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In memoriam Heinrich Johannes Scholler (1929–2015)

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Personalia

In memoriam Heinrich Johannes Scholler (1929–2015)

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With the passing away of Professor Heinrich Scholler on 31 August 2015, the academic world lost a brilliant member, and many of us have lost a friend. Professor Scholler was an outstanding speaker, a talented writer, an impressive teacher, an indefatigable traveller, and, above all, a humanitarian who looked equally upon all people regardless of their beliefs or social status. He was popular among his students and colleagues at the Ludwig-Maximilians-Universität München, where he was a faculty member from 1958 until his retirement in 1992. Some of his former students and colleagues expressed their respect for him by organizing an impressive celebration of his sixtieth birthday in which a good number of international scholars took part and contributed articles to the *Festschrift*.¹

Professor Scholler was born and brought up in Munich. As a young man he was seriously hurt in an accident while experimenting alone with a chemical object in the laboratory of his father, who was not present at the time of the explosion. The incident took place just as the American forces were entering Munich: hence, no doctor could be reached and, as a result, he completely lost his sight. Thus, he had to matriculate in the special high school known as 'Blista' in Marburg where he could get better facilities than elsewhere. Years later he partially regained his sight through the unique operational technique of the famous oculist Professor Strampelli in Rome. This facilitated his research work to some extent, but he first had to finish his studies with the assistance of readers and special appliances.

He studied law and political science in the Ludwig-Maximilians-Universität München and broadened his knowledge further by attending different courses and seminars in the universities of Paris and Rome. It was

¹ Cf. L. Philipps, R. Wittmann, and A. Ádám, eds, *Rechtsentstehung und Rechtskultur: Heinrich Scholler zum 60. Geburtstag*, Heidelberger Forum, 75 (Heidelberg: Decker & Müller, 1991).

also in these institutions that he acquired his fluency in French and Italian in which he subsequently lectured in various countries.

After graduation, he worked in several ministerial departments of Bavaria as an assessor, advisor, and a judge respectively. His main interest was, however, in the academic field. While working for the ministerial departments, he published several articles commenting on the difference between the written law (legal articles) and its application in practice. For example, he dealt with the discrepancy between the rearrangement of the administrative units of Bavaria, which took place under the supervision of the department where he then worked, and the law issued for the purpose. He also compared such laws to other European contexts and analysed their differences. Eventually he wrote a philosophical postdoctoral work which was published in 1958 and led to his attaining an academic position in the same year.²

Beside his teachings at the university, he attended numerous national and international conferences, including those of the World Council of the Blind, the International Federation of the Blind and, of course, the International Conference of Ethiopian Studies. He was also invited by countries such as Turkey, Morocco, Indonesia, and Mongolia—to name but a few—to hold seminars on legal problems, to advise on legal administrative matters or to help in drafting laws related to particular governmental departments. With the support of the Hanns-Seidel-Stiftung and other foundations, he frequently held seminars on newly introduced administrative laws as an orientation for members of parliament, ministerial and provincial administrators, and other officials in Ethiopia and Mongolia. In the latter he was appointed a member of the commission created to draft administrative law for the state; the assignment was completed in 2004. For his diligence and cooperation, as well as for his part in winning scholarships for Mongolians in Germany and for facilitating the connection of Mongolians with the Hanns-Seidel-Stiftung, he was awarded the highest medal of the Mongolian state, the ‘Polar Star’.

In 1972 he left for Ethiopia on a three years contract as part of the DAAD assistance programme to teach at the Faculty of Law in the Haile Selassie I University (later Addis Ababa University). His wife, Gertrud Scholler (née Hartwig), and their three children (Jens, 10; Henrika, 4; and Luciane, 2) accompanied him. The family made their home in Addis Abäba and immersed themselves in the new society and culture where they soon

² Cf. H. J. Scholler, *Die Freiheit des Gewissens*, Schriften zum öffentlichen Recht, 2 (Berlin: Duncker & Humblot, 1958). This book was republished several times.

made acquaintances and friends. Heinrich Scholler's gift for communicating easily with persons of all cultures and standings facilitated the move. In fact, this particular project unexpectedly opened the way to research the legal traditions and influence of Islamic laws on the greater part of Africa. In order to collect material, he not only visited various parts of Ethiopia, but also Kenya, Uganda, Tanzania, the Republic of South Africa as well as Nigeria. In his publications he argued that the traditional societies of Africa regulated their social and economic life through basic laws, although some European jurists found hard to believe this theory. Nonetheless his publications remain valuable until today since they show an awareness, and an unprejudiced acceptance and understanding of other cultures.

Parallel to his academic professional duties and research, he participated actively in legal matters related to the blind in the German Federal Republic. As chairman of the Verein der blinden Geistesarbeiter Deutschlands or VbGD (later Deutsche Verein der Blinden und Sehbehinderten in Studium und Beruf or DVBS) from 1958 to 1979, he compiled, commented, and published the proceedings of conferences as well as his own contributions.³ In a newsletter of the DVBS, the Bremen judge, and chairman of the association, Herr Uwe Boysen, briefly assessed Scholler's role in this field in September 2015:

Heinrich Scholler trat unserem Verein 1950 bei, ist dem DVBS zeitlebens treu geblieben und hat seine Geschicke in einer stürmischen Übergangsperiode in den späten 1960er und 1970er Jahren maßgeblich geprägt. So war er von 1968 bis 1979 Vorsitzender des damaligen VbGD (Verein der blinden Geistesarbeiter Deutschlands) und heutigen DVBS. Aber auch, als er den Vorsitz 1979 abgab, hatte seine Stimme Gewicht in der deutschen und internationalen Blinden- und Sehbehindertenselbsthilfe. Für dieses vorbildliche Engagement schul-

³ For instance, see H. Scholler, *Beiträge zum Behinderten- und Rehabilitationsrecht* (Percha am Starnberger See: R. S. Schulz, 1986). See also H. J. Scholler and P. Krause, *Die Neukonzeption des Sozialhilferechtes und die Situation blinder Menschen: Gutachten vorgelegt im Auftrag des Deutschen Blindenverbands*, Studien zum öffentlichen Recht und zur Verwaltungslehre, 20 (München: Franz Vahlen, 1978); and H. J. Scholler, *Höhere und weiterführende berufliche Bildung für Blinde und Sehbehinderte in einer sich wandelnden Arbeitswelt. Referate eines wissenschaftlichen Symposiums anlässlich der 60-Jahrfeier des VbGD in Marburg im Oktober 1976*, Marburger Schriftenreihe zur Rehabilitation Blinder und Sehbehinderter, 3 (Marburg: Verein der blinden Geistesarbeiter Deutschlands e.V., 1977).

den wir ihm Dank und Anerkennung und werden unsere Arbeit in seinem Sinne fortsetzen.

An attempt to compile a complete list of his publications is not at all easy. They are too numerous, and too widely distributed among various journals, conference proceedings, and the *Festschriften* of at least four continents. I have therefore decided to compile only those related to Africa; even then, I cannot claim to have succeeded in collecting all titles of that area. Those listed below, however, may be regarded as representative.

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