

JOHN ANTHONY JOLOWICZ (1926-2012)¹

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Tony Jolowicz, who has recently died in Cambridge, was a leading expert on tort, and a pioneering scholar in the comparative field of English and foreign civil procedure. He was renowned for a series of incisive and mature studies, in the second half of his academic career within the procedural area. He is survived by two daughters, and his wife Poppy.

The surname 'Jolowicz' is a famous academic badge worn by Tony and by his father, HF Jolowicz, who was a distinguished Roman lawyer. Tony's wife, Poppy, became a Fellow in Law, at Girton College, Cambridge.

But Tony Jolowicz had no ambition to follow in his father's precise footsteps. Instead, after qualifying as a barrister, and practising briefly as an advocate, he chose to explore the legal subjects already mentioned. At the same time he drew upon the family's evident linguistic versatility: Tony was fluent in French and Spanish. This enabled him to enjoy close contact with the legal traditions of both France and various Latin American jurisdictions. He also had good contact with the United States of America (on American civil procedure, a long and erudite study is 'Some Twentieth Century Developments in Anglo-American Civil Procedure', in *Studi in Onore di Enrico Tullio Liebman*, 1979).

¹ Contributed by Neil Andrews, Clare College, Cambridge, May 2012.

Although Poppy Jolowicz says that Tony 'hated travel', he overcame this problem and visited numerous foreign faculties. He attended punctiliously, in particular, the meetings of the International Association of Procedural Law, in which context I saw Tony performing outside Cambridge. He was revered by the distinguished members of that comparative academy. To this Association he brought wisdom and enthusiasm. Through this communion of sophisticated jurists he made long-lasting friendships. Always the willing work-horse for the 'common law' side, he accepted many invitations to write General Reports or National Reports. Tony cleverly turned these invitations into stimulating opportunities for many of his most penetrating studies (for example, 'Fundamental Guarantees in Civil Litigation: England', in *Fundamental Guarantees of the Parties in Civil Litigation*, 1973; *Public Interest Parties and the Active Role of the Judge* (with Mauro Cappelletti) 1975; 'Appellate Proceedings', in *Towards a Justice with a Human Face*, 1978; 'The Role of the Supreme Court at the National and International Level, a General Report', in Yessiou-Faltsi (ed) *The Role of the Supreme Courts at the National and International Level*, 1997).

Within Cambridge, where (after school and the Army) he was an undergraduate and post-graduate, he spent his academic life from 1948 until 2012. In the 1950s and 1960s, Tony Jolowicz established himself as the leading English textbook writer on tort law. His comprehensive knowledge of that difficult subject and his capacity to write succinctly and with absolute precision ensured that by the late 1960s he had conquered this discipline (*Winfield and Jolowicz on Tort*, various editions). He was getting bored (as he admitted in his interviews recorded within the last few years with Lesley Dingle). It was time to find something new and, perhaps, broader.

Under the influence of Jack Hamson, also a Fellow of Trinity College, Cambridge, Tony Jolowicz turned to comparative law. Tony's practical approach to academic law led him to explore civil procedure. This

brought him into renewed contact with Sir Jack Jacob, also a devoted member of the International Association of Procedural Law (Poppy Jolowicz had been a pupil of Sir Jack when she had started at the English Bar).

Tony Jolowicz supported many academic institutions. From 1962 to 1980 he was editor of the *Journal of the Society of Public Teachers of Law*. He became President in 1986-7 of that organisation (the association of British law professors). He was Vice-president (1994) of the International Academy of Comparative Law. He was a Bencher of Gray's Inn (from 1978). He contributed steadfastly to various national law reform proposals. He was an energetic Chairman of the Law Faculty in Cambridge (1982-4) (his 'number two' during that period was a relatively young lecturer called Christopher Greenwood, who is now a member of the International Court).

Despite these illustrious academic achievements (suitably honoured by the award of Queen's Counsel, 1990; and the French *Légion d'honneur* (2002); and various honorary degrees), Tony was a down-to-earth and modest colleague. He was generous with his time, helping young scholars to learn their craft. Above all, he perfected the art of presenting complex information both clearly and succinctly. This capacity, constantly honed, to write elegantly and tersely (which his father would have recognised as a leading attribute of the classical Roman jurists) is a luminous feature of all Tony's works. He hated 'padding'. If he had nothing to say, he remained silent. That self-discipline explains why his *oeuvre* consists of works which are consistently perceptive, illuminating, and tightly constructed.

Evidence of his remarkable enthusiasm and tenacity is his post-retirement classic: *On Civil Procedure*, Cambridge University Press: 2000 (also translated into Chinese by Dr Zeyong Wu, 2008). There is no doubt that within this impressive book Tony distilled decades of reflection and

study. Throughout these pages the master craftsman remains at the top of his game. It is a peerless work. Besides the fond memories shared by family, friends, and colleagues, and countless important personal influences, it is this mature volume which seems destined to endure as his monument.

Biographical Summary

1926: Born 11 April

1940-44: Oundle School

1944-48: HM Forces, Royal Army Service Corps

1948-50: Cambridge Law Degree

1950: First Class Honours, Law Tripos

1952: Fellow, Trinity College

1952: Called to Bar Inner Temple & Gray's Inn

1955: Assistant Lecturer in Law, Cambridge

1957-58: Lectured in Chicago

1957: Married Poppy Stanley

1959: Lecturer in Law Cambridge

1962-80: Editor, Journal Society of Public Teachers of Law

1972-76: Reader, Common & Comparative Law

1976-93: Professor of Comparative Law

1976: Associate Professor University of Paris

1978: Bencher, Gray's Inn

1982-84: Faculty Chairman, Cambridge

1983: Lionel Cohen Lecturer, Hebrew University

1985: Hon Dr, National Autonomous University of Mexico

1986-87: President, Society of Public Teachers of Law

1990: QC

1993: Retired

1994: Vice-President, International Academy of Comparative Law

2000: Hon LLD Buckingham

2002: French Légion d' honneur

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Books

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