section 1 of SORMA, 'sexual act with a corpse' is defined in terms of s 14 of SORMA, and the definition of 'sexually violates' is correlated to the definition in SORMA, while neither 'sexual assault' nor 'sexual penetration' contain a reference to SORMA. There is no term or definition provided for 'sexual grooming,' a concept defined in SORMA and which is significant problem in the sexual violation of children. (D Smythe & B Pithey (eds) *Sexual Offences Commentary* (2011) 11-1).

The role of language in the law, however, is not restricted to 'legalese'. Within the operation of the criminal process, there are not only legal definitions or descriptions of the court process that have to be understood, but the process is also intrinsically connected to the social context within which the law operates. 'Legal concepts are intrinsically bound up with the national legal systems and principles in which they are formulated. As well as being socio-culturally determined, they are subject to moral values and traditions of the country concerned at a particular point in time.' (Girolamo Tessuto 'Legal concepts and terminography: Analysis and application' in Vijay K Bhatia, Christopher N Candlin & Paolo Evangelisti Allori *Language, Culture and the Law: The Formulation of Legal Concepts across Systems and Cultures* (2008) 286.) If legal language in South Africa is to remain relevant and to be functional for the people for whom it must serve, it must include words that are not traditionally legal in nature, but which are important due to their social impact or general importance as part of the fabric of the legal system. The role of a comprehensive book on legal terminology/terminography is thus a complex one.

Here lies *Legal Terminology's* greatest strength with its aim of including terms beyond the strictly legal, and simultaneously its greatest weakness, as it seems to do so on an ad hoc basis or at least without explanation of why certain concepts are included and others are omitted. At times, the choice of terms which have been included appears to be outdated. On page 46, a definition is provided for 'concubine' as 'a woman who lives with a man and is supported by him, although not married to him'. 'Concubine' is not a word that we use in South Africa, preferring the term 'mistress', which is not a term included in *Legal Terminology*. Even stranger, there are definitions provided for 'deflower' (verb – to deprive of virginity) and 'defloration' (noun – act which deprives a female of her virginity). There is no context given for the inclusion of these terms that on face value have fallen into disuse. Under The Kwazulu Act on the Code of Zulu Law 6 of 1981, to deflower a virgin required compensation in the form of ingquthu, which is a beast that is paid to the mother of the 'deflowered' woman (J M Hlophe 'The Kwazulu Act on the Code of Zulu Law, 6 of 1981 — A guide to intending spouses and some comments on the custom of lobolo' (1984) XVII *CILSA* 163). There is no reference made to a specific customary-law context, if indeed that is the reason for the inclusion of these definitions in *Legal Terminology*.

As the Introduction describes, a primary rationale for *Legal Terminology* is to translate legal terms into African languages, a complicated process in and of itself (T W Bennett *Customary Law in South Africa* (2004) 8). With this aim in mind, it is interesting to note the absence of even well-known customary-law terms in the book. I would expect a book of legal terminology to include concepts such as ‘ubuntu’, which has been used in a number of criminal contexts, including in the landmark case of *S v Makwanyane* 1995 (3) SA 391 (CC) para 131; ‘ukuThwala’, which is defined as abduction for the purposes of compelling the girl or young woman’s family to agree to marriage (Department of Justice and Constitutional Development ‘What is ukuThwala?’ available at [http://www.gov.za/sites/www.gov.za/files/speech\\_docs/ukuthwala.pdf](http://www.gov.za/sites/www.gov.za/files/speech_docs/ukuthwala.pdf), accessed on 18 November 2015); or ‘lobola’, which is an agreement of marriage between the bride and bridegroom’s families which includes a ‘bride-price’ (Bennett op cit at 220). These concepts are intrinsically connected to criminal law: for example, abduction itself is a common-law offence. In order to be relevant for African communities as well as general practitioners who will encounter these issues, these basic customary concepts ought to be included.

Language also plays the important role of influencing the development of the legal system.

‘On the one hand, language conceptualises both legal ideas and legal practice by making acceptable and disputable meanings possible. On the other hand, it constantly generates novel meanings of fairness and new concepts of justice; it expands the vision of established legal ideas and refines their connotations.’ (Sharron Gu *The Boundaries of Meaning and the Formation of Law: Legal Concepts and Reasoning in the English, Arabic and Chinese Traditions* (2006) 3.)

Criminal law in particular is a classic example of an area where the law reacts to changing social conditions by developing existing laws or creating new ones. One such example is that with the increased use of technology in our society. The Electronic Communications and Transaction Act 25 of 2002 (‘ECTA’) has criminalised certain forms of electronic conduct. Some of the definitions provided in ECTA include ‘data’, ‘data message’, ‘IP address’ and ‘website’. None of these terms are included in *Legal Terminology*, and nor is the umbrella term of ‘cybercrime’. Another example can be found again in the area of sexual offences. Previously under the common law, rape could only be committed by the perpetrator personally. SORMA developed this position by creating the offence of ‘compelled rape’ (s 5 of SORMA). This is a term that is defined in *Legal Terminology*. However, there are a number of non-legal words that have not been included that I believe are intrinsically connected to the social relevance and prevalence of ‘compelled rape’ in our society. While words like ‘pimp’ and ‘pimping’ are included (page 221 and 222), words such as ‘sugar daddy’ or ‘cougar’ are not. These words have been included in the Oxford English Dictionary because of their social relevance even though they may be considered slang words by some (see [www.oxford-dictionaries.com](http://www.oxford-dictionaries.com)).

In light of increased service delivery protests over the past few years as well as the recent #feesmustfall student protests nationally, it is concerning that terms such as 'protest' and 'civil disobedience' have not been included. Instead, the terms used are 'political riot', defined as 'disorderliness by a group of persons to challenge the established government in maintaining peace and order; group of three or more persons disturbing the public peace and order for political purposes; unrest for political purposes'; and 'civil commotion', defined as 'demonstration against the public authority accompanied with disturbance of the public order'. It is interesting that neither of these terms includes a reference to the Gatherings Act 205 of 1993, which by implication of its omission suggests that such conduct is unlawful. Furthermore, by using the term civil *commotion* instead of civil *disobedience*, the justification for civil disobedience in terms of generally accepted jurisprudence is negated (see e.g. Henry David Thoreau *Civil Disobedience and Other Essays* (1993) 8). When defining legal terms, care must be made to ensure that political or cultural hierarchies are not being created or perpetuated (T W Bennett 'Terminology and land tenure in customary law: An exercise in linguistic theory' 1985 *Acta Juridica* 173).

Notwithstanding the above, is it fair to criticise *Legal Terminology* for not including any and every term that one could find in a statute or in contemporary society which may have relevance to the criminal process? It will never be possible to include every word that could relate to a legal concept or a social context. However, it may be useful for the compilers to consider these omissions and inconsistencies which I have pointed out above for further editions and when translating the work into African languages, to enhance the series' utility and relevance in a multi-cultural society like South Africa. Overall, though, *Legal Terminology* is a valuable resource which I recommend to teachers and practitioners of criminal law, as well as law libraries.

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*Forensic Investigation: Legislative Principles and Investigation Practice*. By Rudolph Zinn & Setlhomamaru Dintwe (editors). Juta & Co Ltd. 2015. 544 pp. Price: R795.00 (hard cover)

This publication professes to have the following aims:

'The authors of *Forensic Investigation: Legislative Principles and Investigative Practices* aim to meet the needs of this field by examining how forensic investigations should be conducted in South Africa, with reference to local legislative principles and scientific processes.'

Despite a large and varied complement of authors (which total 16 people), the dearth of scientifically trained graduates among them is concerning, particularly as the book deals with a number of areas where a more formal scientific background would have conferred a distinct advantage. Sadly,