

Tribute to Rudolph Jansen

[Rudolph Jansen](#) passed away on 25 November 2017 in the Limpopo province while consulting with a rural community about their rights to land. He is an alumnus of the Faculty of Law, University of Pretoria.



His life's work was dedicated to fighting against injustice and for justice. He started as a young advocate in the late 1980's and early 1990's assisting prisoners who were awaiting the death sentence. After the abolition of the death sentence he turned his focus to the dismal conditions in South African prisons. He was the director of Lawyers for Human Rights from 2003 to 2007, whereafter he returned to the Pretoria Bar, where he took silk in 2014.

During his life he assisted many poor and marginalised people and defended the rights of prisoners, asylum seekers and sex workers. One of his biggest contributions was his work on housing cases, unlawful evictions and land reform and restitution. Rudolph argued many of the precedent-setting land and housing cases that students at this University study during their Property Law course and in the Land Reform Law elective course, such as *Tswelopele*, *Schubart Park*, *Baphiring*, *Pheko*, *Molusi* and many more. His contribution to the development of our law in this respect is immeasurable: in his always unassuming and self-deprecating way and in his capacity to see beyond the existing law to what the law should be, he was the leading land and housing lawyer of his generation. Towards the end of 2017, again taking on the most powerful on behalf of the most vulnerable, he was focussing on a challenge to the Mining Charter to address the impact of mining development on the housing and land rights of poor, rural communities.

Rudolph's legacy is an excellent example of the interrelation between activist litigation and scholarship. His work generated a great deal of scholarly debate and discourse. We personally valued and will continue to value his understanding of and respect for theoretical and philosophical work. His life stands in the guise of true and radical ethical commitment.

Rudolph was well aware of the limits of the law. He had no blind or romantic belief in law or even human rights. We remember Rudolph saying after his victory in the [Tswelopele case](#), in which the Supreme Court of Appeal, instead of developing the *mandament van spolie*, developed a constitutional remedy for poor people's loss of movable property during unlawful evictions, that all he had managed to do in securing his clients' right to return to the land they were removed from was 'to return them to their position of previous disadvantage'. He knew that nothing is a given and that justice is something that we have to fight for and keep on fighting for. And that is what he did from early in his career, and continued doing throughout.

In the last two years before his death, Rudolph had started to act as a judge in the Pretoria High Court and he was surely destined for a permanent position on the bench. We can only guess at the contribution he could have made in that capacity to the transformation of our law.

Since his untimely passing many tributes have appeared in the media. One of his close colleagues, Jacob van Garderen, remembered that Rudolph was 'known for his passion and respect for his clients, and for his refusal to shy away from a fight against those more powerful ... he was an inspiration to many activists and human rights lawyers over the course of his life, and leaves behind a legion of individuals committed to taking forward his work and vision for a just and equal society.'

And it is this example that we hope present-day students will follow.

All those who wrote tributes highlighted his love for his family, his wife Marianna and two sons, Gustav and Rudolph. We would like to thank them for allowing us on behalf of the faculty to honour Rudolph by introducing the Rudolph Jansen prize for the best student in Land Reform. The first recipient of the prize is Nonkosazana Nkosi.

Karin van Marle and Danie Brand