

MEMORIAL RESOLUTION

MAURO CAPPELLETTI

(1927-2004)

Mauro Cappelletti, the Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies, emeritus, died in Fiesole, Italy, on November 1, 2004, at the age of 76. Professor Cappelletti was a distinguished and innovative scholar, who bridged the two worlds of European and American law, and who influenced a whole generation of scholars on two continents.

Mauro Cappelletti was born in a village in northern Italy on December 14, 1927. He was trained in law at the University of Florence, was admitted to the bar in Italy in 1952 and received the "libera docenza" in 1956. After two years as a research fellow at the University of Freiburg in Breisgau, Germany, he began his teaching career as a professor at the University of Macerata in 1957, moving to the University of Florence in 1962, where he founded and for 15 years directed the Florence Institute of Comparative Law. In 1970, he joined the faculty of the law school of Stanford, and afterwards spent part of the academic year at Stanford, and part in Italy, first at the University of Florence, then (from 1976) at the European Institute, also at Florence, where he was chair of the legal department. In 1984-85 he was a Fellow of the Center for Advanced Study in the Behavioral Sciences at Stanford, and in 1985 he became a Senior Research Fellow of the Hoover Institution. He was named to the Shelton Professorship at Stanford in 1987 and took emeritus status in 1996.

In the course of his career, Professor Cappelletti had many honors and held many positions, including the presidency of the International Association of Legal Science. He visited or lectured in many American and foreign universities, including Harvard (1969), the University of California at Berkeley (1970), the University of Paris (1981) and Cambridge University (1988-89, as Distinguished Goodhart Visiting Professor). One of his fields of interest was procedural law; and he served as a member of the Standing Committee to reform the Italian Code of Civil Procedure from 1978 on. He was President of the International Association of Legal Science (1983-85) and, from 1983, President of the International Association of Procedural Law. He had a vast international reputation.

In recognition of his distinguished career, Professor Cappelletti was awarded honorary degrees from the University of Aix/Marseille in France and the University of Ghent in Belgium. He was appointed Corresponding Member of the Belgian Royal Academy in 1977 and of the British Academy in 1978. The Accademia Nazionale dei Lincei (the Academy of Italy) honored him in 1981 for outstanding achievements in legal scholarship. In the same year, he was awarded the Premio Europeo ALorenzo il Magnifico of the Accademia Internazionale Medicea.

Mauro Cappelletti was a prodigious and prolific scholar, who wrote or edited more than thirty books, and many articles, in English, Italian, French, and Spanish. He was both a major scholar in his own right and an active participant in projects and initiatives to further the comparative study of law and improve the place of law in the modern world. In

the 1970's, he directed a research project, funded by the Ford Foundation, on access to justice in modern societies; out of this study came a four volume series, which he edited, on Access to Justice. In 1981, he published a byproduct of this study, Access to Justice and the Welfare State.

Another major project in the 1980's resulted in a major series of volumes on Integration through Law: Europe and the American Federal Experience. Cappelletti was intrigued and excited by the European experiment in forming what is now called the European Union; and he was especially curious about the possible lessons to be learned from the experiences of the American federation. Among his many other works, Judicial Review in the Contemporary World, published in 1971, and translated into several languages, might be singled out. In this book, he dealt with a phenomenon that has since become even more pronounced: the striking development of courts with power to overturn legislation and actions of the executive branch of government.

Mauro Cappelletti was an imposing figure and a strong personality. His appetite for work was legendary. He sponsored many young scholars and started them on their way to careers in academic life and in politics. He was a dedicated teacher, who took a personal interest in his students. At Stanford he, his wife Mimma and his daughter Matelda had a wide circle of friends. The Stanford phase of the life of the Cappelletti family was perhaps the most fruitful and satisfying of their lives. The last years of his life were shadowed by a terrible and implacable illness. His many friends in the Stanford community will cherish his memory; and the vast body of his work will live on for many years.

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