**Reflections on the ranking of the Faculty of Law of the University of Pretoria as the 92nd best law faculty in the world by Times Higher Education, 2017[[1]](#footnote-1)**

**Notes from which to make brief comments at a ‘Celebratory Cocktail function’ on 5 December**

Christof Heyns, Dean 2016 - 2010

**‘Africa’s global law faculty’**

I am reminded of a Vice Principal of UP who used to say ‘Ek is n Tukkie in murg en been’ – in English, ‘I am a Tukkie in Mug and Bean’. I can certainly say that tonight I am particularly proud to be wearing that brand.

Let me share some of my own highlights of the Faculty from over the forty years that I have been here with you. It will not cover the whole spectrum, each one of us has his or her own story to tell, but let me give you my perspective in a condensed format.

Like all of us here tonight, at the end of my school years I had to choose a profession.

While the decision about what to study took some time, there was little choice about where to go**.** My first choice would have been to go to UCT, because it had a reputation the best faculty in the country. It was also a place of liberal ideas and it offered an opportunity to improve my Pretoria Afrikaans – not to mention the ocean and the mountain. My parents, however, made it clear that their financial position allowed only one option – the university closest to home, UP. I said ‘But it is not the best in the country’. Their approach was ‘As jy nie by die beste plek is nie, maak jy dit die beste.’ ‘If you are not at the best place, you make it the best.’

That sounded pretty lame to me, but it was clear UCT was not on the agenda. I have, however, learned over time that there was a lesson in this, which seems particularly relevant to what we are celebrating tonight.

Tuks was not recognized as the best faculty in the country when I arrived in 1977. We nevertheless had excellent lecturers. I was not the most regular attendee of classes, because there were many other distractions, but we had some formidable lecturers, such as **Danie Visser**, **Henk Delport**, **Kobus van Rooyen**, **Johan Scott** and **Niek Grové** and, although not everyone will agree with me, I was also a fan of the then dean **David Joubert**. The flamboyant young **Duard Kleyn** had just appeared on the scene. Some of us brought girlfriends and boyfriends to some of their classes. I remember in particular a very striking student in one of the lower years asked whether she could go with me to **Johann van der Westhuizen’s** class. I was happy to oblige, just to find out a few weeks later that he was then dating her. Let no one say it was not a competitive environment. In my defence – he was a dashing young professor and drove an Alpha Spider.

When I became a lecturer myself, we had our fair share of confrontations in Faculty, about race and many other things. I have vivid memories of arguments in the Faculty Board with legends like **Ferdie van Oosten** who often wanted to put his position ‘on record’ (I wondered then and still wonder where such records are kept) and **Vossie Vorster.** I recall one of them saying ‘you human rights people do not merely want to abolish the apartheid state, you want to abolish the state’. Many of the fights about things such as the language policy of the Faculty. I remember one altercation in particular, where a colleague afterwards told me: ‘You are wasting your time to argue that we should teach in English. You should know that for some of our colleagues it is already a compromise to teach in Afrikaans – they believe we should teach in Latin.’

However, although there were serious disagreements, I was time and again struck by how a core of common sense always eventually prevailed. When the Centre for Human Rights was first established under the leadership of **Johann**, at this ‘Voortrekker university’, I was pleasantly surprised to find out how many of the faculty members were part of it, and over the years almost everyone lent a hand to the activities of the Centre.

Most formative to me, and I think to some of my colleagues, was when we got roles – some small, some big – in the constitution writing process. This extended to young students such as **Danie Brand**, who later joined the faculty. The opportunity to be involved in one of the most celebrated transitions in history created a sense of possibility and can-do which still lingers on with many of us, which is our strongest as well as weakest point.

But as it should be with a good law faculty, it was not all about politics. I was constantly inspired by how people like **Piet Delport** and many others in a persistent and uncompromising way but under the radar, at least compared to us at the CHR who were chasing the headlines, pursued excellence. It was also a delight to see how **Trynie Davel** started the Centre for Child Law and built it into the success that it is today. **Pieter Carstens** did cutting edge work in the Centre for Medical Law.

I was particularly impressed by how well our students did at moots, including some students who are now our colleagues, like **Dire Tladi**. Our performance in the international moots was especially significant in persuading me to remain in the faculty. This was the time before rankings, and moots were the platform where the most direct competition between faculties took place. We were winning moots in all fields of law, in all parts of the world, over many years. I had the distinct feeling that we were sitting on a goldmine in terms of human talent, and we had to bring it to the surface.

Then came the opportunity to be dean and I left the CHR behind in the immensely capable hands of **Frans Viljoen**. As Andre may also tell you, one of the less pleasant tasks of a dean is to write an annual faculty plan. By chance I had the opportunity to stay in cottage in Franschoek for a few days to focus on the next four years.

Long walks in the mountains gave me the opportunity to come up with ideas that would become the cornerstone of my tenure. The central focus was to grow the post-graduate output of the faculty and to keep the size of our undergraduate programme stable. The HODs with whom I was fortunate enough to work supported the plan.

However, when I presented the plan to the executive we were on a collision course about it. In the words of Deputy VC **Chris de Beer** we went ‘toe to toe’ about it. Miraculously he bought into the plan, and persuaded the executive to agree that the Faculty of Law would be the only faculty on campus that was not required to increase its undergraduate intake. They gave us funds to grow the doctoral programme, including by starting a full-time component. Our doctoral outputs have sky-rocketed over the last decade. **Karin van Marle** was, together with the late Andre Van der Walt, instrumental in developing the research component for the LLD.

At the same time, it was clear that the quality of the Faculty depended first and foremost on the quality of our LLB. So though we were not going to make the LLB programme larger, we had to make the programme better. The 4 year LLB was in my view and that of many colleagues the main failing of my friend Dullah Omar – it was what Trump would today call ‘a disaster’. However, we could work around it. The HODs agreed to increase the admission qualifications of the 4 year LLB significantly, and channel most of our students towards doing a BCom or BA first, for three years, and then switch over to complete the LLB in two more years. De facto we had created our own five year LLB.

It was a pleasure alongside others to establish the **Pretoria University Law Press, PULP,** on which there is an exhibition here tonight. PULP is one of the most underrated features that makes this faculty shine worldwide.

Of particular importance to me has always been the focus of the faculty on Africa. There were many motivations. The first was that we had a duty towards our community and our continent. In particular, as a faculty of law we had a duty to promote the role and the rule of law in Africa. Another but significant motivation was that if we could manage to be the best in Africa, we would be the natural partners of the best in the other parts of the world. Lastly, this offered the excitement of doing something for the first time – of turning possibilities into realities.

The Centre for Human Rights has over many years established a track record of engagement and excellence on the African continent, and carried the name of the Faculty out across the world. I was keen to expand this focus to the Faculty as a whole. It was clear that our road went through Africa. That was where the byline ‘Africa’s Global Law Faculty’ that we still use today, came from.

Then came the establishment of specialized chairs, focused on aspect of the law in Africa. chairs Some of you will remember the stormy meetings of the Faculty Board where we tried to introduced the first one – the Adams and Adams Chair in Intellectual Property Law in Africa. We had to convene a special faculty board meeting because the idea of getting a law firm to sponsor this was shot down at the first meeting. As seems to be our habit, in the end, after a good fight, common sense prevailed and only two people voted against it.

Within little more than four years we were fortunate enough to establish not only the IP Chair but also a SARChI Chair on African economic relations; a UNESCO Chair in Education Law in Africa; the Barclays Africa Chair in Banking Law; and a second SARChI Chair in International Law.

We also created the Institute for International and Comparative Law in Africa. We have indeed become a one-stop shop on the law of Africa. Moreover, people like **John Dugard** and **Johan van der Vyver** joined the faculty in extraordinary but engaged capacities, and set the example by being A-rated by the NRF.

There were other, more fun things as well. Personally I found the start of the law faculty festival to be the most gratifying, if only because no one could deny the dean the opportunity to play guitar on his home turf.

I also remember with great affection how **Ann Louw**, **Beertjie Kuschke,** and I found ourselves at the receiving end of the same dreaded disease, and supported each other.

Allow me the opportunity to say that the University as a whole has over many years given me and many others extraordinary opportunities and continues to do so. I am deeply grateful to the VC, **Prof de la Rey**, for her support over a long period, and I am happy that she is with us tonight.

But the greatest opportunity that the Faculty and the University gave me was to play a brief role as part of a much larger team, stretching over decades that has turned this Faculty into a beacon worldwide, which is what we celebrate tonight. There are thousands of law faculties in the world. To be recognized as one of the top hundred in the word is something extraordinary, and I would like to congratulate and thank all of you who were part of the team that made this happen.

This brings me back to the lesson I learned from my parents, about not necessarily running after what is already the best, but making the place where you are the best.

I have been fortunate to get the opportunity to study and teach at some of the well-known universities of the world. And I must confess I often wondered what it would be like to have a full-time appointment at a university such as Yale or Oxford.

And indeed: One option is to put all your effort into chasing greatness, or at least a reputation of greatness. However, I am very very happy not to have chased greatness elsewhere, but to have been able to work with others to turn this place into a place of consequence.

‘Greatness’ is of course a big word, and whether we are great is best left to others to decide. For the time being Times Higher Education has spoken. Personally I have always taken the rankings with a pinch of salt, but that was when others were ranked above us. Now that they work in our favor, I say let’s embrace them. I am certainly glad I did not go to UCT!

I mentioned by name some of the people from my era, especially from the early years, but I recognize that a new generation has taken over the torch, and is running with it and is running the show. I am not even going to try to mention you by name, but you are the people who inspire our students, who inspire us as your colleagues, and who are carrying our name forward. I congratulate the lecturers, students, and the administrative staff of the Faculty, who earned us this great distinction.

I also want to salute the role that **Duard Kleyn** has played in the faculty as the first dean of what Andre has called the modern period of the faculty’s history. He made us a more caring place and he secured us our own building. I do believe that our new premises were one of the major building stones of the achievement that we are celebrating tonight. And to his credit Duard also made us a bit Bohemian, and a bit Monty Python.

To **Andre Boraine**, our current dean: I have the greatest respect for your dedication and for the leadership that you provide in the faculty, even and especially during times when many doubted us. I am often amazed at the hours you put in and the care that you take, to make sure everyone has a chance to shine. You are the embodiment of a great dean, who works to improve other peoples’ CV, while remaining a first class academic yourself.

I remember something you said in the parking lot at the time when the faculty was spending a lot of time on the paintings in our corridors – remember that weird time? - and you said ‘we need to get this place back to basics’. That is what brought us here, and tonight is a shining reflection of the wisdom of your words and the hard work you do alongside **Anton Kok.**

**To conclude** – It will obviously be nice if we can retain our ranking, or even improve it. But I am firmly convinced that high rankings should not be the goal, but rather, if and when it happens, it must the consequence of the pursuit of other, more important goals.

What makes a faculty a great faculty? I remain convinced that the there are two irreducible goals that we have to continue pursue with all our heart – decency and excellence. **Excellence without decency has no soul; decency without excellence has no strength**.

The experience I have been privileged to have here has taught me that disagreements are not the end of the world, and it can at times be a good thing. Somehow, and perhaps without recognizing it, we seem to have been able to unite about the core values: our duty to contribute towards a society based on excellence and decency. Let us continue to pursue these goals, and all else will follow.

To ‘Africa’s Global Law Faculty’!

1. https://www.timeshighereducation.com/world-university-rankings/2018/subject-ranking/law#!/page/3/length/25/sort\_by/rank/sort\_order/asc/cols/stats [↑](#footnote-ref-1)