

Christof and the Faculty of Law

Duard Kleyn, André Boraine** and Elsabe Schoeman****

Introduction

Christof Heyns is one of the University of Pretoria's intellectual giants and the Faculty of Law was privileged to have been home to this man, who dreamed big and made sure that those dreams were turned into reality. He had a clear focus: to promote human rights for the betterment of humankind and, at the same time, to make sure that UP Law was catapulted to the top – in South Africa, Africa and globally. He did not believe or entertain mediocrity; there was only one way to go, and that was to the top!

In what follows, we (Duard Kleyn, whose deanship preceded that of Christofs; André Boraine, who succeeded Christof as Dean; and the current Dean, Elsabe Schoeman) provide our impressions of Christof and detail our academic and personal experiences with him.

Duard Kleyn (1998-2006)

Christof Heyns was my student, he was my colleague and he was my successor as Dean of the Faculty of Law but, above all, he was my friend, always the optimist, adventurous, good-natured and upbeat.

I remember Christof as a brilliant student and a multi-talented young man with an excellent pedigree. He turned into a solid academic, always full of ideas and initiative, always on the go and constantly thinking of new projects and things to do. He was driven by an ambition to give the Faculty of Law status and shine, he dreamt of uplifting the teaching of law all over the African continent and he strove to represent South Africa well in international human rights organizations and at the United Nations. He was all in one, he was the academic, he was the diplomat, the family man and my friend.

Human rights was Christof's passion in life, from his early life, when both of us were amongst the founders of the University's Center for Human Rights. When the Centre was firmly established and achieved

international acclaim, Christof moved on to focus on a new Institute for International and Comparative Law in Africa (ICLA).

He was passionate and full of fire about whatever he did in life, be it from behind his desk or on the water at his holiday home or with his guitar in hand bringing back memories and songs of days gone by. Nothing, no misfortune or setback could get him down. It is in this context that I think back, fondly, of the memory-lane show of evergreens he entertained us with on the occasion of his 60th birthday, close to the beach, the air filled with the salt of the sea he so loved, surrounded by fellow artists, family and friends just as he had done for years on end.

Passion, style, commitment and excellence directed whatever he did. I remember how we both travelled, as members of faculty, to the US to foster inter-university relations with the law schools of Yale, Harvard and the American University in Washington DC. I will never forget how Christof booked us both into the prestigious Yale Club in Manhattan and how he took me shopping to Brooks Brothers, world-renowned for its preppy look. Christof was always on top of any situation. When, on our first night in New-York, we discovered that our bank cards were useless to get dollars, Christof came to the rescue and popped out a German mark note to exchange, from somewhere deep in his pocket, well before the euro of course, so that we could have a meal and a couple of beers. Needless to say, he settled the card-problem in no time. In sum, one could always count on Christof. Dear friend that he was, he would, even years thereafter, never come back from any visit to New-York without bringing me something from Brooks Brothers.

Christof left an immense legacy of scholarly excellence, commitment and camaraderie to be carried on. There is hardly a day that I do not think of him. Maybe that is part of eternal life.

André Boraine (November 2011-October 2019)

I want to begin my tribute to Christof, our colleague, inspirational leader and, above all, our friend to express again my sincere condolences to Fearika, his children and all Christof's family members. Still, we are deeply saddened by his sudden and untimely passing!

Christof's achievements in his academic career and his endeavours on various national and international platforms and bodies to make the world a more humane and better place are well documented and well known. I will mention only that he was a highly-rated NRF-researcher and a respected academic locally and internationally. I will focus my tribute on Christof's contribution to the Faculty.

Reflecting on Christof's life, I remember him as my colleague for many years, my friend and advisor, a visionary and a high achiever but, above all, as a most decent person.

As a colleague, I knew Christof from the mid-1980s when both of us started our fulltime academic careers at the University of Pretoria.

The Christof I knew was an open-minded person who did not dwell on small matters – life is too short for such distractions, he would say.

He was a go-getter, a man with a goal and, most importantly, a man who could direct his ideas through to fruition. In this regard most of us can learn from Christof, since many have dreams and ideas, but few have the drive to see their ideas fully implemented.

It was not surprising that Christof rose rapidly up the academic ranks and ultimately served the Faculty of Law in the post of Director of the Centre for Human Rights, as Dean and finally as the Director of ICLA.

By his role as Director of the Centre for Human Rights the Faculty, our country and the whole of Africa benefitted from his innovative contribution. He took the Centre into a new sphere by elevating it to become a prime human rights and research entity; he had vision, but he also deployed his skill in brinkmanship to find the funds which translated his ideals into reality.

Christof did not leave a stone unturned in his mission to support the notion of human rights for all in an endeavour to make the world a better place; at which he worked tirelessly.

I served as head of a department during his term as Dean and can say that the leadership of the Faculty benefitted from his insight and foresight in positioning the Faculty both nationally and internationally.

As a member of the Faculty and as a colleague Christof displayed loyalty throughout his career; he cared deeply for the Faculty and its staff members.

He understood the value in positioning the Faculty so as not to be inward-looking but to consider its broader role in South Africa and the wider international community. As Dean already he engaged the Faculty at this level well before the University of Pretoria as a whole saw itself in the same international context. In line with his vision for a better life for all in Africa and beyond, he prompted the University executive to expand its focus; the concept of a Future Africa was his idea. He saw it as a platform that would serve mainly African students at an interdisciplinary level in finding solutions for the challenges on our continent.

Christof was competitive by nature; it was important for him that the Faculty should be at the top – he liked to associate with the best. As the Director of the Centre for Human Rights and later as Dean and

Director of ICLA he trailblazed the foundations for getting the Faculty at the top in South Africa, in Africa and beyond.

We recall he established the LLM in Human Rights and Democratisation, and he introduced the African Moot Competition, amongst others. These initiatives opened doors to a world beyond the confines of local and domestic interests. He was a true internationalist.

As a colleague Christof had a friendly personality; a person one could engage with – a sounding board and a mentor to many.

He set an example in not labelling people, he did not waste time speaking ill of others, and he had an open mind and kept an open door for all. Christof also found joy in the achievements of others. He grasped the ‘halo’ effect – that if a colleague shone the light was reflected on all of us. Live and let live was his motto, or, as his friend Murray Hofmeyr pointed out at his commemorative service, ‘Christof believed in giving another person a gap too.’

As Director and as Dean he set an example as a strategic thinker and as an academic.

Christof believed in research being accessible and meaningful; research in action was the name of his game. No wonder the Pretoria University Law Press ‘PULP’ was his brainchild; putting an idea into action by providing books for Africa.

Christof never settled for sub-standard work and he expected people to excel – sometimes to make what seems impossible possible – and usually he got his way.

During my term as Dean he was always ready to assist by offering advice and serving as a sounding board, for instance he assisted me greatly in establishing the successful LLM programme in extractive industries and we planned ultimately to establish a chair in this important field as well.

Christof took a deep interest in the wellbeing of students and was involved in assisting students in their career development by creating opportunities for many to grow both scholastically and as individuals. He was actively involved in student bodies such as Law House and was a passionate participant in the annual Faculty Festival.

He led an active life outside the university.

Christof was also a family man, a true friend to many and had a host of interests outside academia and the field of human rights. He loved cycling, walking, rowing, music and writing – academic and creative. He was not a spectator but an active participant in life.

In friendship Christof was fun and charming to be with, always making plans to set up a concert or a party or a cycling or walking outing or just crack a beer or a glass of wine and, occasionally, a cigar!

I had the pleasure on a few occasions to accompany him on mountain bike rides and on a few of his walks at the ‘proefplaas’. On

these occasions we would talk – never just idle chatter but always weaving a deeper discussion into the mix of work and play.

Christof was a good storyteller and had a great sense of humour. On the occasion of his 60th birthday two years ago which he celebrated with friends and family at his beloved ‘Stilbaai’, he opened his speech by remarking he and his mother now share the honour of both being senior citizens!

Christof loved life and lived it to the fullest – he was one of the few people I know who really got a twinkle in the eye at observing something funny or when telling a story.

His motto was to make the best of every opportunity or event; neither rain nor thunder would stop the party from going ahead.

After these brief remarks I end by mourning a great human soul that has left us and our world and the Faculty poorer. But his legacy is enormous, and I firmly believe he lit a fire of enthusiasm in many people in the quest to make the world a better place, in students, colleagues, collaborators and many others who crossed his path during his lifetime.

Christof – Hamba kahle – may your great soul rest in peace, we miss you and will do so for a very long time!

Elsabe Schoeman (current Dean)

I only knew Christof professionally for 18 months, but we shared a passion for and a firm belief in comparative research and scholarship as a tool for finding global solutions, as well as enriching and enhancing our own domestic legal system. We both valued the plethora of solutions offered through comparative methodology and the potential for approximation, harmonisation and unification of laws. We were excited about the new possibilities presented by research platforms created here at the University of Pretoria for inter- and transdisciplinary research and to be impactful on the African continent and beyond.

For Christof it was important to have impact, and he did, also on a global level. Over the past two years, he played key roles in the development of General Comment 37 on the right of peaceful assembly and the drafting of the UN Human Rights Guidance on Less Lethal Weapons, setting the international law standards and UN standards on peaceful and not-so-peaceful assembly.

But he also wanted the Faculty to have impact. He initiated various projects to measure our impact, for example establishing that most South African law academics had obtained their doctorates at UP and, lately, a project to track citations of UP law academics in court cases all over the world.

He was ahead of most with transdisciplinary research, having established research contacts in most faculties across the university, especially in his work on peace and justice. His international network stretched far and wide, as is evident from all the messages of condolence received. It remains a mystery to me how he managed to keep in touch with everyone, and he did, personally, not through an assistant. He was just about to embark on a new project, *Peace in our cities*, with no fewer than 22 international institutional partners.

Christof lived life in a hurry, there was no time to waste. He could be impatient, especially when starting on a new project and things were not happening quickly enough. He wrote all his emails and Whatsapps in lower case – I never asked him why; perhaps because there was no time for capital letters? And yet, Christof always found time to talk to people, despite his busy life. He understood the importance of those more informal, personal bonds that underlie and strengthen professional relationships. That was one of his frustrations during lockdown – virtual conferences did not provide those valuable and treasured opportunities to connect with people on a social level during coffee sessions, lunches and dinners.

We both became grandparents for the first time in 2020. That ‘qualified’ me to receive videos of his grandson and I reciprocated. Shared pride and joy in our offspring. Christof also told me how this little new life trumped everything else and inspired him.

We shared a love of music. During lockdown we would share videos or lines from songs – Leonard Cohen’s dark songs and sharp wit quickly became the perfect soundtrack to lockdown. There were also other, more alternative artists ... We agreed that songwriters were like scholars – not only did they have to write their own songs, they also had to perform – in effect, publish – them.

As pointed out by many other people, Christof was a peace maker. After a disagreement in a meeting the email would come, often late at night, to open up the discussion and give everybody the opportunity to join again. It was as if he knew life was short and that there were more important things to do.

Christof loved life and he loved interacting with people. He was open to different ideas and alternative views – in the words of Leonard Cohen, ‘You were born to judge the world, forgive me but I wasn’t’. Christof was not born to judge other people. It was this approach that allowed him to welcome so many diverse people into his life. He firmly believed in the innate goodness of people and was determined to find that in everyone. His last favourite book, *Humankind* by Rutger Bregman, was gifted to many – those who have not read it or finished reading it, you should.

As a Faculty we will honour Christof's legacy by carrying on with the work he started and we will remain inspired by the impact he had on a national, continental and global level.

Conclusion

To say that Christof was a remarkable intellectual, academic and scholar would be true. However, from the above tributes it is clear that he was much more than that. He was one of those rare human beings who had the gift of bringing together people from all over the world to become invested (through research, funding or otherwise) and united in his big plans and projects – he was able to empower and inspire, and persuade, people to share his dreams and pursue the realisation of those dreams. Christof left this world much too soon, but he left us with a clear road map for the future: chase your dreams, believe in yourself and others and, above all, make your contribution as a human being to the greater good of humankind.

* He was Dean of the Faculty of Law from 1998 to 2006.

** He was Dean of the Faculty of Law from November 2011 to October 2019.

*** She started her term Dean of the Faculty of Law in 2019.