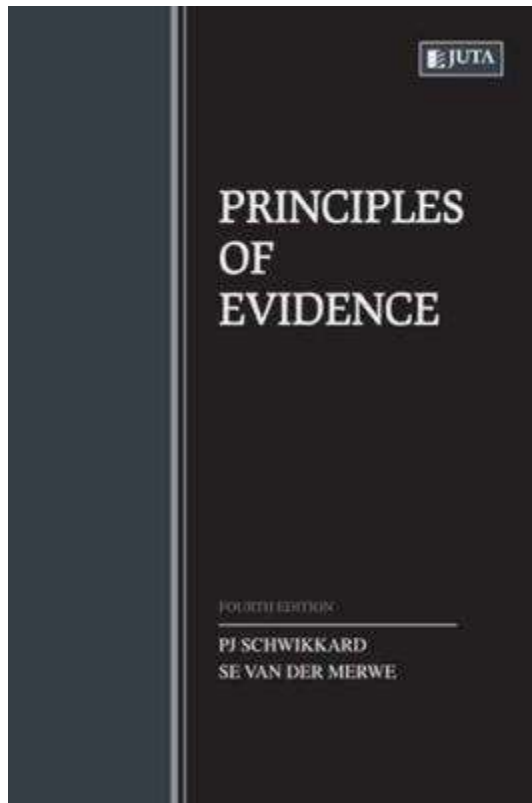


## **Book Review**



### **PRINCIPLES OF EVIDENCE (Fourth Edition)**

**by P.J. Schwickard &  
S.E. Van der Merwe**

(778 pages)

Juta & Co Ltd

[www.jutalaw.co.za](http://www.jutalaw.co.za)

**"Absence of evidence is not evidence of absence."  
- Carl Sagan (1934-1996)**

The law of evidence is fundamental to the effective functioning of a judicial system in a constitutional state. The authors of this magisterial book set the context:

*"Courts normally have to make a finding concerning the existence or non-existence of certain facts before pronouncing on the rights, duties and liabilities of the parties engaged in a dispute. In this process of litigation and adjudication the proof of facts is regulated by the law of evidence, which is a branch of the law of procedure."*

The 32 chapters and extensive tables of cases, statutes and rules included deal comprehensively with every aspect of evidence in its broadest sense. The detailed footnotes, authorities quoted and commentary supplement the well-organised text, all of which is fully indexed and set out in the user-friendly and accessible format which is a hallmark of publisher Juta's stable.

The clear and practical approach throughout this work is illustrated by this passage:

*"There are no degrees of admissibility. Evidence is either admissible or inadmissible. Once admissible, however, it may carry more or less weight according to the particular circumstances of the case. The court weighs or evaluates evidence to determine whether the required standard of proof has been attained. It is only after the evidence has been admitted and at the end of the trial that the court will have to assess the final weight of the evidence."*

Not only legal practitioners and the judiciary will find this updated fourth edition indispensable, but a wider readership will be enthralled by topics such as character evidence, opinion evidence, privilege, hearsay, confessions in criminal trials, electronic evidence, the credibility of witnesses, the evaluation of evidence and judges' rules.

The co-authors P.J. Schwikkard BA LLM LLD, Professor in the Department of Public Law at the University of Cape Town, and S.E. Van der Merwe B Iuris LLB LLD, former Professor of Law at the University of Stellenbosch have had the benefit of expert contributions from a quartet of other distinguished academics, advocates and attorneys. First published in 1997, this remains an outstanding and leading resource and formidable authority in South Africa in the practice of both civil and criminal law.

*Review by Louis Rood BA LLB (UCT) of Fairbridges Wertheim Becker.*