

## Remembering Mauro Cappelletti

I was one of the first law researchers from the UK to join the EUI when it opened its doors in 1976. At that time the law department had underway two major comparative projects investigating European Human Rights and Access to Justice. As I had recently completed the London LL.M where I developed an interest in human rights law I fully expected to concentrate on the first of these projects led by Professor Christoph Sasse (a Constitutional expert from Hamburg who died prematurely in a motorcycle accident in 1979) but almost immediately I fell under the spell of Professor Mauro Cappelletti and joined his team working on the *Florence Access to Justice Project* funded by the Ford Foundation.<sup>1</sup> Mauro Cappelletti was an inspirational teacher, a scholar of great distinction, originality and insight and a man of culture, style and enormous physical strength and intellectual energy. And although he was of serious disposition and totally dedicated to his work – he passionately believed that legal ideas mattered and could ameliorate the condition of ordinary citizens - he did not lack a sense of humour that, very occasionally, might even be directed against himself.<sup>2</sup> One of his greatest skills was his ability to create and lead national and international teams of scholars capable of tackling really large and important questions on a scale that today could only be described as global. But in my view his greatest asset was his outstanding prescience – he predicted as well as charted major trends in civil procedure and European integration – and was truly an oracle of the law. A master of the art of applied comparative law he had a unique capacity to differentiate fundamental from ephemeral change and to communicate to diverse audiences - including scholars, judges and policymakers – his understanding of the need for practical law reform as well as the most effective options currently available. Comparative law in the creative hands of Mauro Cappelletti was no mere academic toy, but a practical tool of law reform to be used to illuminate the way forward.

Cappelletti's methodology and research agendas have had an enduring impact on modern legal scholarship, and throughout the world. His metaphors were always powerful and he wrote prolifically in a grand style that attracted large and influential audiences. So much so that his phrase "Access to Justice" has today become almost hackneyed as scholars, governments, political parties and law reformers – often with policies that stand in direct opposition to each other – all pay lip service to the empowerment of citizens through procedural reforms purporting to grant new or better access to legal machinery. Personally, Cappelletti helped me to see that access to the legal system was itself a human right of fundamental importance and, furthermore, that civil procedure, constitutions and legal aid needed to be understood in the wider socio-political context of the societies within which they operated. I thank him for many of my interests in

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<sup>1</sup> *Florence Access to Justice Project*: Cappelletti, Mauro & Garth, Bryant (eds). *Access to Justice*. (Milan/Alphen aan den Rijn: Giuffrè/Sijthoff and Noordhoff, 1978-1979). In the early days the team was based not at the EUI but in Via Laura 48 near to the University of Florence.

<sup>2</sup> I always enjoyed his witty asides and travel stories told in the margins of our weekly seminars. On one occasion he asked how in English one expresses the notion 'to go on strike' in the past tense. After a reflective pause he observed, "Here in Italy we have no need for a past tense; to go on strike (*scioperare*) is a continuous act."

comparative law, socio-legal research and the sociology of law. Himself a disciple of the leading Italian jurist Piero Calamandrei, Cappelletti created his own following – and an influential global network of scholars that came together (and at a time prior to the introduction of the internet) to shape debates on legal aid and procedural reform the world over for the past thirty years. There is no space here to chronicle his massive influence but my own specialist interests in rural justice and legal ethics are, for example, direct attempts to build on Cappelletti's insights. Like many others amongst my contemporaries, I have had the advantage of being able to stand on his broad shoulders when trying to tackle new and challenging legal topics of our time.<sup>3</sup>

It is therefore with considerable sadness that one receives the news that Mauro, and his charming widow Mimma, have both passed away. Mauro Cappelletti was a charismatic figure that will be remembered for years to come by many who never knew him through his influential and humanistic publications. But I shall always treasure fond personal memories of playing football with Mauro and other distinguished professors at his home, the Villa Boccaccio in Settignano, where he and Mimma would regularly host their amazing post-prandial pudding parties. Mauro Cappelletti was a progressive man of vision who sought to understand and change the times in which he lived. He was an impressive linguist able to converse freely in several languages and truly cosmopolitan. He was also, as I recall, something of an oenologist. I remember with considerable affection the occasion of the EUI's very first colloquium<sup>4</sup> that was followed by an outing to Arezzo, a kind of pilgrimage to pay homage to Piero Della Francesca, and the friendly generosity displayed by Mauro and Mimma (herself a respected art historian) toward some of the world's greatest comparative lawyers, and humble researchers such as myself, in treating us all to a magnificent lunch and their civilized conversation. Those who appointed Mauro Cappelletti as one of the EUI's first law professors could not have done better in getting the new university off to an excellent start.

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<sup>3</sup> See eg *Access to Justice in Rural Britain Project* (AJRBP): ESRC-funded project: 1984-87: E00232054. Blacksell, Economides & Watkins, *Justice Outside the City*, (Harlow, Longman, 1991) More recently I have acknowledged my intellectual debts to Mauro Cappelletti in the following publications: K. Economides, "Learning the Law of Lawyering", *Current Legal Problems 1999*, Vol.52, ed M.D.A.Freeman, OUP, 1999, 392 at pp.397-399; K. Economides, "2002: A Justice Odyssey" *Victoria University of Wellington Law Review*, Vol.34: 1, 2003, 1 at p.2.

<sup>4</sup> See M. Cappelletti (ed) *New Perspectives For a Common Law of Europe* (Leyden-London-Boston, Sijthoff, 1978)