

A gentleman and scholar-but much more!

Since the launch of the *Journal of Financial Crime* some twenty five years ago, sadly a number of people to whom this publication is indebted have passed away. However, from a very personal standpoint, as founding and general editor, the person who contributed most to the journal is our dear friend, Professor Johan Henning who died on 12 October 2018 in Bloemfontein, South Africa.

While I did communicate with Johan back in the early 1980s, when South Africa was a very different place than it is today and part of my responsibilities at the Commonwealth Secretariat involved assisting in the policing of the embargo against his government, it was in Cambridge that I first got to know him well. Johan, already a Professor of Mercantile Law at the University of the Free State and a member of the highly respected Standing Advisory Committee on Company Law, became a frequent visitor and occasional lecturer at the University of Cambridge. Indeed, Johan became something of a bridge in all matters relating to business law and, in particular, its dark side between the Commonwealth and South Africa. Johan's detailed and topical knowledge of corporate law and partnership law was rooted in his classical legal studies in Germany, The Netherlands and, of course, South Africa – fed by an appetite second to none to learn more about the law in other jurisdictions, ranging from the USA – including many of its states – to China. Indeed, his standing and knowledge of law in both the USA and China were specifically acknowledged both academically and by the professions.

Johan's passion for making the law work better, particularly in the new South Africa, led to his being actively involved in law reform not only in his own jurisdiction but also in many others, including the UK. For a decade, Johan was Director of the Centre for Corporate and Partnership Law at the Institute of Advanced Legal Studies. He was also involved in advising and supporting law reform in jurisdictions, for example, as diverse as Japan, Norway and Lesotho. Over the years Johan held numerous visiting and guest appointments at many universities around the world. He always contributed to the scholarly tenor of any course or programme he participated in. He always appreciated, particularly in the more applied areas of legal study, the very real and valuable contribution that practitioners can make to the academy and was therefore an enthusiastic supporter and promoter of the Society for Advanced Legal Studies of which he became an Honorary Fellow.

Johan held many prestigious positions within the University of the Free State and was Dean of the Faculty of Law for it seemed decades. Johan played a major role in the transition of the University and, in particular, its Faculty of Law from the character of the old South Africa to the new. President Mandela received one of his many honorary doctorates in law, from the Free State on Johan's proposal. Not that there has been an impressive transformation in Bloemfontein, but Johan encouraged and supported other law schools throughout the Republic to follow suit. He always supported his students and his perception and frankly devotion, to fostering their potential has ensured the quality, that has long been associated with his faculty, is now found in many other schools in the region and elsewhere, as well as in practice and increasingly on the bench and in government. The transition generation in South Africa found a strong champion in Johan, and this has laid the foundation for far reaching changes in the institutions of the legal system.

Johan although primarily an academic, had practiced law and in the early years of his career, was an official in the Department of Justice and the military. He retained throughout



his career close relations with practitioners and was a friend and confidant particularly to the senior judiciary in the High Court in Bloemfontein. Indeed, during the heady days of the new dispensation in South Africa, Johan rolled up his sleeves and could be found instructing the Scorpions and new prosecutors in the old BOSS HQ. In fact, Johan was deeply interested in the state's proper response to the dark side of business, particularly in fragile and transition economies. He ran programmes relating to anti-money laundering and corruption before it was vogue – throughout Southern Africa and even instructed the Supreme People's Procuratorate in China. His unparalleled knowledge of corporate law allowed him to focus on the misuse of business forms and offer advice and approaches which were years ahead of most experts. In no small measure, Johan contributed to assisting in the stability of South Africa and many other places. He was a stalwart of the annual International Cambridge Symposium on Economic Crime and the Regional Director for Southern Africa of the Cambridge based Centre for International Documentation on Organised and Economic Crime. He also lectured on the developmental aspects of these issues at the Centre of Development Studies at the University of Cambridge and was a frequent and much-respected speaker at innumerable conferences and think tanks around the world.

Johan Henning's most enduring contribution to corporate law and the promotion of integrity will, however, be his vast, highly distinguished and scholarly writings. He was exceptionally productive – producing well over 200 learned papers in refereed legal journals published in many jurisdictions, over 60 books and monographs and countless official, commissioned or professional reports and opinions. In addition, Johan edited or was a significant member on the editorial boards of an array of learned and practical journals, series and services. He was not only a member of our editorial board from its inception but also a regular contributor and commentator. Johan was also a great facilitator of scholarship on the part of others – including academic colleagues in his own and other universities including his students.

Johan during his career received many worthy and distinguished awards and prizes mostly for his deep scholarship in South Africa and I have already indicated, far beyond. Sadly, however, it is not until someone is no longer there that the magnitude of his or her contribution is properly perceived – let alone acknowledged. The fight against financial and economically motivated crime in South Africa and far beyond is weakened by his loss, although the contribution he made stands as a beacon for the rest of us.

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