

HONORARY GRADUATE

David Theodor Zeffert

David Theodor Zeffert was born in Johannesburg on 10 December 1929. He matriculated at Houghton College in 1946 and was awarded the degrees of Bachelor of Arts and Bachelor of Laws by the University of the Witwatersrand in 1950 and 1953 respectively. He was called to the Bar in 1953 and practised as an advocate in Johannesburg until 1968. During this time he conducted a great variety of legal work, both civil and criminal, appearing in a number of trials and appeals and earning a reputation as a highly respected and gifted advocate. In 1968, however, he left active legal practice out of (in his own words) 'a growing conviction that a university lectureship will offer greater intellectual challenge and involvement than is to be found in everyday practice'.

Since his appointment to the University as a senior lecturer in 1968 and, later, as a professor of law in 1973, his involvement in the life of the university community and his appetite for and skill in meeting its intellectual challenges have been matched by a very few. He is regarded by most as the leading writer in South Africa on the law of evidence - a field that requires great intellectual rigour, flair and imagination and is known for attracting some of the world's best legal brains. His list of books, monographs, journal publications and essays is impressive for its length and variety and for the impact it has had on the moulding of judicial opinion and the development of our new law. Few legal academics could have been so frequently cited in South African journals and even fewer with as much deference. His chief works, the third and fourth editions of the *South African Law of Evidence* are classics of their kind and have received quite remarkable acclaim. Of the third edition Mr Justice Margo had this to say: 'It is without doubt among the leading works. It is an indispensable item of equipment for practitioner and students alike, and it ought to be in every court library'. The fourth edition - an entirely new work in which the earlier contributions of Mr - now Lord Hoffman was much reduced - was an even greater success. It was the subject of a review article in the *South African Law Journal* - something that very seldom happens - in which the writer was 'congratulated on producing a work that places South African scholarship firmly in the mainstream of the current renaissance of the law of evidence'. It is rare to find a case in this field that does not refer to, if not actually rely, on this work.

But there are, too, other books and parts of books - one on evidence, two on mercantile law, one on legal history and one - a monograph on the parole evidence rule - which was described by a highly respected reviewer as 'a model of a learned discourse' and 'an intellectual treat'. All these - as well as the over fifty publications in legal journals - are characterised by penetrating insight, probing analytical candour, erudition and a sparkling literary style.

Professor Zeffert's contributions to the law, the University and his faculty are too numerous to list. He has been - and it is necessary, here, to be selective - Dean of the Faculty of Law, Acting Dean of the Faculty of Commerce, a member of the Council of the University and Chairman of the Governing Committee of the School of Law, of the University's Constitution Committee, of the Senate Committee on Conditions of Service, of the Staff Medical Aid Fund, the Academic Staff Association and of the Student Discipline Committee. He was assistant and, later, associate editor of the *South African Law Journal*, a publication greatly respected in the English-speaking legal world, is on the editorial board of *Annual Survey of South African Law*, and was appointed to two committees of the South African Law Commission - one in the field of evidence and the other commercial law. He has also occupied office outside the university, as Chairman of the University Teachers' Association of South Africa and as a executive member of the Society of University Teachers of Law of South Africa. Each of these demanding and highly responsible functions he carried out unselfishly and with enviable ability, versatility and energy. The huge void left by his retirement is demonstrated by the University's request that he continue in the chair of the Constitution Committee - a position Professor Zeffert has made his own because of his unique insights into the running of the University, the vagaries of administrative law and legal drafting, and the dictates of common sense.

What emerges from this is a picture of a man of formidable intellect and all-round skills and talents. It is a picture long held of him by his colleagues (many of whom were his students at some time) and his friends. And it is a picture enhanced by something which does not emerge from records or curricula vitae - a gen-

erosity of mind and spirit that enriches all who keep his company and brings out the best in junior colleagues and students whom he unfailingly encouraged and nurtured.

On his retirement as a professor in the Faculty of Law in 1994 - he still teaches in that faculty - the University conferred on him the title of Professor Emeritus. By conferring on David Theodor Zeffertt the degree of Doctor of Laws *honoris causa*, the University honours, in the most appropriate way possible, one of its own; one who has served not only with enormous distinction but also with humanity, kindness and magnanimity.