
Leone Levi (1821–1888) and the History of Comparative Commercial Law

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Introduction

Leone Levi was an Italian-born merchant who became a jurist, statistician and economist in Victorian Britain: his eclectic personality, together with his strong commitment to a large number of legal, economic and statistical issues is fascinating in itself.¹ The existing literature is mainly dedicated to his contribution to economics and statistics, while his treatise on comparative commercial law has somehow been neglected by legal historiography. The purpose of this essay is to present Leone Levi's unique contribution to nineteenth-century commercial law and to discuss his comparative commercial law studies in greater detail.

This is important, first of all because legal historiography has pointed out the importance of a comparative approach to the history of commercial law. Secondly, commercial law tends naturally towards comparison because trade and commerce are transnational by nature. Commercial law scholars and practitioners very often share a comparative and transnational outlook. In this essay I examine precisely how and for what purpose a nineteenth-century *sui generis* commercial lawyer – i.e. Leone Levi – made use of comparative legislation when dealing with commercial and business legal matters. It must also be borne in mind that Levi's work on comparative commercial law was linked to other key legal issues such as codification.

Leone Levi published extensively in the fields of commercial law, comparative law, codification and legal education for merchants, writing an impressive number of papers, pamphlets, lectures and articles on very

¹ 'Professor Leone Levi, LL.D.', *Journal of the Royal Statistical Society*, 51(2) (1888), 340–2; G. R. Rubin, 'Levi, Leone (1821–1888)', in *Oxford Dictionary of National Biography* (Oxford, 2004), available at www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-16551?rskey=Llur0U&result=2.

different legal topics. He was an outstanding personality, although he was regarded by some Englishmen as a 'bizarre figure'.² Born to a Jewish family in Ancona in 1821, he received an ordinary commercial education in his home town and was unable to pursue classical studies, as he was later to regret.³

The Jewish community where he grew up had flourished in the seaport of Ancona ever since the Middle Ages and was one of the oldest and most significant in Italy. The Jews from Ancona – who were forced to live in a ghetto when the town became part of the Papal States in the second half of the sixteenth century – were involved in particular in commerce, trade and banking business with the Levant. During the nineteenth century, although the most important trades had developed along other maritime routes, Ancona still played a role within commerce in the Mediterranean area, especially with the Ottoman Empire, so that the town attracted merchants from all nations, including in particular Greeks.⁴ There is no doubt that Leone Levi was born in the right place to gain an awareness of the needs of commerce and trade within a multicultural environment.

Very soon, at the age of fifteen, he started working in his brother's business and travelled to England. In 1844 he moved to Liverpool, where he learned English and started his new challenging British life, in a country which had embarked upon the second industrial revolution and where the free trade movement was growing rapidly.⁵ Within that political climate, Levi developed a passionate interest in the political campaigns and writings of Richard Cobden, the leader of the Anti-Corn Law League,⁶ and the young Jewish merchant soon entered into contact with him.

² A. Rodger, 'The Codification of Commercial Law in Victorian Britain', *Proceedings of the British Academy*, 80 (1993), 149–70, at 152 n. 13.

³ L. Levi, *The Story of My Life: The First Ten Years of My Residence in England, 1845–1855* (London, 1888), 3.

⁴ M. Milano, 'Ancona', in *Encyclopaedia Judaica*, 6 vols. (Jerusalem, 1971–2), vol. II, 942–3. See also M. L. Moscati Benigni, *Marche. Itinerari ebraici: I luoghi, la storia, l'arte* (Venice, 1996), 23–43; L. Andreoni, *Ebrei nelle Marche. Fonti e ricerche. Secoli XV–XIX* (Ancona, 2012).

⁵ E. Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', *Annali della Facoltà di Giurisprudenza, Università di Macerata*, 4 (1978), 579–691. On the free trade movement, see also C. K. Harley and D. N. McCloskey, 'Foreign Trade: Competition and the Expanding International Economy', in R. Floud and D. N. McCloskey (eds.), *The Economic History of Britain since 1700*, 2nd edn, 3 vols. (Cambridge, 1995–7), vol. II, 56–61.

⁶ J. Morley, *The Life of Richard Cobden* (London, 1906); N. C. Edsall, *Richard Cobden: Independent Radical* (Cambridge, MA, 1986).

Leaving aside battles over the abolition of the Corn Laws and free trade, historians are in agreement in concluding that the United Kingdom experienced a period of considerable prosperity between the mid-nineteenth century and the start of the 1870s, which extended to all forms of economic activity, including foreign trade. The country produced a broad variety of consumer goods, in addition to primary capital goods (coal, iron and steel) and investment goods destined for both British industry and foreign countries. In summary, the Victorian Britain that Levi found was acting as a catalyst for increasingly complex and sophisticated international trade, so much so that it was considered as ‘the world’s leading trader and manufacturer’ or the ‘workshop of the world’.⁷

Levi enjoyed the dynamic (and controversy-filled) atmosphere and the public debates. In 1847 he became a naturalised British subject. In particular, as regards the issue of most interest for our present purposes, during his first few years in Britain he dedicated his energies to campaigning in favour of the chambers of commerce: he is well known for having played an active role in the foundation of the Liverpool Chamber of Commerce.⁸

He also joined the Presbyterian Church, a denomination that bore the ‘uniform’ of respectability and rank in Victorian Britain.⁹ Indeed, Levi became an active member of the Presbyterian Church of England and campaigned in support of Protestants in Italy through the Bible Society and the Evangelical Continental Society, a British missionary society.¹⁰ In this sense, his conversion to evangelical Christianity and his commitment to the broad dissemination of the Holy Scriptures in pre- and post-unification Italy may be understood as a reaction to the conservative and obscurantist Catholicism that he had witnessed as a Jew in the Papal States.

⁷ J. R. T. Hughes, *Fluctuations in Trade, Industry and Finance: A Study of British Economic Development 1850–1860* (Oxford, 1960), 34–71; E. J. Hobsbawm, *Industry and Empire: An Economic History of Britain since 1750* (London, 1968), 110–27; D. H. Aldcroft (ed.), *The Development of British Industry and Foreign Competition 1875–1914: Studies in Industrial Enterprise* (London, 1968). See also W. Cornish, S. Banks, C. Mitchell, P. Mitchell, and R. Prost, *Law and Society in England 1750–1950*, 2nd edn (Oxford, 2019), 6–10.

⁸ R. J. Bennett, *Local Business Voice: The History of Chambers of Commerce in Britain, Ireland, and Revolutionary America, 1760–2011* (Oxford, 2011), 262–4.

⁹ J. Roebuck, *The Making of Modern English Society from 1850*, 2nd edn (London, 1982), 33–35.

¹⁰ D. Raponi, *Religion and Politics in the Risorgimento: Britain and the New Italy 1861–1875* (London, 2014), 73 s. and 140 s.

Leone Levi, a self-made man,¹¹ ended up lecturing on commercial law at King's College London in 1853 and was called to the bar in 1859 at Lincoln's Inn. In 1861 he was awarded a doctorate in Political and Economic Sciences by the University of Tübingen. He was also an active member of the Council of the Royal Statistical Society and in 1887 attended the Congress of European Statisticians in Rome. That occasion was his final opportunity to visit Italy, only a year before his death.¹²

Despite his conversion and British citizenship, Levi maintained close relations with his city of birth. He returned to Ancona whenever he had the opportunity and, as far as is apparent, was always received with honour by his former fellow citizens. In 1881, now a famous man, he set up a fund to finance education for local merchants during a stay in the city. Later, in 1888, he bequeathed to the city the prizes and awards he had received along with the manuscript version of his treatise on comparative commercial law, published in two editions in 1851–2 and 1863, which will be considered in the following pages.¹³

After Leone Levi settled in Britain, his native country fulfilled its destiny with the successful conclusion of the *Risorgimento* and the unification of Italy in 1861,¹⁴ and the emancipation of the Italian Jews followed in the new secular state. From that moment onwards, the Jews of Ancona, who had already played an active role in the *Risorgimento*, became actively involved in the government of the city and were appointed to leading positions in the local chamber of commerce. In 2001, the Ancona Chamber of Commerce established an arbitration court that was named after Levi himself.¹⁵

¹¹ Levi, *The Story*, 74–77. On the social structure of Victorian society, see P. Thane, 'Social History 1860–1914', in Floud and McCloskey (eds.), *The Economic History of Britain*, II, 198–224.

¹² G. Bassi, 'L'opera di un giurista ed economista italiano in Inghilterra (Leone Levi)', *Rassegna Nazionale*, 15 (1918), 200–9. Bassi wrote his essay on Levi in 1917, when Italy and the United Kingdom were allied in the Great War: his purpose was to highlight the long-standing relationships between the citizens of the two countries. See also R. Fedecostante, *Ebrei illustri anconetani* (Ancona, 1992), 57–58.

¹³ The papers and other memorabilia of Leone Levi that were salvaged after Allied bombing during 1943 are now conserved at the Biblioteca Civica Benincasa in Ancona along with a large collection of his publications.

¹⁴ See L. Levi, 'The Economic Progress of Italy during the Last Twenty Years, since the Formation of the Italian Kingdom in 1861', *Journal of the Statistical Society of London*, 45 (1882), 1–36.

¹⁵ L. Guazzati, *Storia della Camera di commercio di Ancona* (Ancona, 2009), 121–2.

Commercial Law of the World

It was through his family business that Leone Levi became specifically interested in British mercantile law and in British judicial procedure. This occurred after he settled in Liverpool and after a series of misfortunes linked to the general financial circumstances of the country.¹⁶ His subsequent path may be traced through his various initiatives calling for the creation of chambers of commerce with associated commercial courts, as well as the campaign for the unification of the commercial laws of England (and Wales), Scotland and Ireland. This was linked to the idea of collecting and documenting the commercial laws of various countries and imagining a uniform code of commercial law for 'civilised nations'.¹⁷

Considering each of these initiatives in order, in 1849 Levi was extremely active in promoting the Liverpool Chamber of Commerce. He also advocated the establishment of commercial courts attached to the chambers of commerce in order to simplify commercial procedure. This was a key point for him: he argued that commercial law litigation should be simplified, and, for this purpose, he also called for the reform of the law of arbitration.¹⁸ His suggestions had an impact on the arbitration clauses of the Common Law Procedure Act of 1854.¹⁹

Levi corresponded with a number of politicians. For instance, in 1849 he wrote to Benjamin Disraeli concerning chambers of commerce.²⁰ However, his favourite correspondent was Lord Henry Brougham, former lord chancellor and head of the Law Amendment Society, who was a partisan of free trade. It seems that the two men were bound by a common spirit of reform.²¹ A sample of Levi's correspondence with Lord

¹⁶ Levi, *The Story*, 19–21.

¹⁷ See J. Sloan, 'Civilized Nations', in Max Planck Encyclopedia of Public International Law (2011).

¹⁸ According to Rubin, 'Levi, Leone', 542, Levi was addressing a fundamental question, i.e. 'what significance did legal rules have for the development of trade and commerce in a nineteenth-century market economy?', and, in the advocacy of commercial courts and of improved commercial arbitration laws, the former Italian merchant was challenging whether law was itself an ideal framework for regulating business affairs. This was in fact an issue also in Continental Europe in the age of codification of commercial law.

¹⁹ Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 586–9. See also M. Graziadei, 'L'influenza del diritto privato italiano in Europa', *Annuario di diritto comparato e studi legislativi* (2014), 307–38, at 311–12.

²⁰ See Levi's missive to Benjamin Disraeli of 1 August 1849, edited in Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 621–4.

²¹ Rodger, 'The Codification of Commercial Law', 153ff.

Brougham over fifteen years, from 1850 to 1864, concerning commercial law reform and judicial statistics has been published and sheds some light on his tireless activity.²²

Generally speaking, Levi's links and correspondence with leading political figures in Britain are valuable for assessing the reformist drive within British public life during that period. At the same time, his copious writings, coupled with the fact that he was able to operate immediately and with ease within the prevailing social context, confirms that it was becoming increasingly easy during those years to keep informed and correspond, even in relation to topical political issues. Daily newspapers and journals, along with popular publications, all of which were on sale at railway stations, were experiencing strong expansion due to falling production costs and the broadening of the reading public.²³

That said, it was as the honorary secretary of the Liverpool Chamber of Commerce that Levi found himself in a strategic position to collect precise information in an official capacity concerning the rules of foreign chambers of commerce, and above all concerning foreign commercial law. Levi sent letters abroad through the consular network and Liverpool merchants, asking for foreign texts to be sent to him by foreign mercantile, consular and political authorities. He sought to do so because he was persuaded of the need to be aware of foreign legislation when doing business. He was also guided by his past experience as a merchant.

The collection and study of the precious documentation from various parts of the world soon convinced Levi of the similarities and analogies between the commercial laws of the different countries, despite differences in terms of drafting and form. This gave him the idea of drawing up a text containing comparisons between the various commercial laws in force.²⁴ His declared and recognised source was the similar work carried out by the French jurist Fortuné Anthoine de Saint-Joseph (1794–1853), who authored well-known volumes on legislative concordance between the French codes, including the Civil Code and the Commercial Code, along with several other nineteenth-century foreign

²² Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 625–47.

²³ Roebuck, *The Making of Modern English Society*, 43–45.

²⁴ L. Levi, *Commercial Law, its Principles and Administration, or The Mercantile Law of Great Britain Compared with the Codes and Laws of Commerce of the Following Mercantile Countries: Anhalt, Austria [...]*, 2 vols. (London, 1850–2), vol. I, Preface, VII–XIV.

codes. In particular, it was in the British Museum Library that Levi had the opportunity to read the *Concordances entre les codes de commerce étrangers et le code de commerce français*,²⁵ which was first published by de Saint-Joseph in 1844²⁶ and later issued as a new edition in 1851.²⁷

De Saint-Joseph was a learned jurist: a royal prosecutor who later became a judge. He compiled synoptic charts of French codes and foreign codes and legislation. He did so within a cultural environment that was keenly aware of comparative law studies; two French law journals were dedicated to this issue, the *Thémis* and the well-known *Revue Foelix*.²⁸ De Saint-Joseph was supported by a number of contributors in his work of collecting and translating foreign commercial legislation. Even the foreign minister of the French government helped him with his treatise on the concordance of the French Code de commerce with foreign commercial law.²⁹

Levi's task was slightly different as his starting point was the uncoded British mercantile law.³⁰ With this in mind, he wrote that his work was 'an attempt, however imperfect, to reduce the mercantile law of Great Britain to the form of a code'. The goal was to compile 'a manual for constant use and reference to the mercantile classes'.³¹ Moreover, Levi was not yet a lawyer when he first published his book on comparative commercial laws. Indeed, he had neither studied nor practised law and

²⁵ Levi had a good knowledge of French: Levi, *The Story*, 37–38. See also Levi, *Commercial Law*, I. Preface, IX–X.

²⁶ A. de Saint-Joseph, *Concordance entre les codes de commerce étrangers et le code de commerce français* (Paris, 1844).

²⁷ G.-R. de Groot and A. Parise, 'Antoine de Saint-Joseph: A Nineteenth-Century Paladin for the Development of Comparative Legislation', in B. van Hofstraeten et al. (eds.), *Ten definitieven recht doende ... Louis Berkvens Amicorum* (Maastricht, 2018), 71–92, esp. 75–77.

²⁸ *Revue Foelix* was the publication's nickname. It was founded in 1833 as the *Revue étrangère de législation et d'économie politique*. From 1844, and until 1850, it took the title *Revue de droit français et étranger*. A. Mergey, 'Le réseau constitué autour d'Antoine de Saint-Joseph et de la Concordance entre les codes civils étrangers et le code Napoléon. Entre exaltation d'un nationalisme juridique modéré et promotion d'un fond juridique commun', in T. Le Yoncourt, A. Mergey, and S. Soleil (eds.), *L'idée de fonds juridique commun dans l'Europe du XIXe siècle. Les modèles, les réformateurs, les réseaux* (Rennes, 2014), 187–221.

²⁹ de Saint-Joseph, *Concordance*, Avertissement, VIII–X.

³⁰ See J. W. Smith, *A Compendium on Mercantile Law*, 10th edn, 2 vols. (London, 1890), vol. I, LXIII–LXXXIII.

³¹ Levi, *Commercial Law*, I. Plan of the Work.

lacked any formal juridical qualifications,³² even though a few years later he was to become a barrister.³³

Nonetheless, inspired by a healthy dose of intellectual curiosity and secure in his eclectic talents, Levi applied himself with great diligence to writing his book *Commercial Law, Its Principles and Administration, or, The Mercantile Law of Great Britain Compared with the Codes and Laws of Commerce of the Following Mercantile Countries: Anhalt, Austria [. . .] Würtenburg and the Institutes of Justinian*,³⁴ the first volume of which was published in 1850, followed by the second in 1852. In particular, the first volume contained chronological tables of laws governing land and maritime trade in various countries and during various periods, as well as comparative tables presenting customary practices at the main commercial trading centres, starting from London and Paris. The treatise was divided into sections, which dealt specifically with merchants, books of commerce, partnerships, factors, contracts, bills of exchange, shipping, insurance, bankruptcy, commercial jurisdiction and so on.

On each topic, following the model of de Saint-Joseph, Levi proposed a kind of synopsis of the laws applicable in various countries. He listed his sources, which were mainly the same as those listed by de Saint-Joseph. This essentially involved the translation into English by Levi of the translations into French collected or arranged by de Saint-Joseph. Specifically, when translating into English the text of foreign commercial laws, Levi stated that he had personally supervised the translation work from French or other languages, depending upon whether or not the texts featured in de Saint-Joseph's work.³⁵

This effort of translating translations is certainly of interest in assessing Levi's contribution to comparative law scholarship. There is no doubt that the authenticity of the original text was lost, which naturally made it harder to understand the foreign text with precision. However, during this phase, it was essentially through translation that national jurists were able to gain knowledge of texts written in languages other than their own. This complex phenomenon has been studied in depth:³⁶ as an instrument for the circulation of legal knowledge, translation must always be treated

³² See M. Lobban, 'The Education of Lawyers. 1. 1820–60', in William Cornish et al. (eds.), *The Oxford History of the Laws of England*, vol. XI (Oxford, 2010), 1175–222, at 1175–85.

³³ P. Polden, 'Barristers', in Cornish et al. (eds.), *Oxford History*, vol. XI, 1018–62.

³⁴ Levi listed fifty-nine 'countries' in alphabetical order.

³⁵ Levi, *Commercial Law*, I. Plan of the Work.

³⁶ Recently, M. Bassano and W. Mastor (eds.), *Justement traduire. Les enjeux de la traduction juridique (histoire du droit, droit comparé)* (Toulouse, 2020).

with the utmost caution, whether the translation is direct or second-hand. For Levi, translating legal texts was the core element of his work. Besides, he himself was not writing in his native language and always attributed major importance to having a knowledge of foreign languages.

The theorists listed by de Saint-Joseph amongst the guiding inspirations for his work included (alongside Jean-Jacques Gaspard Foelix) Karl Joseph Mittermaier for German law³⁷ and Edward Chitty for the law of England and Wales.³⁸ These authors were also cited by Levi as sources in the introduction to his book. In particular, de Saint-Joseph started his section on the correlations between commercial laws by quoting at length within a footnote from a publication by the greatest expert in French commercial law during the first half of the nineteenth century, Jean-Marie Pardessus.³⁹

A capable jurist, having cut his teeth in everyday practice, a theorist of commercial law, a pioneer in university teaching of this branch of the law in the wake of the adoption of the Code de commerce, Pardessus authored publications including, amongst others, a collection of ancient maritime laws as well as the fundamental *Cours de droit commercial*.⁴⁰ De Saint-Joseph referred to an article published by Pardessus in 1842 in the refined *Journal des Savans* – the journal of the Académie des Inscriptions et des Belles Lettres – in which he reviewed the eight volumes of the *Collection des lois civiles et criminelles des États modernes* by Victor Foucher (which appeared between 1833 and 1841). In his review, the renowned commercial lawyer argued that contemporary legal science should also be open to the historical and comparative dimension.⁴¹

³⁷ Referring to H. Mohnhaupt, 'Rechtsvergleichung in Mittermaiers Kritische Zeitschrift für Rechtswissenschaft und Gesetzgebung des Auslandes', in M. Stolleis (ed.), *Juristische Zeitschriften. Die neue Medien des 18.-20. Jahrhunderts* (Frankfurt am Main, 1999), 277–301. On Mittermaier's scholarly works, see L. Nuzzo, *Bibliographie der Werke Karl Joseph Anton Mittermaiers* (Frankfurt am Main, 2004).

³⁸ de Saint-Joseph, *Concordance*, Avertissement, X.

³⁹ J. Hilaire, 'Pratique et doctrine au début du XIXe siècle. L'œuvre de Jean-Marie Pardessus', in A. Deperchin, N. Derasse, and B. Dubois (eds.), *Figures de justice. Études en l'honneur de Jean-Pierre Royer* (Lille, 2004), 287–94, esp. 288–90; J. Hilaire, 'Jean-Marie Pardessus', in P. Arabeyre, J.-L. Halpérin, and J. Krynen (eds.), *Dictionnaire historique des juristes français (XII^e-XX^e siècle)*, new edn (Paris, 2015), 793–5. See also L. Moscati, 'Dopo e al di là del Code de commerce: l'apporto di Jean-Marie Pardessus', in C. Angelici et al. (eds.), *Negozianti e imprenditori: 200 anni dal Code de commerce* (Milan, 2008), 47–80.

⁴⁰ J.-M. Pardessus, *Cours de droit commercial*, 6th edn (Brussels, 1833).

⁴¹ J.-M. Pardessus, 'Collection des lois civiles et criminelles des États modernes, par M. Victor Foucher, avocat général à la Cour royal de Rennes. 8 vol. in-8°, 1833 à 1841',

The drafting of uniform laws in the form of national codes, which started during the eighteenth and nineteenth centuries, had sparked off a trend towards the simplification and harmonisation of the various laws in force within each legal system. The comparative study of codes, which was made possible thanks to the translation and collection of foreign laws, in turn became an instrument for correcting and improving individual national laws, which could be used also by lawmakers. At the same time, relations between citizens from different countries arising through travel and trade were starting to increase in number. National courts were thus required to rule on disputes for which a knowledge of foreign laws was essential; alternatively, court actions against foreign nationals had to be launched before the courts of their respective countries of origin. This was particularly the case in the area of commercial law. Thus, a collection of foreign laws translated into the national language was also a 'precious gift' for practical purposes, to use the expression of Pardessus, which was essentially reiterated by de Saint-Joseph.⁴² For his part, Levi translated the words of Pardessus into English and incorporated them into the main body of his introduction, citing directly from the source of de Saint-Joseph's citations alongside an animated discussion of the history of trade and commercial law.⁴³

Levi's treatise won him international prizes and medals.⁴⁴ It was soon reviewed abroad. For example, German commercial lawyer Karl Heinrich Ludwig Brinckmann reviewed Levi's work for the *Kritische Zeitschrift für die gesamte Rechtswissenschaft* in 1853: not surprisingly, it was presented as something very similar to de Saint-Joseph's *Concordance*.⁴⁵ De Saint-Joseph and Levi did not really compare laws;⁴⁶ rather, they collected foreign laws and chose a framework for presenting them. For de Saint-Joseph, this framework was drawn from the structure of the French Code

Journal des Savans (1842), 625–38. See J. Hilaire, 'Le comparatisme en matière commerciale au XIXème siècle', *Revue d'histoire des Facultés de droit et de la culture juridique*, 12 (1991), 127–42.

⁴² In this publication, Pardessus considered in particular two commercial codes translated in the collection published by Foucher, specifically the Spanish Commercial Code of 1829 and the Dutch Commercial Code. These translations were subsequently used by Saint-Joseph himself: Pardessus, 'Collection des lois civiles et criminelles', 631–2.

⁴³ Levi, *Commercial Law*, I. Preface, VIII–IX.

⁴⁴ Levi, *The Story*, 53–62. See the letters edited and translated into Italian by Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 652–3.

⁴⁵ K. H. L. Brinckmann, 'Commercial Law [...] by Leone Levi. 1850–52. London [...]', *Kritische Zeitschrift für die gesammte Rechtswissenschaft*, 1 (1853), 281–91.

⁴⁶ Hilaire, 'Le comparatisme en matière commerciale', 132–5.

de commerce.⁴⁷ The comparative work was left to one side, or to the readers. Furthermore, both de Saint-Joseph and Levi were persuaded of the supremacy of their national laws, respectively French and British, as Levi was operating within the horizon of the British Empire. However, Levi's work did promote a knowledge of foreign commercial laws which were translated into English. The same had been done by de Saint-Joseph, who made foreign legislation available in French. In fact, before comparing anything one has to know what the foreign laws are. That was what Levi did for the English-speaking world.⁴⁸

To summarise, thanks to the materials he was able to collect and thanks also to the hard work of compilation carried out by him in the Advocates Library in Edinburgh,⁴⁹ Leone Levi published his comprehensive comparative treatise. Better known as *Commercial Law of the World*, it was genuinely ground-breaking. Nevertheless, Levi was already looking beyond the collection of foreign laws published by him and intended his work also as a step towards an international commercial code.⁵⁰ In fact, in the introduction to his first volume, Levi included an address to Prince Albert, the prince consort, in which he suggested the feasibility of an international code of commercial law for the whole world,⁵¹ which could be discussed at the 1851 Great Exhibition in London.⁵²

Over the following months Levi lectured and published extensively on the topic.⁵³ As mentioned above, Levi found support and patronage at the highest level: *Commercial Law of the World* was dedicated to the earl of Harrowby, a founding member and president of the Royal Statistical Society, who was another keen supporter of Levi's initiatives.⁵⁴ Following on from Levi's treatise, the earl organised a conference in 1852 along with

⁴⁷ For a summary of events surrounding the codification of commercial law, with specific reference to codification in France, see de Saint-Joseph, *Concordance*, Introduction, XI–XVII.

⁴⁸ Brinckmann, 'Commercial Law [...] by Leone Levi', 290.

⁴⁹ Levi was able to access the Advocates Library in Edinburgh thanks to John Shank More, professor of the Law of Scotland at the University of Edinburgh: Levi, *The Story*, 39–41 and 68–70.

⁵⁰ Levi, *Commercial Law*, I. Preface, V–X. See Rodger, 'The Codification of Commercial Law', 152; Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 589–90.

⁵¹ Levi, *Commercial Law*, I. Preface, XV–XVIII.

⁵² On this event, see Roebuck, *The Making of Modern English Society*, 15–18.

⁵³ Levi, *The Story*, 44–52. Among his many contributions, see L. Levi, 'On Commercial Statistics, and an Attempt to a Universal Commercial Code', *Journal of the Statistical Society of London*, 15 (1852), 108–14.

⁵⁴ Levi, *The Story*, 72–73.

Lord Brougham, which led to the enactment of the various Mercantile Law Amendments Acts in 1856 for England, Scotland and Ireland.⁵⁵ This outcome was regarded as unsatisfactory by Levi: whilst he had somehow managed to persuade his audience that it would be appropriate to consider aligning the various commercial laws in force in the United Kingdom, his ideas concerning an international commercial code fell on deaf ears.⁵⁶

In the meantime, Levi continued to explore statistics and to study economics, subsequently publishing a second revised edition of his treatise on comparative commercial law, which appeared in 1863. That was a quite different version of his work and had a different title: *International Commercial Law: Being the Principles of Mercantile Law of the Following and Other Countries, viz.: England, Scotland, Ireland, British India, British Colonies, Austria, Belgium, Brazil, Buenos Ayres, Denmark, France, Germany, Greece, Hans Towns, Italy, Netherlands, Norway, Portugal, Prussia, Russia, Spain, Sweden, Switzerland, United States, Württemberg*.⁵⁷

First of all, the two editions differ essentially in terms of graphic and editorial choices. As mentioned above, the first edition – *Commercial Law of the World* – followed the framework previously adopted by de Saint-Joseph. This involved a series of comparative tables situated in the middle of the page, referring to a particular text selected for comparison; Levi's texts were drawn specifically from British commercial law, which was presented following the structure of the French Commercial Code. For a British lawyer, the presentation might not have been self-explanatory, and would most likely have appeared complicated and somewhat cumbersome. For a Continental lawyer on the other hand, the tables summarising the various legislation presented by Levi were readily accessible, and were even of direct benefit: consider for example the widespread practice in Italy throughout the nineteenth century of publishing commentaries and comparisons between the various codes that had been enacted in the various territories over the space of a few years.

⁵⁵ Rodger, 'The Codification of Commercial Law', 154; Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 591–2.

⁵⁶ Levi, *The Story*, 78–82.

⁵⁷ L. Levi, *International Commercial Law: Being the Principles of Mercantile Law of the Following and Other Countries, viz.: England, Scotland, Ireland [...]*, 2nd edn, 2 vols. (London, 1863).

Returning to Levi's book, the second edition – *International Commercial Law* – by contrast endeavoured to overhaul the presentation in order to make it clearer and more fluent, and above all better suited to the needs and expectations of an English-speaking readership. The author thus abandoned the synoptic tables and incorporated references to foreign legislation into his discussion, using italics and subheadings in order to guide the reader through the comparative study of legislation. Moreover, the removal of the tables allowed him to present issues of interest and to better identify points of contact between them, thus striving to achieve that uniformity that he was seeking. As a result, the exploratory journey of Leone Levi through the field of commercial law, including both legal comparison *lato sensu* as well as wider issues, can be appreciated by considering these two editions of the treatise.

Levi had in fact expanded the horizons of his own knowledge, having nurtured a passion for statistics since the 1850s,⁵⁸ and subsequently focused on the study of wage conditions and the working classes, including also the issues of duties, taxes and wages. In addition, he pursued his legal studies in greater depth. To sum up, over the ten-year period falling between the two editions of his treatise, Levi had cultivated his various interests and was keen to reap the benefits of this study within his conception of the tasks of legal comparison.

Furthermore, between the middle of the century and the early 1870s, commercial law on the European continent underwent far-reaching changes, not least due to the progressive expansion of the industrial economy to countries such as France, Prussia and the German states. As a result, in France the Code de commerce appeared to have been superseded in many respects by the special legislation subsequently enacted, in particular in relation to capital companies and bankruptcy.⁵⁹ In the German area, on the other hand, the enactment of the General Law on Bills of Exchange in 1848 was followed by the entry into force of the General German Commercial Code (ADHGB) in 1861, a text that had many positive aspects, resulting from a desire to promote a capitalist economy, even to the detriment of the traditional rules of

⁵⁸ Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 595–600.

⁵⁹ A. Padoa-Schioppa, 'Franckreich, Handelsrecht', in H. Coing (ed.), *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, vol. III, part 3 (Munich, 1986), 3152–87; J.-P. Allinne, 'Le développement du droit commercial en dehors du Code et l'influence des droits étrangers 1807–1925', in C. Saint-Alary-Houin (ed.), *Qu'en est-il du Code de Commerce 200 ans après? Etats des lieux et projections* (Toulouse, 2009), 75–104.

private law.⁶⁰ During the Restoration in Italy, Levi's unforgotten homeland, it was possible to observe a proliferation of commercial codes and regulations. Soon after unification, a few politicians struggled to reach consensus around a new commercial code and adequate rules on joint stock companies, even though the Italian economy was still in a pre-industrial phase.⁶¹

Levi was well aware of all of this, and so it was necessary to update his works. However, the most prominent feature of the book published in 1863 is the novel nature of his approach to comparison between the commercial laws of various countries, as well as the attention dedicated to the commercial law of the British colonies, which received much greater emphasis than it had in the first edition published in 1850–2.⁶² At the same time, as noted above, he also attempted to present the contents of the various laws in a more homogeneous manner. Levi was now a British citizen who was attuned to the needs of the Empire and its colonies; he was no longer an 'outsider'. However, he remained a visionary. Drawing inspiration from the teachings of Emer de Vattel, whom he cited – 'Commerce is a law of nature and the right of trading is a natural right' – he pursued his idea of an international commercial code.⁶³

Thus, Levi's thoughts evolved further in the direction of the emerging international law and writers in that field,⁶⁴ in which he became increasingly interested. 'Commerce can only be carried on safely and advantageously in times of peace', he wrote without any particular originality; and yet, once again he was fully in line with the spirit of the times, and in fact in some sense even pre-empted that spirit.

⁶⁰ Recently, see M. Löhnig and S. Wagner (eds.), *Das ADHGB von 1861 als gemeinsames Obligationenrecht in Mitteleuropa* (Tübingen, 2018).

⁶¹ In English, see A. Monti, 'The Italian Destiny of the French Code de commerce', in M. Gałędek and A. Klimaszewska (eds.), *Modernisation, National Identity and Legal Instrumentalism*, 2 vols. (Leiden, 2020), vol. I: *Private Law*, 111–42, esp. 131–3.

⁶² Levi, *International Commercial Law*, I. Preface, VII–XII.

⁶³ *Rights of commerce in time of peace and war*, in *ibid.*, I. Introduction, XXXIX–LII, esp. XXXIX–XL; Levi cites E. de Vattel, *Le droit des gens, ou principes de la loi naturelle*, new edn, 3 vols. (Neuchâtel, 1777), vol. I, book I, chapter VIII, 139–59.

⁶⁴ W. Cornish, 'International Law', in Cornish et al. (eds.), *Oxford History*, vol. XI, 255–77. See also M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge, 2001).

From Comparative Legislation to Codification

The most significant aspect of Levi's contribution to commercial law seems to be his promotion of the alignment of commercial laws. He also lectured extensively regarding this matter. Thanks to his commitment and his treatise on the *Commercial Law of the World*, practical measures for harmonising the laws of the three jurisdictions of England (and Wales), Scotland and Ireland were discussed, resulting in the enactment of the Mercantile Law Amendments Acts in 1856.⁶⁵ Levi might be considered in some sense to be an influencer. He was a supporter of legislation on mercantile matters,⁶⁶ seeing legislation as an instrument for modernisation and simplification. It is perhaps possible to discern an echo of the influential thinking of Jeremy Bentham within his preference for legislation, although Levi never cited this author.⁶⁷ However, he chose to open his book with a citation in Italian concerning the quality of laws, taken from the first book of *Scienza della legislazione*, written by the eighteenth-century Neapolitan Enlightenment scholar Gaetano Filangieri.⁶⁸ It is evident that new horizons were opening up within Levi's thinking around the middle of the nineteenth century in relation to legislation, both within Britain and internationally.

During the age of codification, when commercial law was being codified in Continental Europe and entered into a new phase of overcoming its corporative origins and becoming part of the law of the state, Levi contributed to addressing the issue of codification in Victorian Britain. He did so from the viewpoint of the codification of mercantile law, which seemed to be an excellent place to begin.⁶⁹ Levi called for the alignment of commercial laws. In this sense, he was a man of his times. As regards

⁶⁵ See above, n. 54.

⁶⁶ Rodger, 'The Codification of Commercial Law', 149–70.

⁶⁷ On the debate over codification and the influence of Bentham and Benthamites in early nineteenth-century England, see M. Lobban, *The Common Law and English Jurisprudence 1760–1850* (Oxford, 1991), 185–94. Recently, see C. Riley, 'The Hermit and the Boa Constrictor: Jeremy Bentham, Henry Brougham, and the Accessibility of Justice', *American Journal of Legal History*, 59 (2019), 1–26. See also J. Bentham, *'Legislator of the World': Writings on Codification, Law, and Education*, eds. P. Schofield and J. Harris (Oxford, 1998), XI s.

⁶⁸ Levi, *Commercial Law*, I. VII. See G. Filangieri, *La scienza della legislazione*, 6 vols. (Milan, 1817–18), vol. I, lib. I.

⁶⁹ On commercial law codes, which changed the form of commercial law, and on the needs of commerce in late nineteenth-century Britain, see R. B. Ferguson, 'Legal Ideology and Commercial Interests: The Social Origins of the Commercial Law Codes', *British Journal of Law and Society*, 4 (1977), 18–38.

substantive commercial law, one of his core calls was for the introduction of general limited liability for joint stock companies.⁷⁰

Indeed, as mentioned above, he went even further in supporting the codification of commercial law by conceiving of the idea of an international code of commercial law, basing his arguments also on comparative law studies. His campaign for an international commercial code was somewhat unconventional. De Saint-Joseph had in fact been more cautious regarding that issue: the learned French jurist had merely suggested that common universal principles within commercial matters could be appropriate.

Levi's arguments in favour of an international commercial code were based on the fundamental principles of right and equity, which were acknowledged by all civilised countries, as well as the universal nature of the most important commercial customs. In his view, the principles of jurisprudence that constituted the basis for commercial law coincided with the fundamental precepts of natural law. The problems he discerned included a lack of uniformity between the various systems of commercial law and an ignorance of foreign commercial laws.

In the meantime, a commercial treaty was concluded between Britain and France in 1860: it was known as the Cobden-Chevalier Treaty.⁷¹ This was a bilateral trade treaty which aimed to liberalise trade between the two countries. It was the first of its kind and would be followed by others, concluded between other European states. Levi for his part was an enthusiastic supporter of such trade treaties, regarding them as a significant step towards the creation of a free trade area that extended beyond the borders of individual countries. Levi was without doubt an optimist, and his pragmatic spirit led him to appreciate also initiatives that were not in keeping with the idea of an international commercial code.

⁷⁰ 'It is a great pleasure to me to find that in this matter I was for years in advance of public opinion', as later stated by Levi, *The Story*, 84. See, for example, L. Levi, 'On Joint Stock Companies', *Journal of the Statistical Society of London*, 33 (1870), 1–41; L. Levi, 'The Progress of Joint Stock Companies with Limited and Unlimited Liability in the United Kingdom, during the Fifteen Years 1869–84 (In Continuation of a Paper Read before the Society in January, 1870)', *Journal of the Statistical Society of London*, 49 (1886), 241–72. On the topic, refer to R. Harris, *Industrializing English Law* (Cambridge, 2000), esp. 127–32, 273–4; M. Lobban, 'Joint Stock Companies', in Cornish et al. (eds.), *Oxford History*, vol. XI, 613–73, esp. 625–31. See also Cornish et al., *Law and Society in England*, 246–52.

⁷¹ See Morley, *The Life of Richard Cobden*, 352–65; Edsall, *Richard Cobden*, 325–52.

Furthermore, as mentioned above, following the publication of the first volume of *Commercial Law of the World*, Levi became increasingly interested in economic and statistical studies. He contributed extensively to statistical science and economics, delivering a number of public lectures and writing a number of economic articles for journals and magazines. He became a strong supporter of judicial statistics, commercial statistics and agricultural statistics. He was regarded as an expert in the field: many of his related articles were published in the *Journal of the Royal Statistical Society*. It is important not to overlook the emergence and growing importance of judicial statistics in those years, especially in the fields of criminal law and prison law in many European countries as well as on the international stage.⁷²

It therefore comes as no surprise that the second volume of *Commercial Law of the World*, published in 1852, was accompanied by a 'Statistical Chart of the Principal Commercial Countries of the World', which provided a synopsis of the respective populations and the geographical, tax and economic circumstances of a number of countries, focusing specifically on the aspects of public debt, imports and exports, as well as monetary systems and weights and measures, compared to those used in the United Kingdom. This chart, into which Levi condensed his ongoing research on statistics and economics, as well as on economic history, clearly reflects the practical and multi-disciplinary approach of the author, who was able to use the instruments offered by the nascent social sciences to engage with the issue of comparative legislation, including specifically a study of the feasibility of a supranational commercial code.

He thus envisaged a kind of international conference of lawyers, merchants and bankers hailing from different countries. In 1863, when he published the second edition of his treatise, *International Commercial Law*, Levi had specifically in mind the preparatory works for the General German Commercial Code of 1861, which had been written by the delegates who attended the conferences held under the auspices of the kingdom of Prussia,⁷³ although he did not propose a similar kind of political leadership. The path he saw involved stakeholders proposing reforms to governments, which would then promote public discussion and engagement. His idea of a code was that of a set of standard

⁷² Levi, *The Story*, 97–103.

⁷³ For the attention paid in Scotland to the German codification of commercial law, see Rodger, 'The Codification of Commercial Law', 156–7.

principles of commercial law common to the civilised world. He spoke of a Universal Code of Commerce of the civilised nations.⁷⁴ This wording used by Levi might sound familiar to scholars of the first comprehensive comparative law theories developed by Raymond Saleilles and Edouard Lambert at the turn of the century, albeit on very different scientific bases.

To sum up, Levi suggested the benefits of an international commercial code and always followed a pragmatic and informed approach, seeking to promote legislative reforms and uniformity within the commercial laws of all nations involved in international trade. It was a constant battle, pursued through various publications and even through one of his most important contributions to economic scholarship, namely his *History of British Commerce and of the Economic Progress of the British Nation 1763–1870*, which he originally conceived of as an ‘account of one of the most important interests in the empire’ as well ‘as a manual for the British trader all the world over’.⁷⁵

In his preface to the *History*, written in January 1872, ten years after the publication of *International Commercial Law*, Levi did not miss the opportunity to reiterate his ideas concerning commercial laws and economic relations, arguing specifically that the validity of economic laws was not limited either in space or in time, and adding that not even scientific achievements fall within the exclusive domain of any individual state. His was a cosmopolitan vision: Levi remained an enthusiastic supporter and promoter of economic liberalism, and exalted British law, which sought in all senses to liberalise trade and to provide security to commercial transactions. As usual, he drew upon a variety of sources, ranging from specialist literature to the reports of parliamentary committees and royal commissions, from the specialist press to reports written by British diplomats serving abroad, including embassy secretaries and consuls. Levi took great care to ensure that the data on which he based his reflections were accurate and never hid his admiration for the marvels of British commerce ‘among civilised and incivile nations’.⁷⁶

⁷⁴ Levi, *International Commercial Law*, I. Preface, IX–XII.

⁷⁵ L. Levi, *History of British Commerce and of the Economic Progress of the British Nation 1763–1870* (London, 1872). Levi’s *History* is considered by many to be his chief work, even though it is regarded as ‘rather too partisan’: Pesciarelli, ‘Leone Levi fra statistica e legislazione commerciale’, 604–5.

⁷⁶ Levi, *History of British Commerce*, Preface, VII–IX.

Furthermore, Levi was not only a supporter of free trade to promote British supremacy, but also of peace: international trade for international peace, or international peace for international trade. During those years, another jurist, the US lawyer Davis Dudley Field, wrote the *Outlines of an International Code*, which focused on the codification and improvement of existing rules of international law. Field was a preeminent figure within the American codification movement⁷⁷ who proposed that the law of nations be codified:⁷⁸ he presented his work in Manchester in 1866 at the meeting of the British Association for the Promotion of Social Sciences.⁷⁹ Levi for his part was familiar with Field's work. Moreover, even though his specific proposal had come earlier, he was ideally placed within the debate surrounding the codification of international law that was authoritatively supported by his American counterpart.⁸⁰

Concluding Remarks

Levi's comparative work on commercial law offers insights into how comparative arguments were used within nineteenth-century commercial law discourse. A comprehensive comparative law theory or methodology was still lacking at that time.⁸¹ However, comparative arguments were present within the legal discourse of jurists working in both European and non-European countries: in the ancient Italian states,⁸²

⁷⁷ C. M. Cook, *The American Codification Movement: A Study of Antebellum Legal Reform* (Westport, CT, 1981), 186ff.

⁷⁸ H. W. Briggs, 'David Dudley Field and the Codification of International Law (1805–1894)', in Institut de Droit International, *Livre du Centenaire 1873–1973. Évolution et perspectives du droit international* (Basel, 1973), 67–73; K. H. Nadelmann, 'International Law at America's Centennial: The International Code Committee's Centennial Celebration and the Centenary of Field's International Code', *American Journal of International Law*, 70 (1976), 519–29.

⁷⁹ See also the Italian translation of Field's *Outlines of an International Code: Storia del diritto internazionale nel secolo XIX*, trans. A. Pierantoni (Naples, 1876), 485–90, and the French translation by Albéric Rolin, *Projet d'un Code international* (Paris, 1881).

⁸⁰ E. Nys, 'The Codification of International Law', *The American Journal of International Law*, 5 (1911), 871–900.

⁸¹ H. C. Gutteridge, *An Introduction to the Comparative Method of Legal Study and Research* (Cambridge, 1946), 11ff.

⁸² C. Vano, 'Codificare, comparare, costruire la nazione. Una nota introduttiva', in C. Vano (ed.), *Giuseppe Pisanelli. Scienza del processo, cultura delle leggi e avvocatura tra periferia e nazione* (Naples 2005), XIX–XXIX.

in the German Confederation,⁸³ in France,⁸⁴ in Spain,⁸⁵ in the United States and in Victorian Britain.⁸⁶

Foreign and comparative legislation attracted attention for various reasons and purposes. Furthermore, those same jurists were often aware of each other's studies and paid tribute to each other's works.⁸⁷ These pioneering nineteenth-century comparative legal studies were certainly fuelled by the transnational circulation of legal knowledge and ideas, as is proven for example by learned German jurist Karl Joseph Mittermaier's correspondence⁸⁸ and, at a different stage, by Leone Levi's specific experience.

One might wonder whether Levi's work had any impact on late nineteenth-century comparative law scholarship. There is no doubt that it touched upon issues that would gain in importance at the turn of the century, after the foundation of the national societies for comparative legislation, the first of which was the French *Société de Législation Comparée*, founded in Paris in 1869. The British Society of Comparative Legislation was founded only in 1894 in London and aimed to bring together Common law countries and promote knowledge of foreign laws within the British Empire. From 1896 onwards the Society published the *Journal of the Society of Comparative Legislation*.⁸⁹

The first congress of comparative law was held in Paris in 1900. In his report on that occasion, Charles Lyon-Caen, a prominent French professor of commercial law, talked about the utility of comparative commercial law, especially in order to improve national laws and align different

⁸³ A. Mazzacane and R. Schulze (eds.), *Die deutsche und die italienische Rechtskultur im 'Zeitalter der Vergleichung'* (Berlin, 1995).

⁸⁴ Hilaire, 'Le comparatisme en matière commerciale', esp. 128–32.

⁸⁵ C. Petit, 'Revistas españolas y legislación extranjera. El hueco del derecho comparado', *Quaderni fiorentini*, 35 (2006) vol. I, 255–338.

⁸⁶ Comparative law had not yet emerged as a field of scholarship; J. W. Cairns, 'Development of Comparative Law in Great Britain', in M. Reimann and R. Zimmermann (eds.), *The Oxford Handbook of Comparative Law* (Oxford, 2006), 131–73, at 132–8.

⁸⁷ Concerning Italy, Saint-Joseph's work was translated into Italian: A. de Saint-Joseph, *Concordanza fra i codici di commercio stranieri ed il codice di commercio francese* (Venice, 1855). On the contrary, Levi's treatise was not translated, but it circulated; for example, see G. Carnazza Puglisi, *Il diritto commerciale secondo il Codice di commercio del Regno d'Italia*, 2 vols. (Milan, 1868), vol. I, 21–23. See M. T. Napoli, *La cultura giuridica europea in Italia. Repertorio delle opere tradotte nel secolo XIX*, 3 vols. (Naples, 1987).

⁸⁸ See A. Mazzacane, 'Alle origini della comparazione giuridica moderna: i carteggi di Karl Joseph Anton Mittermaier', in *La comparazione giuridica tra Otto e Novecento* (Milan, 2001), 15–38.

⁸⁹ Cairns, 'Development of Comparative Law', 138–41.

national laws. Lyon-Caen mentioned the idea of an international commercial code, Levi's old idea. In fact, the potential benefits of comparative law in arriving at a uniform commercial law for all civilised countries were widely appreciated at that time. However, in the summer of 1900 in Paris, Lyon-Caen was well aware of the difficulties: the main obstacles he could see were national biases and an attachment to ancient customs.⁹⁰

Regarding the 1900 Paris congress, Jean-Luis Halpérin has recently pointed out the controversial interplay between the international dimension to the intellectual networks created by comparative law specialists at the end of the nineteenth century and the national origins of those jurists, which were likely to give rise to nationalist bias and express imperial ambitions. Another issue was the multinational institutes of comparative law founded in the wake of the First World War – the International Academy of Comparative Law in The Hague and Unidroit – which were focused on the practical aims of harmonising laws, thus in some sense pursuing the same aims followed in his times by Leone Levi.⁹¹ Levi's proposal for the global unification of commercial law and his suggestion that an international code of commercial law be drafted was indeed 'much in advance of the times, and the scheme came to nothing, though it affords evidence of the fact that at this date men's minds were beginning to consider the desirability of unified law', as Harold Cooke Gutteridge has written.⁹²

It is also necessary to make one last point concerning Levi's contribution to comparative commercial law: in 1853 he was appointed to the newly created chair of mercantile law at King's College in London, where his audience was made up of merchants and bankers.⁹³ Of particular interest in relation to this matter are his introductory lessons to the Evening Class Department courses taught by him in 'Principles and practice of commerce and commercial law' and later in 'Commerce and commercial law', which he taught in 1870 also as dean of the department. At this time, the aim of King's College in holding its evening classes was

⁹⁰ C. Lyon-Caen, 'Rôle, fonction et méthode du Droit comparé dans le domaine du Droit commercial', in *Congrès international de Droit comparé, Procès-verbaux des séances et documents*, 2 vols. (Paris, 1905–7), vol. I, 343–7.

⁹¹ J.-L. Halpérin, 'Associations, réseaux et ambitions nationales des comparatistes de la fin du XIXe siècle à la Seconde Guerre mondiale', *Clio@Thémis*, 13 (2017), 1–14.

⁹² Gutteridge, *An Introduction to the Comparative Method*, 146. Among successive proposals, see for example W. Ward and M. S. Rosenthal, 'The Need for the Uniform Commercial Code in Foreign Trade', *Harvard Law Review*, 63 (1949–50), 589–92.

⁹³ Levi, *The Story*, 88–90.

to provide a technical education to its students within the various departments in order to spread knowledge of the sciences that were most closely related to the country's industrial development. They thus sought to provide targeted teaching also to professionals within the commercial and trade sectors. In his introductory lecture held in October 1868 entitled 'Education of the merchant', Leone Levi listed the basic knowledge that British merchants would have to acquire should they wish to become competitive on the international markets.⁹⁴ First of all, he called for a working knowledge of foreign languages, including Italian, which was useful above all when trading with Greek markets in the East. He then turned to the need for a sound knowledge of mathematics and geography.⁹⁵

In addition, in his view it was essential to acquire some familiarity not only with basic principles of British commercial law, but also with foreign laws, which should be regarded as being 'equally important as our own'. Moreover, if there was any increase in trade with a particular country, it was of the utmost importance to be familiar with the commercial code of that country. This was in fact necessary for extremely practical purposes, in order to avoid blunders and resulting economic losses, which could even be significant. Regarding the transnational nature of commerce, he also added that a knowledge of international law was also useful in order to be successful as a merchant.

Several years later, in 1876, Levi illustrated the importance of trade with Turkey on the borders of Europe, as the gateway to the Asian continent. He did so in an introductory lesson to the King's College evening classes dedicated to the issue of peace, entitled 'Peace: the handmaid of commerce'. His approach was vaguely Kantian in inspiration and undoubtedly was in full accord with the sentiments of the Victorian era that saw peace as a prerequisite for prosperity.⁹⁶ Insisting on the need to keep trade routes with the Sublime Porte open, especially in the run-up to the Russian-Ottoman conflict in the Balkans and the

⁹⁴ See also L. Levi, 'On the Progress of Commerce and Industry during the Last Fifty Years: An Introductory Lecture, Delivered at King's College [...] on 13th October, 1887', *Journal of the Royal Statistical Society*, 50 (1887), 659–68.

⁹⁵ L. Levi, *The Education of the Merchant: Introductory Lecture Delivered at King's College, London, on the 15th October 1868* (London, 1868).

⁹⁶ L. Levi, *Peace: The Handmaid of Commerce with Remarks on the Eastern Crisis: An Introductory Lecture Delivered at King's College London, 12th October 1876* (London, 1876).

subsequent Congress of Berlin (1878), which forced the Ottoman Empire to relinquish some of its European territories, Levi was speaking not so much as a jurist but rather as an expert merchant, mindful of the value of East–West trade, and with considerable specific knowledge of political economy and international relations.⁹⁷

Levi's approach was indeed decidedly pragmatic: attuned to the needs of everyday commercial activity, not particularly well disposed towards pure theory, whilst being open to other fields of sciences and knowledge gained empirically through concrete application. His view of the problems of commercial law was one in which a comparative inspiration was incorporated into legal discourse for purely practical purposes. Moreover, his engagement with issues of commercial law had increased over time in the light of his personal and professional experience.

Similarly, his interest in legal comparison as well as that specifically in comparative legislation and legal codification arose out of and was fuelled by his eclectic research interests: from statistics to economics and economic history, and from the tax system to working conditions, with which he was fascinated above all during the 1870s and 1880s. It was moreover during this period that he also developed an interest in issues relating to extreme poverty, having experienced the reality of life in London, and became a supporter of the so-called ragged schools, which were intended to provide an education to the children of the poorest workers.⁹⁸ For sure, the issue of education remained a constant feature on various levels within his experience as an autodidact.

In conclusion, Levi was a kind of pioneer in very different fields, which he considered to be interconnected, from comparative commercial law to statistics and economic studies. He contributed to the codification movement for British mercantile law. Levi originally came from Ancona, just like Benvenuto Stracca, a learned sixteenth-century jurist who paved the way for scholarly commercial law studies and directed lawyers' interests

⁹⁷ The issue of trade with the Ottoman Empire had already been at the centre of public debate in Britain on various occasions over the previous decades: during the mid-1830s and subsequently at the start of the 1850s during the Russian–Ottoman conflict that led to the Crimean War. One of the promoters of British non-intervention and of peace initiatives was Richard Cobden; see Morley, *The Life of Richard Cobden*, 303f., and Edsall, *Richard Cobden*, 269–90.

⁹⁸ Levi, *The Story*, 90–94. See Pesciarelli, 'Leone Levi fra statistica e legislazione commerciale', 606–16.

towards commercial law.⁹⁹ The parallel drawn between the two authors, Levi and Stracca, is clearly only a suggestion inspired by their shared geographical origin as well as their common interest in commercial law at key stages within its evolution. Yet both the similarities and contrasts are revealing. Whilst their experiences and writings are separated by three centuries, both were innovators, and their works had a significant and lasting impact. Stracca was a Renaissance scholar who argued that a legal science rooted in Romanism should have the task of developing a doctrine of commercial law and of secularising it, freeing it from the influence of Canon law and morals. Levi on the other hand was a practical person, who also nurtured various scientific interests: in the middle of the nineteenth century, during a crucial period for legal codification, he engaged with the issue with original arguments and wrote treatises that still today constitute a reference point for comparative legal studies.

⁹⁹ B. Stracca, *De mercatura, seu mercatore tractatus* (Venice, 1553). In English, see C. Donahue, Jr, 'Benvenuto Stracca's De Mercatura: Was There a Lex Mercatoria in Sixteenth-Century Italy?', in V. Piergiovanni (ed.), *From Lex Mercatoria to Commercial Law* (Berlin, 2005), 69–120; S. Gialdroni, 'Tractatus de mercatura seu mercatore, 1553, Benvenuto Stracca (Straccha) (1509–1578)', in S. Dauchy, G. Martyn, A. Musson, H. Pihlajamäki and A. Wijffels (eds.), *The Formation and Transmission of Western Legal Culture: 150 Books that Made the Law in the Age of Printing* (Cham, 2016), 96–99.