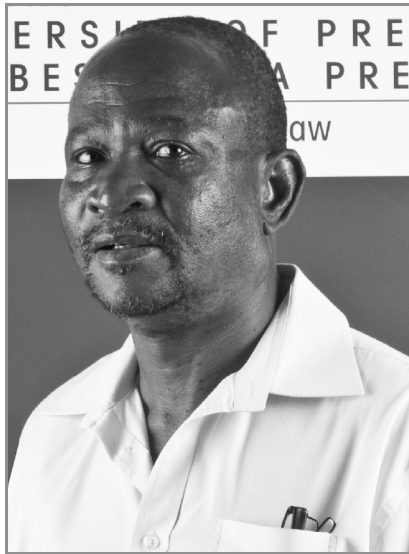


Editorial/Redaksioneel

The editorial board of *De Jure* has pleasure in presenting the second volume of 2015. As with every volume of *De Jure*, this volume contains valuable contributions by a variety of academics on a wide variety of topics. This issue contains discussions pertaining to customary marriages, the conservation status of the Wedge-tailed eagle and the conservation of species; aspects relating to unjustified enrichment law and trade mark law to mention but a few. The *De Jure* team wish to thank all contributors to this volume for their efforts and contributions to this volume. This issue, in addition, contains one of the last publications by late Professor Papa Maithufi who sadly passed away on 15 May 2015. This issue is accordingly dedicated to the memory of Professor Papa Maithufi.

The editorial committee would like to express our gratitude to our editorial assistant, Robert Steenkamp, for his diligent assistance during the production of this volume. We would also like to express our gratitude to the team of Pretoria University Law Press (PULP), and especially Lizette Herman, for making this volume a reality.

Dr GP Stevens
Editor



In memoriam

Prof Ignatius Philip “Papa” Maithufi

Papa Maithufi, in his own quiet, reserved way, made more than his share of history and broke down many racial barriers that remained after the fall of Apartheid. He commenced his career around 1982 while still a student at the former University of the North when students were appointed as temporary clerks during vacations at various magistrates' offices. After completing his LLB degree, he was appointed as an assistant magistrate in 1982 and in 1983 he was appointed as a legal advisor in the then Lebowa Government Services where his main duties were to research the law with a view to the drafting of legislation.

In 1984, he was appointed as a lecturer at the former University of Bophuthatswana in the School of Law, where he taught, *inter alia*, Customary Law, Law of Succession, Law of Delict and Private International Law to both undergraduate and postgraduate students. His interest in research grew as a result of this appointment, which gave rise to the publication of his first four articles in accredited journals. In 1998 Papa obtained his LLM-degree from the former Potchefstroom University.

His next appointment was with the former Vista University as a senior lecturer in 1990 where he taught Customary Law, Law of Property, Family law and Advanced Family Law. This employment lasted until 1998 and he was able to add eleven publications in accredited and peer reviewed journals. In 1991, he registered for the LLD degree with the University of Pretoria and in 1993 he made history as he became the first black person to obtain an LLD from the University of Pretoria.

Papa again made history and broke down barriers when, in 1998, he was one of the first black people to be appointed as a professor in the Faculty of Law at the University of Pretoria. Among the courses he taught were Indigenous Law, Interpretation of Statutes, Education Law and Social Welfare Law. While at the University of Pretoria, he published twenty-six articles in accredited and peer-reviewed journals and came to be well-known and highly respected for his expertise on Customary Law.

His research had a clear impact on the development of customary law in South Africa as his journal articles were often cited with approval in the highest courts, *inter alia*, in *Bhe v Magistrate, Khayelitsha* 2005 1 SA 580 (CC); *MM v MN* 2010 4 SA 286 (GNP); *MG v BM* 2012 2 SA 253 (GSJ); *MM v MN* 2012 4 SA 527 (SCA); *Moropane v Southon* [2014] JOL 32177 (SCA) and *Netshituka v Netshituka* 2011 5 SA 453 (SCA).

He served a term as full-time member of the South African Law Reform Commission and chair of the Project Committee on the Harmonization of the Common Law and Customary Law, overseeing the completion of two research reports in this field. One of the reports resulted in the promulgation of the Reform of Customary Law of Succession and Regulation of Related Matters Act of 2009. The report on the Judicial Functions of Traditional Leaders was also completed.

Papa served on various commissions of enquiry dealing with chieftainship disputes, *inter alia*, the Commission on the chieftainship dispute of Bakwena Ba Mogopa and Batlhako Ba Matututu. He also served as chairperson of the commission on the chieftainship dispute of Batlhako Ba Leema. From 2000 to 2008, he was appointed as a member of the Appeals Authority of the South African Police Service which dealt with misconduct cases instituted against members of the SAPS. This work involved researching labour law issues and the preparation of reports.

In April 2015, Papa left the service of the University of Pretoria to take up a position at the University of South Africa. On 15 May 2015, Prof Papa Maithufi suddenly and unexpectedly passed away. His passing left a huge void in the lives of his family, but also in the lives of his academic colleagues. Prof Maithufi was generally considered to be the leading expert on indigenous law in South Africa and his research has shaped the legal landscape, provided clarity and certainty and improved the lives of many people, particularly women, living in indigenous communities. His absence leaves a massive void in the scholarship on indigenous law. May he rest in eternal peace.