The late Justice Geoffrey Leveson

Shortened version of a tribute by Roland Sutherland SC, chairman of the Johannesburg Bar.

Mr Justice Geoffrey Leveson was a judge of the High Court for fifteen years. Before that, he had been for a period of thirty years, a member of the Johannesburg Bar.

Geoff Leveson was born 69 years ago. King Edward School educated him, and he now joins the illustrious company of so many old Edwardians who have distinguished themselves in service of our country. In similar vein, he was a graduate of the University of the Witwatersrand where he was prepared like many other distinguished South Africans, to enter the profession of law and to serve the people of the country both as counsel and as Judge.

He took silk in 1975, and after having served as an acting Judge, he chose to serve as a judge of the High Court in 1984. In these Courts, he was renowned for the exacting standards which he demanded of those who appeared before him. Himself a master of language, he insisted that counsel present their cases in a coherent and lucid fashion and drove them to do so. In matters of law, he believed that the intellect should be exercised when a submission was advanced to him.

Geoff Leveson was no less exacting in respect of his own endeavours. The law reports, which are replete with judgments handed down by him, reflect clarity of expression and rigour of intellectual analysis. In his early days in practice, he collaborated with that distinguished member of the Bar, Iggy Isaacs QC to produce Isaacs and Leveson on *The Law of Collisions* which went through several editions.

He was a rounded individual whose vision saw beyond the law, and more particularly understood that the law existed in order to serve people. The dignity and liberty of the individual was a value which he took seriously.

He was amongst the advocates of his day who found the apartheid ideology repugnant and was not shy to say so in public. He was a founding member of Lawyers for Human Rights and served on its Witwatersrand Committee.

He was especially averse to the ex parte application for an interdict. In matters concerning restraints on former employees to work in competition with their old employer, he was at pains to examine whether or not the criteria were satisfied and was keenly conscious of the impact of an order on an individual who might forfeit his means of livelihood.

Like many other judges of his generation, he was challenged to apply and interpret apartheid legislation. It was he who handed down the judgment in the famous *Black Christmas* case in which the United Democratic Front sought relief against the Chief Magistrate of Johannesburg (*UDF v Acting Magistrate, Johannesburg* 1987 (1) SA 413 (W)). Geoff Leveson concluded that the Chief Magistrate was not at liberty to rely on his whim or subjective predilections. Similarly, in *Bill v The State President* (unreported, 1987) he held that a detainee, who was entitled to make representations about his detention was also entitled to demand to know why he was detained. (See *Omar and others v Minister of Justice and others* 1987 (3) 859 (A).)

The Johannesburg Bar extends its condolences to the family.

Wyle regter Rudolph Erasmus

Bygedra deur Ilse Potgieter, Bloemfontein

Rudloph Philip Botha Erasmus is op 5 April 1999 oorlede. Hy word oorleef deur sy vrou, 'n seun en twee dogters. Regter EKW Lichtenberg, regter-president van die Vrystaat, het eer betoon aan die ontslape regter in 'n huldeblyk in die Hooggeregshof, Bloemfontein, en oudregter WJ Edeling tydens die begrafnisdiens.

Regter Erasmus is op 11 Oktober 1912 te Petrusburg in die Vrystaat gebore. Op 17 Desember 1917, toe hy vyf jaar oud was, is hy deur sy oom met 'n "tentkar" in Bloemfontein by sy weduweemoeder gaan haal en is die lang rit na die plaas Nooitgedacht in die Fauresmith-distrik onderneem waar hy voortaan deur sy oom Dolfie en tant Lettie grootgemaak sou word. Klein Dolfie het verdere skoolopleiding te Montagu en Jagersfontein gehad en dit het met hom besonder goed gegaan. Dit was om finansiële redes nie moontlik dat Klein Dolfie verder studeer nie en het hy die boerdery aagedurf. Een van die onderwysers op Jagersfontein het hom egter aangepor om verder te studeer.

Kort hierna het hy as klerk in Bloemfontein begin werk. In 1935 behaal hy graad BA (Lettere) deur korrespondensie en op 4 September 1936 vertrek hy met 'n Rhodes-beurs na Engeland. In Oxford het hy hom toegespits op Antropologie en Geografie, maar sy ideaal om advokaat te word het die oorhand gekry, en het hy aan Exeter-kollege met sy regstudies begin. In 1937 is hy verkies as voorsitter van die Exeter Law Society en het hy in die Engelse tradisie vir die kollege rugby en krieket gespeel, en selfs in hul derde boot geroei.

In sy kort studietyd aan Oxford behaal hy die grade BA Regte en BA Honneurs in Regte. In sy derde studiejaar begin hy met 'n D Phil-verhandeling getiteld "The Communal Idea in Bantu Law with Specific Reference to the Baxananwa". Hy ontvang 'n verdere Rhodes-toekenning van £1 000 om veldnavorsing in Suid-Afrika in die Noordelike Transvaal by die Blouberg (Lebowa) onder die Baxananwa te doen. Vanweë die uitbreek van die Tweede Wêreldoorlog kon hy nie onmiddellik die mondelinge eksamen aflê nie. In 1944 is die graad BSc Oxon aan hom *in absentia* vir hierdie werk toegeken.

Die regskwalifikasies wat hy op Oxford verwerf het, was onvoldoende vir sy toelating as advokaat in Suid-Afrika en hy moes 'n verdere eksamen aflê. Op 20 Julie 1944 word hy deur regter Toon van den Heever toegelaat as advokaat van die Oranje-Vrystaatse Provinsiale Afdeling waar hy praktiseer tot en met sy aanstelling as waarnemende regter in Kimberley in 1960.

Na tien jaar aan die Balie het hy in 1954 Queen's Counsel verwerf. Op 12 Desember 1962 is hy permanent aangestel in die Vrystaat en het die advokate hom leer ken as 'n uiters streng en soms ongenaakbare leermeester wat 'n gebrek aan behoorlike voorbereiding glad nie kon duld nie. Vanaf 1996 dien hy op 'n menigte regterlike kommissies waarvan hy die voorsitter van nie minder nie as nege was. Die bekendste is natuurlik die Kommissie van Ondersoek na Ongerymdhede in die Departement van Inligting, oftewel die Erasmus-kommissie (1978-1979).

Na sy aftrede in 1982 lê hy hom veral toe op beesboerdery en 'n wye veld van ander belangstellings, onder andere skryfwerk en joernalistiek, terwyl hy ook 'n groot sportgeesdriftige was.

Wyle regter Erasmus was 'n universele mens met 'n skerp intellek en 'n deeglike kennis van ons tradisies.

Ons deel in die droefheid van sy weduwee, tant Swartkop, sy drie kinders en sy kleinkinders en betuig ons innige meegevoel.