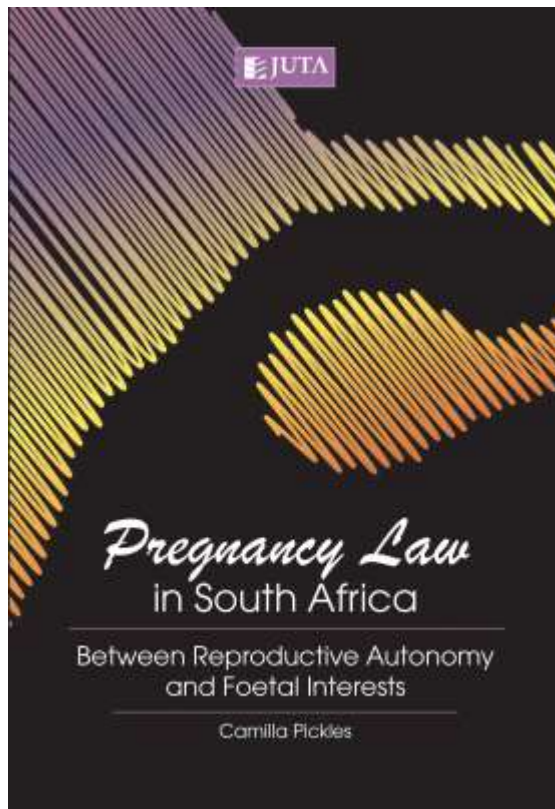


Book Review



PREGNANCY LAW IN SOUTH AFRICA **Between Reproductive Autonomy and Foetal Interests**

by Camilla Pickles
(402 pages)

Juta & Co (Pty) Ltd
www.jutalaw.co.za

"The thing-in-itself, the will-to-live, exists whole and undivided in every being, even in the tiniest; it is present as completely as in all that ever were, are, and will be, taken together."

– Arthur Schopenhauer (1788-1860)

South African law is a mature although ever-evolving system, rich in precedent and broad in legislation, with an extensive body of academic and juristic commentary. It has been quipped that our law regulates the leaders and the led, the hungry and the fed, the single and the wed, the unborn and the dead.

But there remain areas where our law has been relatively silent and legal commentary somewhat scarce. The law relating to pregnancy is one of the gaps which has received limited attention. Only selected issues have attracted scholarly attention, such as how to protect the unborn from liberal termination-

of-pregnancy laws, or third-party violence which terminates pregnancies without pregnant women's consent.

The author of this comprehensive study on the law of pregnancy takes the view that: ...*"favouring the individual protection of the unborn at the expense of pregnant women's agency and rights gives rise to a tension between female reproductive autonomy and foetal interests. This approach to law reform will be ineffective because it fails to recognise that there is more to pregnancy than just the unborn, and the relationship between pregnant women and the unborn is not necessarily an adversarial one."*

This well-researched book traces the development of this pregnancy adversarial environment from ancient times to modern societies. The legal status of pregnant women and the unborn in South Africa is examined in detail, and the inclusion of the experience of multiple aspects of pregnancy in the United States of America affords valuable comparative material.

The author, Camilla Pickles LLB LLM LLD, writes clearly and methodically. This readable style makes the thought-provoking content accessible and often compelling. Mercifully, no sentences ramble. Her conclusions and recommendations for law reform in this vital sphere are persuasive and backed by in-depth research. Multiple sources and authorities are cited in the footnotes, table of cases, and bibliography, including some ground-breaking *amici curiae* briefs in American cases. Very useful electronic sources for further reference are also supplied.

The ability to integrate academic analysis into a social and cultural context in a way which can guide legal development is rare indeed, but to be found throughout this book. It deserves the widest readership.

It would be remiss not to acknowledge the pioneering role of publisher Juta & Co. in making available this exceptional contribution to a better understanding of and guide to modern-day law reform where it is sorely needed. This continues in the best tradition of its founder, Jan Carel Juta (1824-1886), often

referred to as the father of South African publishing. Sir John Kotze (1849-1940), who served as a judge in South Africa for 50 years, in the first volume of his *Biographical Memoirs and Reminiscences* (published by Maskew Miller Ltd in 1934), recalled his school days in Cape Town:

"And here I may be pardoned for digressing a moment to express my admiration of Mr Juta as a remarkable instance of sustained effort and solid hard work in business, which ultimately brought him well-deserved success. He came from Holland to the Cape in the fifties of the last century, and started as a bookseller and stationer in a small way in Wale Street opposite St. George's Cathedral. My acquaintance with him began in 1859 when I was a school boy...He attended personally at the counter for he had no assistant at first, and many a time has he supplied me with two slate pencils for a penny, and a Darnell's copy-book at sixpence. A man of education, capacity, energy and strong will, he in due time worked up a flourishing business. Very many most useful works have been locally published through a series of years, first by Mr Juta and afterwards by the well-known firm of J.C. Juta & Company, of which he was the head. The Cape Colony owes this worthy man a debt of gratitude for the many and varied publications which have been brought out by him. He has left us an example of what can be achieved by perseverance, devotion, to duty and honourable commercial effort."

Pregnancy Law in South Africa carries on that fine legacy.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.