

Constitutional Property Law
Third edition
by AJ van der Walt
Juta Law (2011)
xviii & 664 pp
Soft cover

The constitutional right to property has become a fraught topic in South Africa's public discourse.

However, a striking aspect of those who express views on it is that they tend to avoid mentioning what the law actually says about it.

That might be because it is a complex and intimidating field of study.

To their rescue has come Prof AJ van der Walt with the third edition of his tome *Constitutional Property Law*.

This latest edition is a thoroughgoing examination of all the elements of section

25 of the Constitution, which is the so-called property clause.

Van der Walt breaks the work up into chapters that deal with the operational context of section 25, what exactly property is, its deprivation, the expropriation thereof, before concluding with a thought-provoking philosophical discussion on how we should in future approach the concept of property.

While the book's general structure is simple and accessible, the substance of the text fully addresses the challenging subject matter. It cogently sets out the intricate concepts that sometimes bedevil this area of the law. The text is written in a very readable style that renders often difficult concepts easy to understand.

Moreover, Van der Walt refers to foreign case law throughout, which provides an instructive comparative perspective.

Of special significance is that virtually all the important judgments in the field

have been worked into the text and have been properly contextualised. This makes this book a very useful starting point for any counsel who is about to tackle a question relating to the constitutional right to property – whether in court or indeed by way of study.

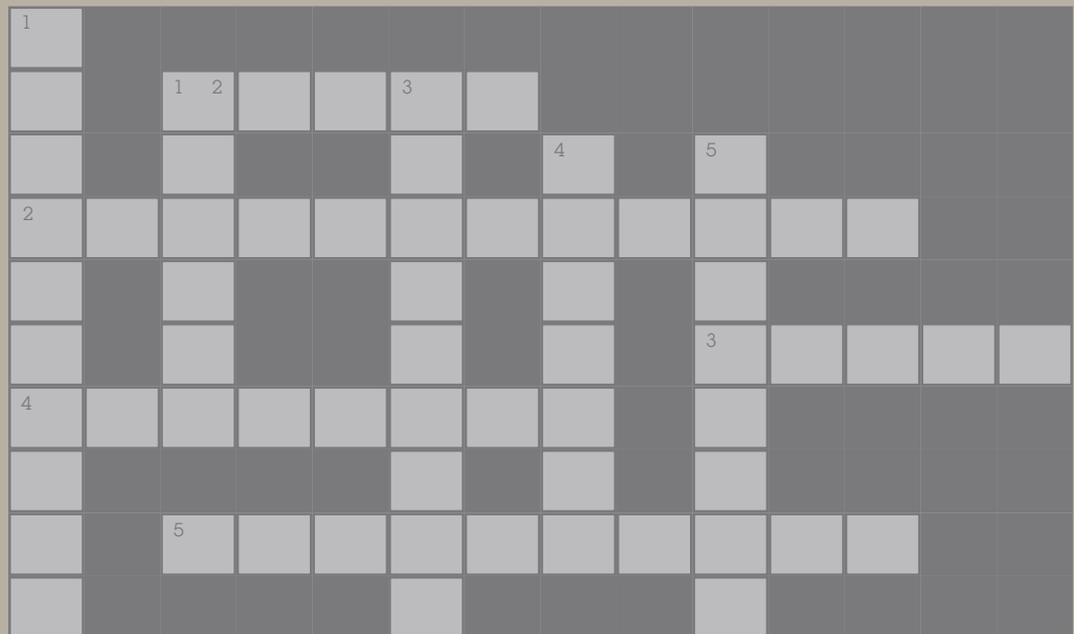
While the book examines its topic accessibly, it is rather for the constitutional specialist than for the general property practitioner. This is so since it deals exclusively with property law in a constitutional context and does not provide answers to the run-of-the-mill property issues that pop up on a daily basis.

Constitutional Property Law is a fine book and would make an excellent Christmas present for any friend who has strong feelings on section 25 of the Constitution, but who might not be up to speed on the law surrounding it.

Verlaine de Wit, Johannesburg Bar 

Legal Crossword

Number 21



Clues

Answers on page 52

Across (in order from top to bottom)

- 1 State entity
- 2 Lie
- 3 The subject of appeal
- 4 American headnote
- 5 Paying piece

Down (in order from left to right)

- 1 A piece of the action
- 2 Alienate again
- 3 Not if you reprobate
- 4 What you cannot appeal of an exception
- 5 Discarded from statute