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Travel, correspondence and investigations in Italy and Latin America: insights from the papers of Mario Rotondi (1900-1984)

Annamaria Monti

Introduction

- 1 Throughout the 1950s and during the first few years of the 1960s, Mario Rotondi, an Italian Professor of Commercial Law, corresponded extensively with his German colleague Roberto Goldschmidt, who had previously travelled to America as a refugee, and was now a professor of *derecho mercantil* in Caracas. It is conserved in Pavia along with other papers and correspondence of Mario Rotondi in the Almo Collegio Borromeo archive¹.
- 2 Mario Rotondi studied at the University of Pavia and was an alumnus of the Borromeo college², graduating in law in 1922. His degree dissertation in the area of civil law, on the abuse of rights, was supervised by Lodovico Barassi³. He spent practically his entire academic career, which started immediately after graduating, in Lombardy, moving between Pavia and Milan⁴. During the 20-year Fascist dictatorship, as an academic he did not hide his anti-Fascist views and resigned his chair in commercial law in Pavia in December 1931 in order to avoid having to swear an oath of loyalty to the regime. He then moved to the Catholic University of Milan, taking up a position as a full professor, again teaching commercial law⁵.
- 3 After the Liberation on 25 April 1945, the National Liberation Committee for Lombardy appointed him as Vice-Chancellor of the University of Milan, an appointment which was subsequently confirmed by the Allied Military Government⁶, who also charged him, amongst other things, with heading the “purification committee” for university staff⁷. He was subsequently reinstated to the chair in commercial law at Pavia in a

supernumerary capacity⁸. In 1960 he then moved to the University of Milan as a full professor of institutions of private law.

- 4 Again, in Milan, he also taught at the Bocconi University from the 1930s onwards, which since its foundation in 1902 had been issuing degrees in economics and business studies⁹: here he taught courses in private law, international law and industrial law. His work at the Bocconi extended until into the 1970s. Whilst there, he set up and directed an institute of comparative law (in 1934), which was subsequently named after the commercial law scholar Angelo Sraffa (from 1939)¹⁰.
- 5 In his writings, Rotondi ventured into the contiguous areas of private and commercial law, starting to engage with the then new area of industrial law as early as the mid-twenties. Right from the outset he also researched in particular in the area of comparative law¹¹. He authored various monograph publications in the field of commercial and industrial law, a textbook in civil law (reissued in various editions and also translated) in addition to a very large number of articles on a wide range of legal issues. A selection of his writings was brought together in five volumes published by Cedam between 1957 and 1978.¹²
- 6 In 1931 Rotondi founded the *Rivista di diritto privato* [*Review of Private Law*], which he edited until 1944.¹³ From 1947 until 1963 he was editor in chief of the *Rivista del diritto commerciale e del diritto generale delle obbligazioni* [*Review of Commercial Law and the General Law of Obligations*]. Rotondi was not only an academic, but also a legal consultant and a working lawyer; in fact, he practised the profession intensively. Throughout his career he was commended with prizes, awards and honorary degrees, above all abroad: not infrequently, the official award ceremonies for these various degrees and honorific titles provided him with the opportunity to travel.
- 7 As regards the intellectual and academic aspect to this Italian jurist, an emblematic professor of the twentieth century with a strong international outlook, his distinguishing feature was his academic cooperation with foreign scholars. Rotondi directed innumerable requests at his own academic community – essentially professors of private law, commercial law and comparative law – asking them to contribute to academic initiatives and to legal reform. Rotondi cultivated his network of contacts by correspondence, and strengthened these bonds by organising congresses to bring together leading academics. He also invited other scholars, including students, from elsewhere to spend time studying or teaching at his respective universities. The issue of travel is a common thread throughout his various initiatives.
- 8 In particular, in the numerous letters, postcards and notes exchanged with Roberto Goldschmidt until the middle of the 1960s – Goldschmidt died before his time in 1965 – the two discussed issues of common interest, including corporate law, legal questions relating to the transfer of businesses, trade mark and patent law, as well as the unification of the law of obligations. Above all however, those letters set out preparations for conferences, scientific missions and academic commitments that would enable the two to meet, either in Europe or in America.
- 9 Latin America specifically was one of Mario Rotondi's favourite destinations, although he was certainly not the only twentieth century Italian jurist to visit those countries and to attract broad appreciation there. Latin America was a land of Italian emigration¹⁴, in particular academic emigration following the proclamation of the racial laws by the Fascist regime in 1938¹⁵. This affected a number of Italian lawyers of great merit, such as Tullio Ascarelli, Enrico Tullio Liebman and Renato Treves¹⁶. They

were forced into exile, travelling out of necessity, due to persecution in their former homelands, just like Roberto Goldschmidt. Mario Rotondi himself was not forced to emigrate. However, he cultivated relations and engaged in dialogue with scholars of comparative law at South American universities, above all in Uruguay, Argentina and Venezuela, where sympathies and respect for Italian jurists were particularly strong¹⁷.

- 10 Besides, it was always his firm conviction that legal science could not be reduced to “an arid mathematics of concepts” and that comparative law should be considered not only on a theoretical level but rather also as aid within legal practice, during the legislative process, for the judiciary and within the world of business alongside – according to a consolidated line of study – private international law¹⁸. By fully documenting rights available in other countries, the study of comparative law could aspire to a vision that was capable of transcending individual legal systems, focusing on their reciprocal relations and addressing new questions¹⁹: travel, meetings and intellectual exchange were an integral part of this pragmatic perspective.
- 11 Thus Mario Rotondi, an anti-Fascist but never an exile, was without doubt a “travelling jurist”²⁰. This paper aims to cast some light on his missions to South American universities, on the goals that inspired him and on the projects that animated these goals²¹. It will seek to do so by considering his correspondence with scholars working at local universities, starting specifically with his special bond with Roberto Goldschmidt and other teachers at the Central University of Venezuela²².

I. Correspondence with Roberto Goldschmidt

- 12 Mario Rotondi and Roberto Goldschmidt met in Milan in the 1930s under the Fascist regime, although later dire political developments caused their paths to separate.
- 13 Roberto Goldschmidt, who was born in Berlin in 1907, was the son of the German professor James Goldschmidt and brother of the jurist and professor Werner Goldschmidt. Along with his father and brother, he was forced to leave Nazi Germany to flee racial persecution. He thus arrived at the Catholic University of Milan in the spring of 1935, having previously passed through Florence, where he had completed a second degree in law, writing a dissertation on the *società anonima*²³ after having already completed his doctorate in Berlin in 1932²⁴.
- 14 At the Catholic University he was appointed as an assistant to Rotondi, who had also found refuge at that body. Apparently, it had been James Goldschmidt, a renowned scholar of criminal law and the law of criminal procedure, although now stripped of his professorship in Berlin by the Nazis, who acted as an intermediary for his son with Rotondi. James Goldschmidt was in any case also corresponding directly with Agostino Gemelli, the founder and Rector of the Catholic University²⁵.
- 15 Roberto at that time was not yet thirty, and Mario Rotondi had only just reached that milestone: the two young and brilliant scholars struck up an intense academic relationship right from the outset. Amongst other things, Goldschmidt wrote for Rotondi’s *Rivista di diritto private* and also published papers and articles in other Italian journals. His appointment as an assistant was renewed from year to year²⁶ and “he had also almost been able to secure Italian citizenship”²⁷ when in 1938 the promulgation of the racial laws forced Father Gemelli to dismiss him. Despite being written in terse

language, the tragic circumstances are nonetheless clearly apparent in Father Gemelli's letter²⁸.

- 16 After this, Roberto Goldschmidt moved to Switzerland where he started to teach commercial law at the University of St. Gallen, though was still grateful for his time at the Catholic University²⁹. His parents on the other hand sought refuge in the UK at the end of 1939: in fact, James and his wife had been forced to flee once again, this time from Spain where they had settled, due to the outbreak of the civil war. They finally found a home in Montevideo thanks to the generous support of the procedural specialist Eduardo J. Couture³⁰. Following his father's death in 1940, Roberto joined his mother in Uruguay³¹, after which they both moved to Córdoba in Argentina³².
- 17 Roberto became an assistant in the Faculty of Law and Social Sciences at the *Universidad nacional di Córdoba*, where he met the Ferrarese procedural lawyer Marcello Finzi³³ and also refreshed his acquaintance with the commercial lawyer Camillo Viterbo³⁴, who had also been exiled on racial grounds. He actively worked with the Institute of Comparative Law founded by Enrique Martínez Paz³⁵. During his stay in Argentina, which lasted until 1952, in addition to translating numerous legal works from German (including important writings by his father), he also published articles on commercial companies and unfair competition. These were based on his courses delivered at the University of Córdoba and concerned matters close to Rotondi's heart, who was in fact broadly cited, even though the two of them did not agree on the significance of the commercial enterprise within the framework of a theory of competition³⁶.
- 18 Many of these questions – including the sale of businesses, unfair competition and the protection of intangible property – were highly topical in Italy at that time, following the promulgation of the Civil Code in 1942, which unified obligations and civil and commercial contracts, identifying the entrepreneur and the commercial enterprise as the fulcrum of the new commercial law.
- 19 Accordingly, after the War had ended, against the backdrop of the reconstruction ongoing in many European countries, Rotondi and Goldschmidt re-established a rich dialogue, driven also by the special interest of Latin American universities in commercial law, industrial law and comparative law. In fact, the difficulties of the exile's life are clearly apparent in several letters written by Goldschmidt to Rotondi during the 1946-1948 period, when both were updating each other regularly and starting once again to discuss research and publications, as well as in the letters written in the early 1950s, expressing uncertainty about the future and puzzlement at the prospects of a return to Europe³⁷.
- 20 However in 1953, following the death of Enrique Martínez Paz, Goldschmidt decided to accept the position offered to him by the Ministry of Justice in Caracas as Director of the Office of Comparative Law, charged with acting as the secretary for the project on the reform of commercial law. He subsequently became director of the *Instituto de Derecho Privado* at the Central University of Venezuela³⁸.
- 21 Generally speaking, his correspondence with Rotondi describes a detailed framework of ambitious research initiatives with the aim of rejuvenating legal studies on both sides of the Atlantic, from one hemisphere to another, though always from a comparative perspective, which was indispensable for both of them. Above all, the letters show that they met often and were familiar with each other's academic work. As Rotondi himself recalls in the letter of condolence sent to Roberto Goldschmidt's widow as soon as he received news of his colleague's unfortunate death, having had the good fortune to

have him as his assistant and “after many vicissitudes, we were always bound together by a cordial friendship, whether we met in America – while his mother was still alive – or in Europe”³⁹.

- 22 However, the two professors were not always able to meet during their frequent travels. On some occasions they looked out for each other in vain when moving between European capitals and famous holiday resorts, as occurred in the summer of 1959: in the end, in September of that year, having failed to cross each other’s paths, Goldschmidt appears to have returned to Venezuela whilst Rotondi left on a mission to the United States⁴⁰. Nonetheless, there was constant contact between the two and they exchanged constructive ideas within their discussions.
- 23 It is insightful to note, for instance, Rotondi’s hope that the Venezuelan university could be involved in organising comparative law seminars open to foreign students, according to the model of the courses already experimented in Luxembourg and Strasbourg, at the international faculty of comparative law⁴¹: nothing came of this project in the immediate term, though it was relaunched in amended form in later years, albeit in a manner that Rotondi did not approve of. The letters also reveal the desire expressed by Goldschmidt to send to Caracas young Italian postgraduates from the institute of comparative law at the Bocconi and in Pavia in order to specialise in civil law and commercial law. This actually happened, this time – according to the letters – to the full satisfaction of both parties⁴².
- 24 The two jurists were particularly interested in training new generations, who should have sound knowledge not only of their respective national legal systems but also of foreign systems, in order to be able to respond to the challenges of the modern world and to break out of cramped national mindsets.

II. Rotondi’s missions in Venezuela

- 25 Following the resumption of international cultural relations immediately after the end of the War, Mario Rotondi was invited to do a conference tour at universities in South America and Mexico⁴³. He sailed from Genoa on 27 July 1948 on the steamer *Italia*, a completely overhauled Swedish-American steamship. He had chosen to travel that way in the hope that it would ensure a comfortable passage. Some traces of his itinerary between Argentina, Bolivia and Peru⁴⁴ are apparent within the letters and correspondence exchanged with scholars living in Latin America⁴⁵ as well as the letters exchanged with the Rector of the University of Pavia, where he had recently started to work again.
- 26 Thus, at the end of September 1948 Rotondi wrote from Buenos Aires to Rector Plinio Fraccaro in Pavia, providing details of his stay in the Argentinian capital and in Montevideo. He had been on the shores of the River Plate for a month now and had been receiving numerous proposals concerning various academic partnerships: he thus planned to continue his tour of South American universities and was about to move to Córdoba, where he had good friends. As he had no plans to return to Italy before the end of November, he gave instructions concerning the start of courses and examination diets. He then concluded his letter with a reference to current Argentinian politics, adopting a playful tone: on that day an anti-Peronist plot had been foiled and so he might be forced to miss dinner⁴⁶.

- 27 In fact, Rotondi had started to make preparation for that long trip quite some time before. He intended to visit also Venezuela where he did not have any contacts at the time. Accordingly, in order to obtain information concerning the state of legal studies in that country, a few months before he left he had written to a paediatrician formerly of the University of Pavia, Vittore Zamorani, who lived in Venezuela, again having been forced into exile at the end of the 1930s due to anti-Jewish persecution⁴⁷. He also approached his friend Marcello Finzi, who was then living in exile in Córdoba, seeking specific information relating to comparative law studies⁴⁸.
- 28 Apparently, on that occasion he passed briefly through Caracas. However, his real contact for Venezuela must have been Roberto Goldschmidt, who moved to Caracas from Córdoba in 1953 taking on, amongst other positions, the role of Director of the Institute of Private Law at the Central University. From that time onwards, links with teachers from the Central University of Venezuela became stronger, not least due to the additional support that the Faculty of Law was receiving during those years⁴⁹.
- 29 Moreover, the papers conserved at the *Almo Collegio Borromeo* indicate a second official tour by Rotondi in Latin America around ten years later in 1958, which lasted for two months. On that occasion, the invitation had arrived from the University of Montevideo, which had awarded him the title of honorary professor. Rotondi had taken the opportunity offered by the trip to visit some of the most important universities in South America, at which his conferences were scheduled.
- 30 On an organisational level, the trip had an official status, as is apparent from the report sent by Rotondi upon his return to Italy to the Foreign Minister, Amintore Fanfani. His visits had to be announced in advance to the individual universities by local Italian diplomatic representatives and financing for the mission was provided by the Italian Government. Rotondi did not visit Venezuela in 1958. However, some of the observations and comments made in his report are worthy of attention, and are quite relevant to the subsequent development of relations between him and his counterparts from Venezuela.
- 31 First and foremost, in his view relations with South American countries should be given major importance, as well as academic and personal links with legal faculties, where there was a lively interest in Italian legal science. There was a strong desire to step up contacts with Italian jurists: in fact, within the universities the subject that was most open to Italian influence was specifically the law, where moreover many teachers were of Italian origin.
- 32 More specifically, Rotondi thought it would be desirable, if possible, to provide “input” to research centres throughout Latin America in the form of permanent relations with embassies and their cultural attachés, alongside visits by Italian scholars. However, right since 1946 he had advised against sending teachers hand-picked by the Government, as that system offended the sensitivities of South American scholars, thus impeding the issue of invitations by universities. Rotondi noted that these invitations had not been lacking in the past, and several universities intended to start issuing them again, offering financial contributions, remuneration and the reimbursement of expenses⁵⁰.
- 33 In his view, as part of a shrewd cultural policy aimed at boosting Italy’s prominence on the international scene by establishing and maintaining fruitful relationships, it would be necessary to promote the visits to Italy by scholars and students from South

American universities. It was essential not to underestimate the importance of getting some of the young people who would end up holding university chairs in their respective countries and – in relation to legal scholars – who would also be appointed to senior administrative and political roles to attend an Italian university in person for a period of advanced study. In addition to increasing the available grants, he thus called for young foreigners to be informed about the best-equipped universities for their prospective studies, where they could be truly assisted by a personal advisor of studies, as happens at US and German-speaking universities⁵¹.

- 34 Accordingly, during his 1958 trip the Italian jurist reached Montevideo on 17 September only to find the university closed due to a strike. He then immediately continued for Buenos Aires, where however his counterparts from the Faculty of Law had not been informed of his arrival. In addition, a student strike broke out in protest against freedom of university teaching, which would allow confessional universities to open in competition with state-run universities. The trip became more complicated and the itinerary had to be changed on the hoof. Rotondi travelled to Chile, where things appeared to be working better. He was welcomed at the universities of Santiago, Valparaiso and Concepción, where he conducted discussions with fellow scholars, proposed cooperation arrangements with his Institute of Comparative Law in Milan (Bocconi), and held conferences (on the development of legal studies in Italy, the theory of unfair competition and sales of businesses).
- 35 On the return journey he was also able to complete his initial programme, stopping in Montevideo to attend to some academic duties previously agreed upon and to receive the title of honorary professor, in the presence of the Italian Ambassador. He held a roundtable in Buenos Aires with local scholars on the issue of the unification of private law in Italy. Finally, he did not give up the planned extension of his trip to include Brazil, despite the accumulated delays and the fact that it was late in the season, thus visiting both the State University and the Catholic University in São Paulo, and also travelling to Rio de Janeiro.
- 36 Ten more years were to pass before Rotondi's next official visit to South America in the summer and autumn of 1967, and this time he planned to stay in Venezuela: this was greeted by enthusiasm by his counterparts at the Central University, who took care to organise every detail in the best way possible to the fullest satisfaction of their illustrious guest, with the involvement also of diplomatic officials.
- 37 Moreover, an Institute of Comparative Law was set to be established soon in Caracas, and hence there was also a particular interest in inviting an Italian professor to teach a course at the university for a full semester. The teacher would be paid by the local university and provided with accommodation, at the expense of the Faculty of Law, at the best hotel in the city: Rotondi was thus asked to propose the name of a suitably qualified colleague who might be available to take up the offer⁵².
- 38 Rotondi's report of his 1967 mission for the Italian Ministry of Public Education is still held on file: the trip had been planned since 1965 and was set to start from Columbia: an invitation to hold conferences had been received from the University of Medellín and the Italian Government, acting through the General Directorate for Cultural Relations and the Ministry of Foreign Affairs, had decided to provide financial support for the mission. In the end, due to a series of mishaps, Rotondi only travelled to Venezuela where he stayed for a month, visiting the universities of Caracas, Los Andes (Mérida), Carabobo (Valencia) and Zulia (Maracaibo).

- 39 Rotondi's conferences in Caracas in particular considered general issues of comparative law and industrial law and revived hopes amongst Venezuelan scholars that increasingly close links could be maintained with academics and above all "with leading Italian universities, having regard also to the academic and teaching reforms currently being implemented". Rotondi was referring to the establishment of an Institute of Comparative Law at the Faculty of Law in the Venezuelan capital, which it was planned would operate as a centre for collecting and elaborating legislative materials and case law from throughout Latin America⁵³.
- 40 Rotondi then returned to issues that had already come to light in his 1958 report, namely the need to increase grants for advanced studies available to Venezuelan law graduates, given the importance of the attraction to Italy, not only for linguistic reasons but also due to the affinity between the respective legal systems, as a result of which young people spontaneously looked to Italian universities, attracted by the prestige of their teachers and the works familiar to them. It was thus necessary to direct foreign postgraduate students towards specialist centres in order to avoid any unfavourable impressions from comparisons with universities in other countries.
- 41 In addition, he called for action to be taken to make up for the shortfall of legal history teachers at the Faculty of Law of the Central University of Venezuela by sending out invitations to suitably qualified Italian scholars to perform fixed-term teaching appointments at doctoral level:
- I have often taken the opportunity within private conversations to recommend a general course in the history of private law, to accompany teaching in comparative law, in which there is already such lively interest, but for which it is difficult to provide an appropriate scientific framework without an adequate historical basis.
- He thus recommended reviewing the agreements already in place concerning the secondment of Italian teachers abroad in order to facilitate invitations (with expenses and salary paid) from South American law faculties, instead of the scientific missions sponsored out of Italian Government funds⁵⁴.
- 42 Once again, after completing his trip Rotondi considered the dissemination of Italian legal literature, which was "certainly the most widespread and the most well-known body of foreign legal literature", despite the publishing market's difficulties and the absence in situ of any direct representative of Italian legal publishers. Pursuing a pragmatic approach, he suggested that a preferential rate be adopted for air shipments, at least for periodicals, in order to increase the dissemination of Italian books and law reviews⁵⁵.

III. The unification of the law of obligations throughout the Latin American countries

- 43 In November 1967, the Director of the *Instituto de derecho privado* at the *Universidad Central de Venezuela*, Jose-Melich Orsini, informed Mario Rotondi regarding the issue of a volume of studies in honour of Roberto Goldschmidt. Rotondi's own contribution to that *homenaje* book was sent in late, and did not even include any note of personal reminiscence. However, the subject of his contribution full reflected the long-lasting academic discussions between the two as well as Rotondi's knowledge of Venezuelan law⁵⁶.

- 44 In his letter sent in 1967, Melich Orsini addressed Rotondi with the customary familiarity, evoking their shared memories of their departed friend and Rotondi's recent stay in Caracas, expressing his regret that they had been unable to meet in Rome. He did not want to lose contact with the Italian professor, who was always on the move and so active on the international comparative law scene, organising courses, events, seminars, publications and research projects, all previous initiatives in support of legal studies in Venezuela. In particular, Melich Orsini invited Rotondi and any other of his colleagues to publish in his faculty's review, according to arrangements that are still widespread throughout the academic world⁵⁷.
- 45 Above all however, Orsini took the opportunity to ask Rotondi to cooperate on the Venezuelan Government project involving the creation in Caracas of a centre for documentation and studies concerning the integration of the legal systems of Latin American countries, under the auspices of the Italian-Latin American Institute. He took the view that this opportunity would be unique in providing an impetus to the Faculty of Law and to the *consciencia juridica nacional*.
- 46 Melich Orsini had recently travelled to Rome precisely for this reason in order to establish contact with the Italian-Latin American Institute (*Istituto italo latinoamericano*, IILA), an intergovernmental organisation conceived of in 1966 by Italian Foreign Minister Amintore Fanfani, who had a deep knowledge of South America⁵⁸. Its purpose was to reinforce links between Italy and Latin America, within a context marked by the strategic expansion of the Italian presence in Latin America, against the backdrop of the deepening relationship between the European Economic Community, of which Italy was one of the founder members, and South American countries.
- 47 It was an ambitious organisation, which still exists, with responsibility for promoting meetings, conferences, displays and exhibitions at its Roman offices. It was officially established in June of 1967 and equipped with a library and documentation centre. Venezuela's Ambassador in Rome, Antonio Priceno Cinares, was appointed as the first president. The initiatives aimed at facilitating and promoting social and economic relations between Latin American countries and Italy thus included the sponsorship of an Institute of Comparative Law in Caracas.
- 48 Mario Rotondi was quick to respond, and indicated that he would be willing to cooperate. However, he immediately expressed scepticism regarding the specific assistance provided by the IILA, reiterating his deeply held conviction, which marked his actions on the international scene, that it was much more preferable to work directly with committed scholars and foreign research centres rather than to rely on the contingent largesse of political bodies.
- 49 As was his custom, he then showered his respective correspondent with a deluge of various initiatives. First of all, he proposed once again that his book *Istituzioni di diritto privato* [*Institutions of Private Law*], which was now in its eighth edition in Italy⁵⁹, be translated into Spanish along with notes concerning Venezuelan law (to replace a previous, now obsolete, Spanish translation). Rotondi also took another of his projects out of the top drawer which had previously been illustrated to his Venezuelan counterparts, having been suggested many years before by his friend and colleague from France, Henri Lévy-Ullmann. It involved the preparation of a 'standard' private law textbook for the various legal systems, a text that would result from "genuine cooperation focusing directly on the national law of each country"⁶⁰.

- 50 More specifically, Lévy-Ullmann had proposed the idea of writing elementary textbooks on the positive law of each country, following a single uniform scheme. He proposed that the structure of Italian textbooks be used, and encouraged precisely Rotondi, who had authored a *Manuale di diritto privato* [*Textbook on Private Law*], to follow up on the initiative⁶¹. The proposal had been put to a vote in the Academy of Comparative Law, although had not yet been acted upon, and now Rotondi was proposing to re-launch it starting specifically with Venezuelan law after work on the adaptation of his textbook for Argentina had been interrupted by the tragic death of the academic working on it, Markus Satanowski⁶².
- 51 Rotondi had recently visited Caracas, and his counterparts there held him in esteem, as is clear from the correspondence with Antonio Moles Caubet⁶³, a Catalan by birth and Venezuelan by adoption. Moles Caubet was a specialist in administrative law who had contributed so much to the development of legal studies at the Central University of Venezuela at the start of the 1950s⁶⁴.
- 52 Melich Orsini for his part intended to pursue a partnership that initially arose, as noted above, from Rotondi's long-standing friendship with Roberto Goldschmidt. Having already drafted a not entirely negative response to that proposal only a couple of months before⁶⁵, he suggested that the task be given to Victor Pulido Méndez, a young scholar responsible for the comparative law section within his Institute, who in conjunction with another colleague had already translated Rotondi's paper provided for the volume in honour of Goldschmidt⁶⁶. The work was to be collaborative in nature and should result in a text that was not simply a translation of Rotondi's textbook, but rather a co-authored "textbook of Venezuelan private law"⁶⁷. The project dragged on without bearing any fruit over the following years, and in 1972 a now tired Mario Rotondi was still asking for updates, complaining that he had not received any news concerning any real progress in the work⁶⁸.
- 53 In any case, in May 1968 again Rotondi launched a much more ambitious initiative aimed at involving his Venezuelan counterparts in a prominent role. Writing to Melich Orsini concerning his contribution in memory of the international law scholar Lorenzo Herrera Mendoza, the first person to seek to invigorate the study of law in Caracas, the Italian jurist stated that the time was ripe to propose the unification of the law of obligations throughout the Latin American countries.
- 54 His proposal was a concrete one, taking as a starting point the old Italian-French project on the law of obligations and contracts published in 1927⁶⁹. That text had been written within the context of an alliance between friendly nations, and was the result of an initiative, initially launched privately. It was used as the basis for drafting Book Four of the Italian Civil Code of 1942 and had been reworked on various occasions. Rotondi recalled in this regard, amongst other things, the vote held at the meeting of the Association Capitant held in Pavia in 1952.
- 55 It was now necessary to move beyond the original bilateral Italo-French framework in order to "promote the idea" – according to the expression used by Rotondi – in Latin American countries, starting specifically from Venezuela, due to the prestige acquired by its university as well as general political conditions⁷⁰. The centre for legal documentation and studies, which was in the process of being set up, and counterparts from the *Universidad central di Caracas* were thus invited to take on the leadership of the project, which Rotondi intended should also involve European institutes of comparative law, especially from Italy and France.

- 56 Rotondi also expressed an interest in the establishment of an association of Latin jurists, which had been called for by various South American scholars. On the same day he thus wrote to the Director of the Italian-Venezuelan Cultural Institute, suggesting that he discuss the matter with his French counterparts whom he was shortly due to meet in Paris, already anticipating their “enthusiastic” involvement⁷¹. In his letter, Rotondi expressly mentioned the positions occupied by lawyers within politics throughout Latin America.
- 57 Melich Orsini’s response was enthusiastic, and was received very quickly: his faculty’s magazine immediately turned into an organ for disseminating the idea of the unification of the law of obligations of Latin American countries. In his opinion, the option of uniform codification throughout South American countries was anything but an outlandish proposition. The common roots of Latin American legal systems in the Napoleonic codifications as well as the Italian Civil Codes, along with the absence of any strong national traditions that might be capable of hampering the drafting of a uniform code (as had occurred for Italy and France in the 1920s in relation to the Italo-French product on the law of obligations and contracts) made it a plausible proposition especially in view of the impending achievement of economic integration with the creation of a common market.
- 58 Dedicating himself to the project with enthusiasm, along with colleagues and staff from the faculty, Melich Orsini informed Rotondi concerning similar initiatives that had already been proposed, especially by colleagues from Mexico⁷². Intense contacts were pursued over the following months and years with European and American counterparts identified as possible partners, due to their academic prestige and deep technical background.
- 59 Rotondi activated his best contacts in Paris, Belgium, Spain and Portugal, whilst Orsini raised the issue with professors at South American universities. Explanatory letters and proposals for adherence to the initiative were sent, opinions and impressions were exchanged between Caracas and Milan concerning the names of scholars who might be involved. Above all, attempts were made to avoid futile and “unfortunate” duplications with other initiatives seeking to achieve the harmonisation of the law of obligations and the law of contracts, in particular the work of Unidroit⁷³.
- 60 On various occasions Rotondi contacted former Piedmontese magistrate Ernesto Eula, who was the President of Unidroit at that time,⁷⁴ obtaining approval for his project and never failing to clarify his plans in detail, including and above all with his Venezuelan partners: he defended his positions and, as always, was extremely exacting regarding technical preparations for meetings.
- 61 Rotondi was able to draw on his experience in comparative law investigations involving dozens of scholars from various different countries who, working according to a standard questionnaire, described their respective legal systems in relation to the various issues raised. Each contribution was reviewed and harmonised with the others by staff from the Institute of Comparative Law in Milan directed by him⁷⁵. In particular, his correspondence seeking to obtain financing for the project on the unification of the law of obligations and the law of contracts of Latin American Countries recalled the decade-long investigation concerning a “Draft standard law on patents, trademarks and utility models”, which was finally published in 1970⁷⁶, as well as the broad comparative research financed by the Italian National Centre for Research (*Centro nazionale delle*

ricerche, CNR) underway at that time concerning companies limited by shares⁷⁷, which involved thirty experts from fifty different countries⁷⁸.

- 62 The major theoretical impact anticipated from those initiatives was expected to feed through into plans for the reform of national law and the adoption of uniform international legislation. More specifically, according to Rotondi, a “standard” law was the most appropriate means for achieving legislative uniformity throughout the various countries. Throughout 1968 and 1969 Rotondi received encouragement from and also attracted the support of Italian Foreign Ministers Pietro Nenni and Aldo Moro in terms of the initiative to harmonise the laws of Latin American countries. However, there was a lack of financing⁷⁹.
- 63 In 1971, once again, he approached Amintore Fanfani and the Italian-Latin American Institute created by him, recalling above all the commitment made in Paris in 1969, on the occasion of celebrations to mark the centenary of the *Société de Législation comparée*, when (with the agreement of Aldo Moro) he had announced a preparatory conference to be held in Italy. Serious consideration had to be given to the project, and it was pointless to plan “more or less tourist” trips to the various locations involved. He rather suggested that “legislative assistance” be provided to South American countries for as long as, despite “massive influence originating from other countries”, Latin America expressed “a desire still directed at us (but for how long?)”⁸⁰.
- 64 Despite these efforts, also subsequent dealings with the Italian-Latin American Institute proved to be unsuccessful on the financial front, and in 1972 the National Research Council refused to provide financial support to the initiative. Despite all of the energy spent, hopes were not fulfilled and no tangible results were achieved⁸¹. However, part of the work performed and the research carried out in relation to the project flowed into two other comparative law investigations launched in parallel on the unity of the law of obligations⁸² (a long-standing matter of interest for Rotondi⁸³) and the current relevance of the Italo-French project concerning the law of obligations and the law of contracts⁸⁴.
- 65 For sure, Rotondi’s contribution to legal comparison is also measured in terms of the difficulties encountered in realising joint comparative law projects. The Italian jurist’s approach was pragmatic in seeking to create networks between leading international academics, as is apparent from his correspondence.

IV. Final remarks

- 66 Mario Rotondi travelled to visit universities across the Atlantic and to cultivate contacts with foreign scholars who could become involved in his projects. His teaching and study trips to Latin America followed in the footsteps of illustrious Jewish-Italian colleagues, who had found refuge in those universities, although later he struck out on his own path.
- 67 In particular the privileged relations with Venezuela, due to his friendship with Roberto Goldschmidt, are apparent in his letters, which are laced with discussions and comments concerning books, reviews and articles. Rotondi’s papers include not only correspondence with Goldschmidt but also exchanges of letters with other professors from South American countries who, between the end of the Second World War and the start of the 1970s, expanded Rotondi’s prospects for cooperation – and indeed travel.

- 68 They show how Rotondi organised congresses and academic events in Italy, as fora for meeting and debate open to scholars from Europe and the Americas, who were invited to attractive locations in Italy. At the same time, Rotondi travelled on official missions to South America, holding lessons and conferences: his network of scholars was built up through an exchange of letters and publications, and consolidated itself during the various trips. As regards the substantive issues engaged with, these ranged from the unification of private law throughout Latin American countries to studies in the area of comparative law, devised by him, involving university teachers from various countries.
- 69 Rotondi's contribution consisted specifically in his incessant research and "networking", which followed original paths: his multiple – and tireless – initiatives to promote comparative law, an awareness of foreign legal systems and the unification of the law of obligations found fertile ground specifically in Latin American countries, mirroring similar ongoing projects that sought to achieve the adoption of uniform codes in the areas of private law and commercial law, some of which continue right up to the present day⁸⁵.
- 70 The specific results of his various initiatives were not always satisfactory. However, even the numerous proposals that fell flat and the snubs of rejected financing help to paint a picture of an intellectual and legal scene in movement throughout the 1950s and 1960s.

NOTES

1. His papers still have to be definitively catalogued. They are cited according to the generic references used by the Almo Collegio Borromeo (hereafter ACB), fondo Rotondi. I am grateful to the College Rectors, and in particular to the head of the archive and library Caterina Zaira Laskaris for her precious and scholarly support. I would also like to repeat my thanks to Professor Piergaetano Marchetti, for his valuable support in taking an initial inventory of the collection. See <http://www.collegioborromeo.eu/biblioteca/2015/11/19/fondo-mario-rotondi-in-acb/> (last accessed: december 2021); A. Monti, "Un giurista 'internazionale'. Mario Rotondi (1900-1984) attraverso le sue carte", *Le Carte e la Storia*, 2, 2017, p. 20-31.
2. "Mario Rotondi", *Nuovo Bollettino Borromaico*, 14, 1966, p. 45-47; G.E. Colombo, "Ricordo di Mario Rotondi", *Associazione Alunni Almo Collegio Borromeo, Pavia, Annuario 1985*, p. 94-96.
3. Archivio storico dell'Università degli Studi di Pavia, Fascicoli studenti, fascicolo *Mario Rotondi*. Cf. M. Rotondi, "Lodovico Barassi", now in *id.*, *Scritti giuridici*, vol. IV, *Profili di giuristi e saggi critici di legislazione e dottrina*, Padova, Cedam, 1964, p. 51-57.
4. Mario Rotondi's career started in 1924 in Urbino, continuing the same year in Bari. In 1926 he was called to Pavia as an extraordinary professor of commercial law. His long career ended at the Faculty of Law of the University of Milan on 1 November 1975, following fifty years of work in that position, as a result of which colleagues considered him the "dean of all Italian universities" (Università degli Studi di Milano, Archivio corrente, Personale cessato, *Mario Rotondi*).
5. At the Catholic University, a private institution set up on the initiative of Father Agostino Gemelli in the mid-1920s, Mario Rotondi was able to avoid having to swear an oath, which was by contrast required at all state universities: see E. Signori, *Minerva a Pavia. L'ateneo e la città tra*

guerre e fascismo, Milano, Cisalpino, 2002, p.132-133. On Italian law professors and their controversial position under the Fascist regime, A. Aquarone, *L'organizzazione dello Stato totalitario*, Introduzione di G. Lombardi, 2nd ed., Torino, Einaudi, 1995, p. 179-180; H. Goetz, *Il giuramento rifiutato. I docenti universitari e il regime fascista*, Firenze, La Nuova Italia, 2000. See also C. Montagnani, *Il fascismo "visibile": rileggendo Alberto Asquini*, prefazione di G. Cottino, Napoli, Editoriale Scientifica, 2014; Ead., *Insegnare il fascismo e difendere la libertà. L'esperienza di Salvatore Satta*, Napoli, Editoriale Scientifica, 2015; J.-L. Halpérin, "Les historiens du droit en Italie et le fascisme", *Clio@Themis*, 9, 2015; M. Stella Richter jr., *Racconti ascarelliani*, 2nd ed., Napoli, Editoriale Scientifica, 2021, p. 46-48.

6. M. Rotondi, "Per la liberazione dell'università", discorso pronunciato il 14 luglio 1945 alla presenza del generale Edgar Erskine Hume della V armata americana, now in *id.*, *Scritti giuridici*, vol. IV, *op. cit.*, p. 1-6.

7. Università degli Studi di Milano, Archivio storico, Carteggio articolato sul titolare, rettore, titolo primo, cart. 4, fasc. 25, Prorettore Rotondi; *Protocollo riservato del rettore 1.3.3*, Epurazioni 1-4. There is a vast body of literature on the "purification" of Italian academics: refer to G. Focardi, A. Masi, "A proposito di università ed epurazioni dopo la Seconda guerra mondiale: storiografie a confronto", *Annali di storia delle università italiane*, 25, 2021/2, p. 85-111.

8. On the details of his resignation from his state appointments in 1931 and his reappointment in Pavia in 1946, see Archivio storico dell'Università degli Studi di Pavia, Fascicoli docenti, fascicolo Mario Rotondi; Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo Mario Rotondi.

9. T. Bagiotti, *Storia della Università Bocconi 1902-1952*, Milano, Università Bocconi, 1952; M. Cattini, E. Decleva, A. De Maddalena, M.A. Romani, *Storia di una libera università*, 3 vol., Milano, Giuffrè, 1992. See also D. Musiedlak, *Université privée et formation de la classe dirigeante : l'exemple de l'Université L. Bocconi de Milan (1902-1925)*, Rome, École française de Rome, 1990.

10. M. Rotondi, "L'Institut de droit commercial comparé de l'université commerciale L. Bocconi de Milan", *Introduction à l'étude du droit comparé, Recueil d'Études en l'honneur d'Édouard Lambert*, vol. I, Paris, Sirey, 1938, p. 710-722; *id.*, "L'Istituto di diritto commerciale comparato di Milano", *Rivista di diritto privato*, 9/1, 1939, p. 3-20; *id.*, "L'istituto di diritto comparato commerciale industriale e del lavoro 'Angelo Sraffa'", *Rivista del diritto commerciale*, 1, 1947, p. 372-374. Cf. A. Monti, "Un giurista 'internazionale'", *op. cit.*, p. 23-26.

11. G. Gandolfi, "Mario Rotondi comparatista", *Jus*, 32, 1985, p. 306-310; R. Franceschelli, "Mario Rotondi. 9 settembre 1900-4 agosto 1984", *Rivista di diritto industriale*, 1, 1985, p. 389-400; G. Levi, "In ricordo del prof. Mario Rotondi", *Rivista del diritto commerciale*, 1, 1985, p. 87-90; A. Padoa-Schioppa, "Ricordo di Mario Rotondi", *La comparazione giuridica tra Ottocento e Novecento. In memoria di Mario Rotondi*, Milano, 2001, p. 5-8; P. Marchetti, "L'eredità di Angelo Sraffa", *Angelo Sraffa*, eds. P. Marchetti, M.A. Romani, Milano, Università Bocconi, 2009, p. 121-141. Recently, A. Genovese, "Rotondi, Mario", *Dizionario biografico dei giuristi italiani (XII-XX secolo)*, eds. I. Birocchi, E. Cortese, A. Mattone, M.N. Miletta, Bologna, Il Mulino, 2013, vol. II, p. 1747-1748.

12. M. Rotondi, *Scritti giuridici*, vol. I, *Studi di diritto industriale*, Padova, Cedam, 1957; vol. II, *Studi di diritto comparato e teoria generale*, Padova, Cedam, 1972; vol. III, *Studi di diritto commerciale e di diritto generale delle obbligazioni*, Padova, Cedam, 1961; vol. IV, *Profili di giuristi e saggi critici di legislazione e dottrina*, *op. cit.*; vol. V, *Nuovi studi di vario diritto*, Padova, Cedam, 1978.

13. U. Santarelli, "'Un illustre (e appartato) foglio giuridico' la Rivista di diritto privato (1931-1944)", *Quaderni fiorentini*, 16, 1987, p. 665-715.

14. Recently, F. Rossi, "'Depurare' e 'selezionare' le correnti migratorie. Il progetto argentino di Ley Nacional del trabajo (1904) e i lavoratori stranieri", *Historia et Ius*, 15, 2019, paper 16. On the links between Italy and Latin America, which were not unaffected by the presence of large numbers of Italian immigrants, and in particular the interest displayed within Italian publications (including geographical, economic, historical, geopolitical and tourism periodicals)

towards the American subcontinent during the 1920s and 1930s, as well as Fascist policy towards Latin American countries, including also the activities of the ISPI (*Istituto di Politica Internazionale*, Institute of International Policy) founded in Milan in 1933 and the *Centro Italiano di Studi Americani* (Italian Centre for South American Studies), which moved to Rome in 1936 and for which Alberto Asquini served as President from 1937 to 1943, see E. Scarzanella, A. Trento, "L'immagine dell'America Latina nel fascismo italiano", *Il mondo visto dall'Italia*, eds. A. Giovagnoli, G. del Zanna, Milano, Guerini e Associati, 2004, p. 217-227.

15. M. Toscano, "L'emigrazione ebraica italiana dopo il 1938", *Storia contemporanea*, 6, 1988, p. 1287-1314. See also M. Sarfatti, *Le leggi antiebraiche spiegate agli italiani di oggi*, Torino, Einaudi, 2005; G. Acerbi, *Le leggi antiebraiche e razziali italiane ed il ceto dei giuristi*, Milano, Giuffrè, 2011.

16. In those years, in Latin American universities Italian Jewish professors met Spanish republican professors who had escaped the civil war in Spain: R. Treves, "Incontri di culture nell'America latina alla fine degli anni Trenta", *Nuova Antologia*, 554, 1985, p. 90-100. On the relations between Italian jurists and Latin American scholars during the late 1930s and the 1940s, and on the circulations of legal knowledge and ideas between Europe and Latin America back then, M. Losano, "Tra Uruguay e Italia: Couture e Calamandrei, due giuristi democratici nell'epoca delle dittature europee", *Derecho privado y modernización. América Latina y Europa en la primera mitad del sigloxx*, eds. M.R. Polotto, T. Keiser, T. Duve, Frankfurt, Max Planck Institute for Legal History and Legal Theory, 2015, p. 275-311.

17. It would in fact appear that Mario Rotondi, who always defended his Jewish colleagues, had activated his contacts in South America following the promulgation of the racial laws, in particular in support of Enrico Tullio Liebmann's application for a post in Córdoba: Enrique Martínez Paz a Rotondi, 30 November 1938, in ACB, fondo Rotondi. However, current research does not provide a systematic account of relations between Rotondi and Latin American scholars prior to the adoption of the racial laws and the missions documented in the records held on file, which will be discussed below.

18. M. Rotondi, *Il diritto come oggetto di conoscenza. Dogmatica e diritto comparato*, Padova, Cedam, 1930; *id.*, "Technique du droit, dogmatique et droit comparé" (1968), *id.*, *Inchieste di diritto comparato*, 2, *Buts et méthodes du droit comparé. Scopi e metodi del diritto comparato. Aims and methods of comparative law. Fines y metodos del derecho comparado. Ziele und Methoden der Rechtsvergleichung*, Padova, Cedam, 1973, p. 557-576.

19. Cf. M. Grondona, "Il diritto comparato e la comparazione giuridica tra internazionalismo e nazionalismo: premesse per una discussione", *La costruzione della "legalità" fascista negli anni Trenta*, eds. G. Chiodi, I. Birocchi, M. Grondona, Roma, RomaTrE-Press, 2020, p. 369-447, p. 412-414. See also C. Petit, "Una fotografía de 1924, o el radio variable de la comparación jurídica", *Quaderni fiorentini*, 50/1, 2021, p. 307-364.

20. On the notion of "travelling jurist", adopted by Tullio Ascarelli, G. Ferri jr., "Il fallimentarista invisibile (Racconto ascarelliano apocrifo)", M. Stella Richter jr., *Racconti ascarelliani, op. cit.*, p. 105-114.

21. Rotondi's networks intersected in turn with other networks, for example the network of "exiles". On the current historiographical interest in networks of exiles, see M. Radin, *Cartas romanísticas (1923-1950)*, estudio y edición, con una nota de lectura sobre "California y el derecho romano" de Carlos Petit, Napoli, Jovene, 2001; *The law of strangers. Jewish lawyers and international law in the twentieth century*, eds. J. Loeffler, M. Paz, Cambridge, Cambridge University Press, 2019; K.Å. Modér, "Law émigré Max Rheinstein (1899-1977): A comparatist in pre-war Germany and post-war America", *Legal history. Reflecting the past and the present, current perspectives for the future*, Stockholm, Institutet för Rättshistorisk Forskning, 2021, p. 254-274; A. Likhovski, "The Many Exiles of Max Laserson", *Clio@Themis*, 2022, forthcoming.

22. In particular for this paper, out of the papers collected in ACB, fondo Rotondi, I have analysed core correspondence ordered according to the senders' geographical origin, which had already been chronologically arranged into folders of varying size by Rotondi himself.
23. R. Goldschmidt, *Recenti tendenze nel diritto della società anonima*, Firenze, Vallecchi, 1935.
24. Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo *Roberto Goldschmidt*.
25. Cf. James Goldschmidt to Agostino Gemelli, 18 and 23 September 1936, in Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo *Roberto Goldschmidt*.
26. See his correspondence with Father Gemelli in Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo *Roberto Goldschmidt*.
27. Copy of letter from Rotondi to Benito Sansò, 13 March 1967, in ACB, fondo Rotondi.
28. Rettore Agostino Gemelli to Roberto Goldschmidt, September 7, 1938, in Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo *Roberto Goldschmidt*: “*Ch.mo Dottore, sono dolente che Ella debba abbandonare gli studi; ma io pure debbo ubbidire alle Leggi del mio Paese. Formulo per Lei l’augurio che la vita cristiana, che Ella ha intrapresa, Le possa essere di aiuto nel sopportare la prova e nell’adempire i Suoi doveri. Con i migliori ossequi*” [“Most Esteemed Dr, I am most sad to hear that you are required to abandon your studies; however, I am also obliged to comply with the laws of my country. I hope that the life as a Christian that you have embarked upon may be of assistance to you in enduring this trial and fulfilling your duties. With my best wishes”]. Cf. M. Bocci, *Agostino Gemelli rettore e francescano. Chiesa, regime, democrazia*, Brescia, Morcelliana, 2003.
29. Roberto Goldschmidt to Agostino Gemelli, 5 September 1938, in Università Cattolica del Sacro Cuore, Archivio ufficio personale docente, fascicolo *Roberto Goldschmidt*.
30. Eduardo J. Couture had already saved other persecuted jurists, including in particular from Italy the legal sociologist Renato Treves and the procedural specialist Enrico Tullio Liebman: M. Losano, “Tra Uruguay e Italia: Couture e Calamandrei, due giuristi democratici nell’epoca delle dittature europee”, *op.cit.*, p. 275-311.
31. Roberto Goldschmidt to Rotondi, 29 June 1941, in ACB, fondo Rotondi: the letter is written in French.
32. For an account of the Goldschmidts’ exile in Latin America, see J.D. Cesano, *Viajeros y traductores. Circulación de ideas en la formación de la cultura jurídica penal de Córdoba (Luis Jiménez de Asúa y Robert Goldschmidt 1923-1952)*, Córdoba, Lerner, 2016, p. 83 s.
33. *Marcello Finzi giurista a Modena. Università e discriminazione razziale tra storia e diritto*, ed. E. Tavilla, Atti del convegno di studi, Modena, 27 gennaio 2005, Firenze, L. O. Olschki, 2006; J.D. Cesano, *Marcello Finzi. La inclusión de un penalista exiliado en la cultura jurídica de Córdoba*, Córdoba, Lerner, 2014.
34. Cf. the obituary by M. Rotondi, “Camillo Viterbo”, now in *id.*, *Scritti giuridici*, vol. IV, *op. cit.*, p. 48-50: Rotondi and Viterbo first met thanks to Angelo Sraffa. See also Roberto Goldschmidt to Rotondi, 13 May 1949, in ACB, fondo Rotondi; S. Landini, “Tra economia e diritto. L’opera di Camillo Viterbo”, *Materiali per una storia della cultura giuridica*, 2005, p. 501-522.
35. J.D. Cesano, *Enrique Martínez Paz y el Instituto de Derecho Comparado. Un espacio de sociabilidad en la formación de la cultura jurídica de Córdoba*, Córdoba, Lerner, 2018, p. 91 s.; *id.*, “Redes intelectuales y recepción en la cultura jurídico penal de Córdoba (1900-1950)”, *Rechtsgeschichte*, 20, 2012, p. 156-169.
36. R. Goldschmidt, *Hacienda Comercial y Competencia Desleal. Dos contribuciones para su estudio*, Córdoba, Imprenta de la Universidad, 1950. Above all, it was precisely the disagreement on the central role of the business (*impresa*) that caused the academic “break” between Rotondi and Tullio Ascarelli, which was frequently cited by Roberto Goldschmidt. See Roberto Goldschmidt to Rotondi, 26 November 1948, in ACB, fondo Rotondi.

37. Copy of letter from Rotondi to Roberto Goldschmidt, [1946]; Roberto Goldschmidt to Rotondi, 15 August 1946, 25 October 1946, 29 March 1947 and 30 October 1949, in ACB, fondo Rotondi.
38. *Libro-homenaje a la memoria de Roberto Goldschmidt*, Caracas, Universidad central de Venezuela, 1967, *Datos biográficos*, p. 19-20.
39. Copy of letter from Rotondi to Jaffè Goldschmidt, 12 November 1965, in ACB, fondo Rotondi.
40. Roberto Goldschmidt to Rotondi, 23 July 1959 and 31 August 1959; copy of letter from Rotondi to Roberto Goldschmidt, 21 September 1959, in ACB, fondo Rotondi.
41. Copy of letter from Rotondi to Roberto Goldschmidt, 20 November 1962; Roberto Goldschmidt to Rotondi, 1 December 1962, in ACB, fondo Rotondi.
42. Roberto Goldschmidt to Mario Rotondi, 8 August 1963, in ACB, fondo Rotondi.
43. According to the letters, Rotondi had already travelled to Latin America before the Second World War. However, according to research carried out to date, the documentation concerning those trips is missing.
44. Rotondi was ultimately unable to extend his trip to Mexico due to an unexpected problem as well as the delays and changes caused by ongoing political upheavals: v. his correspondence with Alberto Vásquez del Mercado, Virgilio Dominquez and Joaquin Rodriguez y Rodriguez, which started already in 1947, and the copy of letter from Rotondi to Joaquin Rodriguez y Rodriguez, 28 December 1948, in ACB, fondo Rotondi.
45. See in particular the correspondence with Eduardo J. Couture, which started in 1946 through Roberto Goldschmidt, in ACB, fondo Rotondi. Rotondi's relations with his counterparts from Uruguay, Argentina and Peru will be considered in a later study.
46. Mario Rotondi to Plinio Fraccaro, 23 September 1948, in Archivio storico dell'Università degli Studi di Pavia, Docenti, *Mario Rotondi*.
47. Copy of letter from Rotondi to Vittore Zamorani, 8 March 1948; Vittore Zamorani to Rotondi, 18 April 1948, in ACB, fondo Rotondi. On the personal and professional background to the doctor Vittore Zamorani from Pavia, one of the many exiled on racial grounds, see E. Signori, "La 'conquista fascista' dell'università. Libertà d'insegnamento e autonomia nell'Ateneo pavese dalla riforma Gentile alle leggi razziali", *Il Politico*, 62/3, 1997, p. 433-472.
48. Copy of letter from Rotondi to Marcello Finzi, 9 March 1948; Marcello Finzi to Rotondi, 25 March 1948, in ACB, fondo Rotondi.
49. R. Pérez Perdomo, *Los Juristas Académicos de Venezuela: Historia Institucional y Biografía Colectiva*, Caracas, Universidad Metropolitana, 2013, p. 137 s.
50. Copy of the typewritten report from Rotondi to Amintore Fanfani, 31 December 1958, in ACB, fondo Rotondi.
51. *Ibidem*. Cf. the report of another Italian jurist who travelled in Brasil in those same years, E. Betti, "Cultura giuridica brasiliana nelle impressioni di un viaggio giuridico", *Jus. Rivista di scienze giuridiche*, 1959, p. 266-275.
52. See the letters exchanged during the spring of 1967 between Rotondi and Benito Sansò, an Italian teacher in Caracas who was married to the Venezuelan jurist Hildegard Rondon, in ACB, Fondo Rotondi.
53. Copy of letter from Rotondi to the Italian minister for foreign affairs, 4 September 1967, in ACB, fondo Rotondi.
54. *Ibid.*
55. *Ibid.*
56. M. Rotondi, "La analogía de la ley comercial en relación con las fuentes subsidiarias del derecho Mercantil", *Libro-Homenaje a la memoria de Roberto Goldschmidt*, *op. cit.*, p. 589-612.
57. Orsini to Rotondi, 9 November 1967.
58. L. Guarnieri, M.R. Stabili, "Il mito politico dell'America latina negli anni Sessanta e Settanta", *Il Mondo visto dall'Italia*, eds. Giovagnoli, del Zanna, *op. cit.*, p. 228-241.
59. M. Rotondi, *Istituzioni di diritto privato*, Milano, A. Parainfo, 1965.

60. Copy of letter from Rotondi to Roberto Goldschmidt, 20 September 1949; Roberto Goldschmidt to Rotondi, 30 October 1949, in ACB, fondo Rotondi.
61. Rotondi to Melich Orsini, 16 September 1967; Melich Orsini to Rotondi, 3 October 1967, in ACB, fondo Rotondi.
62. Rotondi to Melich Orsini, 27 February 1968; Rotondi to Victor Pulido Méndez, 27 February 1968, in ACB, fondo Rotondi.
63. Rotondi to Antonio Moles Caubet, 22 December 1967, in ACB, fondo Rotondi.
64. E.L. Varela Cáceres, “Antonio Moles Caubet”, *Revista Venezolana de Legislación y Jurisprudencia*, 8, 2017, p. 89-100.
65. Melich Orsini to Rotondi, 3 October 1967; copy of letter from Rotondi to Melich Orsini, 10 October 1967, in ACB, fondo Rotondi.
66. Orsini to Rotondi, 29 January 1968; copy of letter from Rotondi to Orsini, 27 February 1968; copy of letter from Rotondi to Pulido Méndez, 27 February 1968, in ACB, fondo Rotondi.
67. Pulido Méndez to Rotondi, 18 March 1968, in ACB, fondo Rotondi.
68. Copy of letter from Rotondi to Pulido Méndez, 7 July 1972, in ACB, fondo Rotondi.
69. See G. Alpa, G. Chiodi, *Il progetto italo francese delle obbligazioni (1927). Un modello di armonizzazione nell'epoca della ricodificazione*, Milano, Giuffrè, 2007 ; D. Deroussin, “Le Projet de Code des obligations et des contrats franco-italien de 1927 : chant du cygne de la culture juridique latine ?”, *Clio@Themis*, 2, 2009.
70. Copy of letter from Rotondi to Orsini, 2 May 1968, in ACB, fondo Rotondi.
71. Copy of letter from Rotondi to Domenico Gardella, 2 May 1968, in ACB, fondo Rotondi.
72. Orsini to Rotondi, 17 May 1968, Orsini to Rotondi, 11 July 1968, in ACB, fondo Rotondi.
73. Lists have been conserved of the scholars who participated in the initiative along with facsimile copies of the letters of invitation, see ACB, fondo Rotondi.
74. The *Istituto internazionale per l'unificazione del diritto privato* (International Institute for the Unification of Private Law) had been founded in Rome in 1924 as an auxiliary body to the League of Nations. On Ernesto Eula, the controversial President Emeritus of the Italian Supreme Court of Cassation, M.L. D'Autilia, “Eula, Ernesto”, *Dizionario Biografico degli Italiani*, vol. 43, Roma, 1993.
75. P. Marchetti, “L'eredità di Angelo Sraffa”, *op. cit.*, p. 135-137.
76. *Inchieste di diritto comparato*, 1, *Projet d'une loi type pour les marques, les brevets et les modèles - Progetto di una legge tipo per i marchi, i brevetti e i modelli - Draft of a model law on trade marks, patents and models - Proyecto de una ley tipo sobre marcas, patentes, modelos y dibujos - Entwurf eines Mustergesetzes für Fabrikmarken, Patente, Muster und Modelle*, ed. M. Rotondi, Padova, Cedam and New York, Oceana, 1970.
77. M. Rotondi, “Una inchiesta internazionale sulla disciplina delle società per azioni”, published in Spanish in 1969 and in Italian in *id.*, *Scritti giuridici*, vol. II, *op. cit.*, p. 715-724. Cf. *Enquête comparative sur les sociétés par actions - Inchiesta comparatistica sulle società per azioni - The company limited by shares: an inquiry of comparative law - Encuesta de derecho comparado sobre las sociedades por acciones - Rechtsvergleichende untersuchung ueber aktiengesellschaften*, ed. M. Rotondi, Netherlands, Kluwer, 1974; *Inchieste di diritto comparato*, 5, *I grandi problemi della società per azioni nelle legislazioni vigenti*, 2 voll., Padova, Cedam, 1976.
78. For Venezuela, as mentioned above, it was Benito Sansò who completed the questionnaire for the investigation and who maintained correspondence with Rotondi and his assistants: see the respective letters in ACB, fondo Rotondi.
79. See the correspondence with the ministries and the summary reports drawn up by Rotondi in ACB, fondo Rotondi.
80. Copy of letter from Rotondi to Amintore Fanfani, 13 April 1971, in ACB, fondo Rotondi.
81. On relations with his Venezuelan counterparts and Rotondi's well-founded concern that they might have lost interest in the initiative, see the copies of letters from Rotondi to Melich Orsini,

18 October 1971 and 11 November 1971; Melich Orsini to Rotondi, 24 November 1971, ACB, fondo Rotondi.

82. *Inchieste di diritto comparato*, 3, *L'unité du droit des obligation. L'unità del diritto delle obbligazioni – The unity of the law of obligations – La unidad del derecho obligacionario – Die Einheit des Obligationenrechts*, ed. M. Rotondi, Padova, Cedam, 1974, p. 489-526. The volume of collected works brings together forty-eight contributions by authors from various countries and was presented on the occasion of the XV *Rencontre italienne de droit comparée* held in Campione d'Italia in 1973.

83. Rotondi had engaged with the issue of a single code of civil and commercial obligations since 1924 and later once again, still asserting the now inevitable unification of the law of civil and commercial obligations (a position ultimately endorsed by the legislator), on the occasion of the drafting of the Italian Civil Code of 1942

84. *Progetto di codice delle obbligazioni e dei contratti: testo definitivo approvato a Parigi nell'ottobre 1927, anno VI; Project de code des obligations et des contrats: texte définitif approuvé à Paris en octobre 1927 – Commissione reale per la riforma dei codici, Commission française d'études de l'union législative entre les nations alliées et amies*, Roma, Provveditorato generale dello Stato, libreria, 1928.

85. S. Schipani, “Armonización y unificación del derecho: derecho común en materia de obligaciones y contratos en América Latina”, *Roma e America – Diritto Romano Comune*, 2004, p. 665-695; M.L. Neme Villarreal, “La armonización del derecho a través de las enseñanzas humanistas del derecho romano: la experiencia europea y latinoamericana”, *Europa e America Latina due continenti, un solo diritto. Unità e specificità del sistema giuridico latinoamericano*, eds. A. Saccoccio, S. Cacace, Torino, Giappichelli and Valencia, Tirant lo Blanch, 2020, vol. I, spec. p. 166-167.

ABSTRACTS

Mario Rotondi was an Italian professor of law and a “travelling jurist”. He ventured into the contiguous areas of private and commercial law, engaged with the areas of industrial law and comparative law. His distinguishing feature was his academic cooperation with foreign scholars in the field of comparative law. The issue of travel is a common thread throughout his various initiatives, both academic, and of legal reform. This paper aims to cast some light on his missions to South American universities, on the goals that inspired him and on the projects that animated these goals.

Mario Rotondi, professeur italien de droit privé et de droit commercial, pionnier du droit industriel et de la comparaison juridique, était un « juriste voyageur ». Il se situait au centre d'un réseau académique international voué à la promotion de travaux scientifiques et de réformes législatives dans le domaine du droit comparé. Le voyage est au cœur de ses innombrables initiatives. À partir de ses missions dans les universités de l'Amérique du Sud, dont ses correspondances rendent compte, la présente étude entend explorer ses liens professionnels, ses objectifs et l'impact de ses projets.

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Mots-clés: histoire de la pensée juridique, droit commercial, droit comparé, circulations transnationales, Amérique du Sud, Italie, Venezuela, Argentine, réseaux de juristes, correspondances, voyage, mission scientifique, exil, Rotondi Mario (1900-1984)

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