In memoriam Margaret Louise Hewett, 1934-2022

Margaret Louise Hewett (née Hunter), who passed away in Cape Town on February 18, 2022, was an authority in South Africa on the ‘Old Authorities’ of Roman-Dutch law, an expertise that has nowadays almost vanished. The serious health problems Margaret had experienced in recent years meant she needed care from late 2021, when her husband Jeremy died, and her health started going rapidly downhill in early February 2022.

Margaret was born in Johannesburg in 1934 and moved with her family to Cape Town in 1949. In 1952, she started studying at the University of Cape Town (UCT), where she obtained a B.A. in History and Classics in 1954, a B.A. (Hons) in History in 1955 and a B.Ed. with distinction in 1956. After two years of high-school teaching, she moved to England, where she taught Latin at Fritham House, a private school in the New Forest. She returned to Cape Town in 1963, where she got married in Rondebosch on June 29, 1963 and, while raising two sons, gave private Latin and Greek tuition to numerous students. She was affiliated to the Classics Department of UCT’s Faculty of Humanities from 1980 and was eventually appointed an Associate Professor. Her primary focus during this period was on teaching Legal Latin and Legal History. On her retirement in 2000 she was appointed Honorary Research Associate in UCT’s Department of Private Law.

In 2002 the Southern African Society of Legal Historians honored Margaret with a Festschrift, which was published under the title of Summa Eloquentia in a special edition of the journal Fundamina. To mark her great efforts to make the ‘Old Authorities’ of Roman-Dutch law accessible for the legal profession and court practice in South Africa and also for legal-historical researchers in the Netherlands and elsewhere, she was awarded the royal honor of Officer in the Order of Orange-Nassau in Leeuwarden (Netherlands) on April 19, 2005. During her retirement, and despite the many other projects she continued to
be involved in, Margaret found time to write a doctoral thesis on the Frisian jurist Ulrik Huber (1636-1694). She subsequently defended her thesis and was awarded her doctorate at the University of Amsterdam on May 19, 2010. This was unfortunately after the untimely death of her initial supervisor, Professor Theo Veen (1943-2005).

Margaret’s work on the ‘Old Authorities’, commonly performed at the request of the South African Law Commission, dated back to 1966, when she started assisting Ben Beinart (1914-1979) and Paul van Warmelo (1914-1997) to edit and translate the six-volume *Praelectiones in Libros XLVII et XLVIII Digestorum* of Dionysius Godefridus van der Keessel (1738-1816). She subsequently helped Beinart to edit and translate volumes 1 and II of *De Legibus Abrogatis* of Simon Groenewegen van der Made (1631-1652) and, after Beinart’s death, completed volumes III and IV independently, while also editing and translating Part I Book V of the *Censura Forensis* of Simon van Leeuwen (1625-1682). Margaret’s next *opus magnum* was her work on *De Criminibus* of Antonius Matthaeus (1601-1654). She assumed full responsibility for translating and editing this text, the four volumes of which were published between 1987 and 1996. Besides editing and translating some shorter writings by Roman-Dutch jurists, Margaret started work in the late 1990’s on editing and translating the *Dictata ad ius hodiernum* of Jacobus Voorda (1698-1768). Her transcription, translation and editing of these lecture notes on contemporary law, which were handed down in only a limited number of manuscripts and in which Voorda compared the various provinces of the Dutch Republic, were published in two volumes in 2005. Her last substantive translation was that of Huber’s *De ratione juris docendi & discendi*, a treatise on how to teach law and written in a sophisticated, humanist Latin. This translation was part of her doctoral thesis on Huber, published in 2010.

While we may be inclined to evaluate all these translations merely from a perspective of legal-historical interest, we should not forget that, in South Africa, the ‘Old Authorities’ had and continue to have a distinct importance for legal practice, with Roman-Dutch law still constituting a source of law. Margaret was asked on various occasions to provide translations of texts by ‘Old Authorities’ on which the courts could base arguments. These occasions included the famous 1988 trial that resulted in the acquittal of Moses Mayekiso and other trade union leaders.

We would do Margaret Hewett a disservice by qualifying her work as mere translating; in reality, it involved so much more. In order to translate the ‘Old Authorities’ one has to understand the texts, not only grammatically, but also from a perspective of the substantive or procedural law they describe, as well as the sources and literature they reference and the historical, academic and
intellectual circumstances in which they were written. Margaret was always fully aware of all these requirements. She experienced not being able to visit Europe for many years during the apartheid era as a serious impediment to her work in that it cut her off from the roots of Roman-Dutch law. When it became possible again, after 1991, to travel to the Netherlands, Margaret seized her chance and visited the country on various occasions to work at universities and in archives and libraries, to give guest lectures and other papers, and to establish connections with kindred souls. Over the years, she and her husband Jeremy attended many conferences of the Société Internationale pour l’Histoire des Droits de l’Antiquité (SIHDA), where she also gave a paper. In turn, the Hewetts themselves hosted many a colleague in Cape Town. These encounters showed how Roman-Dutch law transcends borders and connects legal historians from all over the world. Thinking back to Stekjeshof, the Hewetts’ home in Claremont, will always arouse happy memories for me and many others.

Jan Hallebeek
Amsterdam/Utrecht
j.hallebeek@vu.nl