

The role of and limitations on the judiciary in the promotion of social peace in South Africa

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SUMMARY

Judge Eberhard Bertelsmann of the North Gauteng High Court delivered the address published here as he delivered it in Afrikaans in the series of FW de Klerk lectures in Potchefstroom on 20 February 2012. He dealt with the role of and limitations on the judiciary to promote social peace in South Africa, pointing out the achievements of the courts in the establishment of the constitutional dispensation over the past decades. He however also showed that the courts are over-burdened and that court administration leaves much to be desired. Litigants and practitioners do not hesitate to abuse the system and ugly incidents of unethical conduct have marred the professions. Judges however do not take these trends lying down and measures to rectify the situation are well underway. Fair, understandable, predictable and speedy adjudication without fear, favour or prejudice continues to be the contribution of judges to the protection of the South African democracy.

KEYWORDS: Judiciary, social justice, court administration, professional ethics, democracy

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