

# Vittorio Grevi, Scholar and Master

Giulio Illuminati

When he happened to meet a young scholar at the beginning of her academic career or of her practice as a lawyer or a judicial officer, he loved to introduce himself plainly by name and surname: “Vittorio Grevi, pleased to meet you.” A calculated understatement, conscious as he was of being already well known as prestigious author of juridical works and influential journalist and in particular as the editor, together with Giovanni Conso, of a well-appreciated textbook of criminal procedure, which for years has been adopted in many universities. For a graduate who has completed his studies not long before, making the personal acquaintance of a professor who until then had been just a name on a book cover is always an emotional moment, and one that inevitably intimidates. But the amiability of Vittorio Grevi and the true interest he showed in his interlocutors were such that soon afterwards, the conversation went on completely naturally, as between long-time acquaintances.

This is, perhaps, one of the many reasons why everyone who had the luck to know him remembers him with great affection, as witnessed by the large number of students and alumni who came to pay their last respects to the professor at his Pavia University together with the many personalities, judges, lawyers, and colleagues from all over Italy.

However paradoxical it might appear, the dearer a person who dies is to us, the harder the mental and emotional work of forgiving him or her for having left us. And forgiveness requires that with effort, fragment after fragment, we find him or her again inside us and see him or her acting in the outside world.

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These words (in my translation) are by Sarantis Thanopoulos, a well known psychologist: I have kept the press clipping because it expresses exactly what I have been feeling after the departure of Vittorio Grevi, whom we are here today to remember.

I would like to thank the coordinator of this research for dedicating it to his memory. He was very fond of Sicily and in particular of Syracuse, where he very much liked to come, especially during the good season, so that he could take advantage of the sun, the sea and the beach as side benefits of the academic meeting.

Vittorio Grevi belongs to that generation of jurists who have deeply renewed the study of criminal procedural law in the period from the end of the 1960s to the beginning of the 1970s in which constitutional principles had been resolutely put in the middle of the academic work and served as a compass to rely on in the building of a system based on the safeguard of individual guarantees. It was in these years that the books *Nemo tenetur se detegere. Interrogatorio dell'imputato e diritto al silenzio nel processo penale* (1972) and *Libertà personale dell'imputato e Costituzione* (1976) were published: ever since then, they have been essential landmarks for scholars in these specific fields. And it was in the 1970s that there arose a pressing need for an organic reform of the code of criminal procedure, aimed at giving up the old process of inquisitorial roots and implementing the Constitution and international charters on human rights. Grevi was involved in the drawing up of the 1978 preliminary draft, which as we know remained only a draft, and afterwards in the drawing up of the code currently in force.

His position has always been coherently devoted to the safeguard of civil liberties, thanks to his steady consciousness of fundamental principles, even in times when such a position sounded almost subversive. But he couldn't stand the opportunistic champions of defense rights, who have been multiplying in recent years with the purpose of granting impunity to the powerful of the moment. For this reason he has always been fighting, not only in the scholarly field, but also through the newspaper he contributed to, against legislative tampering with the code of criminal procedure, bound as it is to obstruct the investigation of crimes without safeguarding citizens' fundamental rights: most recently in the form of the reckless bill on wiretapping, which in the end stalled in Parliament. Not every opinion of his was necessarily widely shared, but even in the face of disagreement, one couldn't help but acknowledge his great intellectual honesty. So, although it was not easy to make him change his mind, he had no difficulty admitting a mistake. He never forced someone else's opinions, but neither did he tire of trying to persuade others of his own.

He had repeatedly shown his civic commitment, putting his juridical skill at the service of public institutions (perhaps, the way things are today, it is worth specifying that we are not talking about lucrative consultancy assignments, but about voluntary work for free, that paid at most a reimbursement of travel expenses, which moreover came late and incomplete). Others have already said and written, and yet it must be said again and repeated: he had merit deserving of the highest appointments, perhaps even the Constitutional Court. But evidently he was considered politically not very reliable, not only by the right wing, but also by the left,

accustomed as he was to think on his own—according to the noblest academic tradition—and not being very prone to compromise. Now everybody, from both the right and the left, is ready to acknowledge his qualities as a jurist and as a man.

Whoever asked him for an opinion, an interpretation, or simple advice, almost always got a useful answer. Not only because of his broad and ever-current knowledge, but also due to the attention he paid to practical implications of criminal procedural law. Although he never practiced as a lawyer—a deliberate choice to avoid the risk of bias in his faculty of judgment—he always was in touch with the operational reality and with everyday problems of justice without losing the methodological rigor and systematic order that characterized his university teaching: after all, combining theory and practice is the specific task of the law scholar, and especially of the procedural law scholar. His published work confirms this, including among others the editing of the *Commentario breve al codice di procedura penale* and related *Complemento giurisprudenziale*, as well as the co-direction of the authoritative review *Cassazione penale*.

It would take too long to list even just his most important publications. It is better to remember his indefatigable activity as organizer of collective volumes and series, of research projects and lectures. Nowadays it has become fashionable to defame the whole institution of the Italian university, which has been transformed unexpectedly, and in most cases unfairly, into scapegoat for all the ills of the nation: even more paradoxical when one bears in mind the ethical state of the sources of this criticism and how little culture is worth in our miserable country. In the present climate, Grevi could be defined as an academic “baron:” full professor at only 29, senior member of his Faculty, respected by his colleagues. And indeed he has created a school of high-level scholars who are successful in the university and in the legal profession: a school based on scrupulous research and scientific precision, achieved through continuous application, excluding any superficiality or approximation. But although he participated with conviction in the politics of academic life, he never abused his power, applying his moral intransigence first and foremost to himself, and always recognizing merit where he found it, even beyond his own pupils.

He was a fundamental reference point. We will miss him.

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