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Estanislao Zeballos and the Argentine Doctrine of Human Private Law: A Micro-Social Approach to the History of Private International Law

Pilar González Bernaldo de Quirós*

Estanislao Severo Zeballos (1854-1923), a professor of international law at the Universidad de Buenos Aires, congressman, and three-time ambassador of the Republic of Argentina, decided at the age of 55 to embark upon a journey to Europe. As part of his preparation, Zeballos sent a letter to his friend the French internationalist, André Charles Weiss (1858-1928), asking for his advice on the social and cultural mores of Europe, so as to avoid making a faux pas:

I would like to invite the members of the Institute to a grand “*five o'clock tea*” at the Ritz to thank them for my election. Do you think it is a good idea? Yes? The members of the Institute and their spouses would be invited, as well as the celebrities and other distinguished families from the Argentinian community in Europe.¹

The journey was planned for 1910. In that same year the Argentinian Republic was organizing with great pomp the celebrations of the centenary of the revolution and the independence of the old colonies from the Spanish Empire.² Zeballos’s idea of entertaining the members of the Argentinian community in Europe would mean that his journey had an official purpose: the celebration of the centenary. He was probably looking for public financing in order to cover the cost of his accommodation at the exclusive Ritz Hotel – the most expensive hotel in Paris, charging prices that apparently even King Leopold II (1835-1909) of Belgium would not pay when his presence in the French capital was required.³ Zeballos joined the festivities of the centenary and offered a banquet to the members of the International Law Institute (Institut de droit international) to thank them for his recent election as an associate member of the institution.⁴ Apart from the obvious need to cut costs, how can this special selection of guests be explained?

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¹ Luján, “Archivo Del Museo Colonial e Histórico Enrique Udaondo”, caja 111, Letter from E. Zeballos to André Weiss, Bs. As., 15/12/1909.

² The Declaration of Independence was made in 1816, and the Agreement with Spain recognizing the sovereignty of the new State over its ancient domains would be signed in 1857 and renegotiated in 1867. See P. González Bernaldo, “La Independencia argentina desde una perspectiva global: soberanía y derecho internacional”, *Prismas-Revista de Historia Intelectual*, XX (2016), pp. 245-253; C. Malamud (ed.), *Ruptura y reconciliación: España y el reconocimiento de las independencias latinoamericanas* (2012).

³ In a letter received in February 1904, H. Lucas told Zeballos about the best hotels in Paris. He added that if he wanted to see President Émile François Loubet (1838-1929), it was necessary to stay at the Ritz even if it was the most expensive hotel in Paris (40 francs a day). Leopold II of Belgium stayed at the Continental for half the price. See Archivo Zeballos, Correspondencia de Lucas a Zeballos, Paris 17/02/1904, AZ 260-261.

⁴ The proposal obtained 23 votes out of 29 votes. Institut de Droit International, *Annuaire de l’institut de droit international*, no. 22 (1909), p. 184.

During this period, Argentina had one of world's highest GDP growth rates per capita⁵ and sought to strengthen its position within the new spaces of legal, administrative, economic, and political regulations that were developing throughout the second half of the nineteenth century.⁶ Argentine jurists and diplomats sought access to the spaces where regulations were negotiated and administered. They aspired to help determine the common laws regulating not only transactions between States, but also between people connected to different legal systems. It was no coincidence to find a diplomat coming from Argentina, Carlos Calvo (1822-1906),⁷ among the founding members of the Institute of International Law (IDI). Since its foundation in 1873, the IDI had elected other Latin American participants, Argentina providing more than any other South American country.⁸ One was Zeballos who was accepted thanks to the invitation extended by the Alsatian jurist André Weiss.

Taking part in these networks of internationalists required, according to Zeballos, the creation of spaces of sociability where their members forged links and produced a kind of emotional energy that helped to reduce cultural distances. As a result, networks of exchange were strengthened and expanded.⁹ Both men shared a similar interest in private international law. Both were seen as experts in the area by their respective governments. Their teaching, scientific output, and professional activities were devoted to this discipline. Friendship between these two internationalist jurists, who disagreed on the rights of nationality, would last more than ten years and would lead to a correspondence still unexplored today. This correspondence, carefully kept by Estanislao S. Zeballos in his collection,¹⁰ provides a window into the history of private international law – an area that has barely been studied even after the historical turn in studies of international law.¹¹ The two men's mutual esteem makes us ponder the role of this kind of personal exchanges in the formation of social proximity and its impact on the asymmetrical relationships, a common characteristic of the creation of international legal norms.¹²

⁵ A. Maddison, *The World Economy: A Millennial Perspective*, (2007)..

⁶ B. Reinalda, *The Routledge History of International Organizations from 1815 to the Present Day* (2009). The intensification of exchanges in the nineteenth century led Bayly to introduce that century as an “archaic globalisation”. Buzan and Lawson talk of a “global transformation” of the international relations in the nineteenth century. P. Bayly, *The Birth of the Modern World: 1780-1914 ; Global Connections and Comparisons* (2004); B. Buzan and G. Lawson, *The Global Transformation: The Nineteenth Century and the Making of Modern International Relations* (2015).

⁷ This contradicts Jessica M. Marglin's statement about the IDI founding members being solely Europeans. In addition, it is necessary to point out that Carlos Calvo (1824-1906) was not a jurist, even though he started his studies in law at the Universidad de Buenos Aires. However, he did not graduate. Calvo was appointed Commissioner of Immigration in Europe by the Argentine government in 1876. See J. M. Marglin, “La nationalité en procès : droit international privé et monde méditerranéen”, *Annales Histoire Sciences Sociales*, LXXIII, no. 1, (2018), p. 96. E. R. Pérez Calvo, *Vida y trabajos de Carlos Calvo : Eduardo Ricardo Pérez Calvo. Los Calvo en el Río de La Plata* (1996), pp. 227-230.

⁸ P. Rygiel, *Une impossible tâche?: L'institut de droit international et la régulation des migrations internationales (1870-1920)* (2011).

⁹ We use Simmel's analysis on sociability as a pure way of rapport. G. Simmel, “The Sociology of Sociability”, *American Journal of Sociology*, XLV, pp. 254-261.

¹⁰ In his study of the *Archivo del Museo de Lujan*, José María Anaya does not mention this collection as important and it does not appear in his bibliography. See J. M. Anaya Espinasse, *Noticia Sinóptica sobre Documentación en el Archivo del Museo Colonial e Histórico “Enrique Udaondo”* (1973), pp. 42-47.

¹¹ In 2016, Koskenniemi referred to the history of private international law as a pending subject. The same year, Roxzana defended her thesis in Toronto. M. Koskenniemi, “Expanding Histories of International Law”, *American Journal of Legal History*, LVI (2016), pp. 104-112; R. Banu, *Nineteenth-Century Perspectives on Private International Law* (2018).

¹² There are a large number of important contributions on the history of international law in Latin America. B. Fassbender and A. Peters, “Towards a Global History of International Law”, in Fassbender and Peters, *The Oxford Handbook of the History of International Law* (2012); J. Scarfi, *The Hidden History of International Law in the Americas : Empire and Legal Networks* (2017); A. Becker Lorca, *Mestizo International Law : A Global Intellectual*

Through a case-study, we suggest a micro-social approach that focuses on the social construction theory of distance based on what Bertrand and Calafat call “(multi)-situated experiences”. The usage of international law terminology plays an important, albeit not exclusive role, in these experiences.¹³ The selection of this case derives from the existence of a large collection composed of varied correspondence and documents kept and filed by Zeballos during his lifetime. These documents have been cross-checked with information which has been found in different published sources and documents whose references appear in the footnotes. Just as Pasquale Mancini (1817-1888) and many others, the Latin-American internationalists held both teaching and diplomatic positions. Zeballos’s collection contains evidence of all these activities.¹⁴ The documentary collection sheds light on the construction of international networks around private international law, their connections with local political networks, and the place of Latin Americans in the construction of a transnational community of internationalists at the end of the nineteenth century.¹⁵

Despite his vast archive, Zeballos seems to have played a minor role, practically forgotten, in the history of private international law.¹⁶ Why should we be interested in his persona? As we have just observed, his collection provides us with a novel approach to this matter due to his solid dogmatic ambitions (if they are clearly analyzed in the light of the anticipated destination of his files). His failures offer an unexplored heuristic richness, illustrated by counterfactual history.¹⁷ In this particular case, the documentary collection allows us to study the initiatives that were required, from the jurist’s point of view, to join the exclusive group of men who proclaimed themselves as the “organ of the legal conscience of humankind”.¹⁸ By means of his archive, we will also be able to analyze the reasons that could explain his spectacular “failure”.¹⁹

History 1842-1933 (2014); J. Esquirol, “The Failed Law of Latin America”, *American Journal of Comparative Law*, LVI (2008), pp 75-124; D. Acosta Arcarazo, *The National versus the Foreigner in South America: 200 Years of Migration and Citizenship Law* (2018); L. Obregón, “Latin American International Law”, in Fassbender and Peters, note 12 above, pp. 154-164; Obregón, “Carlos Calvo y la profesionalización del derecho internacional”, *Latin American Journal of International Law*, III (2015).

¹³ V. Genin, “Eurocentrisme et modernité du droit international, 1860-1920”, *Monde(s)*, no. 2 (2018), pp. 199-221. On the social factory question of the distance, see R. Bertrand and G. Calafat, “La microhistoire globale: affaire(s) à suivre”, *Annales. Histoire sciences sociales*, LXXIII, no.1, pp. 3-18.

¹⁴ P. Rygiel, “Does International Law Matter?”, *Journal of Migration History*, no.1, pp 7-31. E. Lehr, *Tableau Général de L’organisation, Des Travaux et Du Personnel de L’Institut de Droit International Pendant Les Deux Premières Périodes Décennales de Son Existence (1873-1892)* (1893); Institute of International Law and E. E. F. Baron Descamps, *Tableau décennal de l’organisation, du personnel et des travaux de l’Institut (1894-1904)* (1905).

¹⁵ Conceived within a national space, the “field” category by Bordieu cannot be entirely applied to work over transnational spaces. This question was addressed by him in P. Bourdieu, “Les conditions sociales de la circulation internationale des idées”, *Actes de la Recherches en Sciences Sociales*, no. 5 (2002), pp. 3-8; P. González-Bernaldo and L. Hilaire-Pérez, *Les savoirs-mondes* (2015).

¹⁶ In the histories of international law, his name is practically absent. No entry in the Oxford Handbook, Esquerol, or *The National versus the Foreigner* by Acosta. Only two entries are mentioned in *The Hidden History of Scarfi* (see above for references).

¹⁷ The *Madrid Institute for Advanced Study* is currently undertaking an interesting European project seeking to take “failure” as an object of history. See <http://failure.es>. On counterfactual history, see G. Deluermoz and P. Singaravélou, *Pour une histoire des possibles : analyses contrefactuelles et futurs non advenus* (2016).

¹⁸ According to Article One of the statutes of the Institute of International Law. For the history of the IDI paying attention to international private law, see Rygiel, note 8 above; on Belgian jurists important participation in V. Genin, *Le laboratoire belge du droit international : une communauté épistémique et internationale de juristes (1869-1914)* (2018).

¹⁹ The recent interest in international law among historians has increased the number of historical approaches to study the subject. They are still a minority among those who contribute in the publication of the Handbook (only 25% of the contributions were from historians). In the past few years, historians have made important work highlighting personal documentary collections. Rygiel, note 8 above; Scarfi, note 12 above; Genin, note 18 above; D. Kévonian, “Les juristes, la protection des minorités et l’internationalisation des Droits de l’homme : le cas de

A Socio-Political Approach to the History of Private International Law

Estanislao S. Zeballos was born in Rosario de Santa Fe, a modest Argentine fluvial port city. A town of 6,000 inhabitants by the time independence was declared, it experienced a period of exponential growth in the mid-nineteenth century thanks to the opening of inland rivers to commerce and the development of cereal crops. This economic prosperity turned the port city into a transatlantic trade point. Within a century, the population reached 221,500 people, two thirds of whom were foreigners.²⁰ The global fate of this modest village would be closely associated with the nationality question, an important issue in Zeballos's mind. According to him, this aspect had been largely neglected by migration policies even if it was pivotal in the construction of the Argentine society.²¹ Likewise for André Weiss, born in Mulhouse, a city (just as Alsace and Moselle) that would come under the dominance of the German Empire between 1870 and 1918, the importance of nationality had a strong biographical bias.

As a fatherless child, twelve-year-old Estanislao moved to the temporary capital of the Argentine Republic, where he would maintain his permanent residence for the remainder of his life.²² He enrolled in the *Colegio Nacional de Buenos Aires*, the preferred place of education for Argentinian elites and one of the main spaces of socialization for those groomed to enter exclusive power circles.²³ His rather singular career path helped him integrate firmly into the social networks which gave him access to political, cultural, and economic resources. This singularity rested in his ability to combine his participation in public debate (by means of the periodical press and specialized journals) with his integration in different knowledge-producing spaces and with his participation in political circles (in the form of high executive and legislative posts). His documentary collection bears testament of this.²⁴

It is certain, though, that the “Republic of prominent men” was characterized by a rare autonomy in the different spheres of power. If those men wanted to have access to the vast resources provided by the “new” countries, they had to make use of an extensive array of

la France (1919-1939)”, *Relations internationales*, no. 1 (2012), pp. 57-72; D. Kévonian and P. Rygiel, “Profession, juristes internationalistes?”, *Monde(s)*, no. 8 (2015); Fassbender and Peters, note 12 above.

²⁰ The numbers correspond to the 1914 census. Argentina and Dirección General de Territorios Nacionales, *Censo de población de los territorios nacionales, República Argentina* (1912).; For the history of Rosario, see J. Alvarez, *Historia de Rosario (1689-1939)* (1943); M. de Marco and O. L. Ensinck, *Historia de Rosario* (1978).

²¹ González Bernaldo, “Primeras iniciativas de regulación jurídica global de las migraciones: Estanislao Zeballos y la doctrina argentina del ‘derecho privado humano’ (1873-1923)”, *Historia Unisonos*, XXII, no. 2, (2018), pp. 170-184; E. Zeballos, *Ley de Estrangeros. Proyecto presentado al Congreso Argentino (Inmigración-colonización-tierras públicas-Agricultura-Estadística-naturalización de extranjeros)* (1883).

²² His provincial origins would never leave him. Pedro Goyena would brand him “a metropolitan-educated young countryman”. Quoted by R. Etchepareborda, “Homenaje a Estanislao S. Zeballos en el cincuentenario de su muerte. Su trayectoria vital y su labor historiográfica”, *Boletín de la Academia Nacional de la Historia* (1973), p. 254. According to Marta Bonaudo, Zeballos's *porteño* (related to Buenos Aires) fate was part of a family strategy in order to stop the financial collapse occurring after his father's death. See M. Bonaudo, « Estanislao Zeballos: el hombre de acción política que no se haría jamás un profesional », in *Scribere est agere: Estanislao Zeballos en la vorágine de la modernidad argentina* (2011), pp. 69-104.

²³ G. Ferrari, *Estanislao S. Zeballos* (2002), p. 7.

²⁴ His departure to the “Comision Popular” at the age of 17 with the objective of helping the victims of a yellow fever epidemic in Buenos Aires in 1871, cemented his friendship with the President of the commission, José Clemente Paz (1842-1912), with whom he held a long relationship in *La Prensa*, the newspaper with the highest circulation at that time. Zeballos became its editor in chief at the age of 20. An analysis on the newspaper's role in his political career in G. Ferrari and E. Gallo, *La Argentina del ochenta al centenario* (1980). On the partisan press, see Alonso, “En la primavera de la historia”. El discurso político del roquismo de la década del ochenta a través de la prensa”, *Boletín del Instituto Ravignani*, XV (1997), pp. 35-70. His leadership skills among his own comrades and those to negotiate with public authorities were revealed during his youth when he founded a student movement. This led to Argentina's first university reform.

instruments, including those that the “science of progress” offered.²⁵ Nevertheless, Zeballos would show that his commitment to the production of national science was much stronger than that expressed by his close friend, the engineer Emilio Mitre (1853-1909), the “wise” Ameghino” (1853-1911) or the jurist and diplomat Miguel Cané (1851-1905).²⁶ His political commitment as a scientist went even farther than that of the sociologist Ernesto Quesada (1858-1934) or José Ingenieros (1877-1925).²⁷ These characteristics were evident from a young age.

The beginning of his career as a congressman demonstrates his political commitment. In 1878, the young Zeballos published *La Conquista de 15000 leguas*, dedicated to President Nicolas Avellaneda’s (1836-1885) Minister of War, Julio A. Roca (1843-1914), when the latter was in search of political support in order to embark upon a military campaign aimed to annex Patagonia’s vast indigenous territories. The book provided geographical and historical data gathered by Zeballos. With this data, which showed the “practicability of that enterprise”, he sought to convince the congressmen to approve the bill.²⁸ Zeballos’s data was the result of his activity in the *Sociedad Científica Argentina*, of which Zeballos was a founding member.²⁹ He supported and even funded one of Francisco Moreno (1852-1919)’s scientific expeditions to the Limay River in the Patagonian region in 1875.³⁰ With the book, he also sought to legitimate Roca’s project of territorial expansion alluding to “the new sacrifices the Army of the Republic [was] about to face and whose unstained and everlasting victories [would] be that of conquering and handing over to the redeeming action of men fifteen thousand leagues of land in one of the most fertile and charming regions in the world”.³¹ It was a question of supporting and financing the progress of civilization for lands and peoples who needed this redeeming deed so that they could have access to civilization and, therefore, integrate the national community.³²

Similar arguments were advanced by the “allied powers” some years later during the Conference of Berlin. Carlos Calvo attended this meeting as a representative of Portugal and as an observer for the Argentine Republic.³³ Calvo’s dogmatic work and his conversations with the Argentine authorities referred to a similar civilizing mission to defend prior decisions regarding land takeover.³⁴ Although having played a secondary role, the Argentine jurists had

²⁵ O. Terán, *Vida intelectual en el Buenos aires fin-de-siglo* (2000); F. G. Neiburg and M. B. Plotkin, *Intelectuales y expertos : la constitución del conocimiento social en la Argentina* (2004).

²⁶ Miguel Cané’s documentary collection is kept at the “Archivos Nacionales”; Ameghino’s collection is at the “Archivo Histórico del Museo Argentino de Ciencias Naturales”. Bernardino Rivadavia (1780-1845) and his friend Emilio Mitre did not leave any, although it is possible to find traces of the latter in the vast collection left by his father in the “Archivo Mitre”.

²⁷ Ernesto Quesada’s vast documentary collection is composed mainly of his personal library. The manuscripts can be divided into his grandfather’s, his father’s and his wife’s letters when they tried to sell the library. R. Liehr, “El Fondo Quesada en el Instituto Ibero-Americano de Berlín”, *Latin American Research Review*, XVIII, no. 2 (1983), pp. 125-133. Also see Terán, note 25 above; Ferrari, note 23 above.

²⁸ E. Zeballos, “Introducción”, in *Conquista de Quince mil leguas : estudio sobre la traslación de la frontera sud de la republica ... al rio negro, dedicado a los gefes y oficales del* (1878).

²⁹ Etchepareborda, note 22 above; J. C. Nicolau, “Historia de la Sociedad Científica Argentina en el siglo XIX (1872-1900)”, *Anales de la Sociedad Científica Argentina*, no. 231 (2002), pp. 5-72; O. Preuss, *Transnational South America Experiences, Ideas, and Identities, 1860s-1900s* (2016), pp. 111-112. Zeballos, *El tratado de Alianza. Exposición hecha en la Universidad de Buenos Aires el 30 de Agosto de 1872* (1872), quoted by Ferrari, note 23 above, p. 12.

³⁰ On the history of the expansion and occupation of Patagonia, see S. Bandieri, *Historia de la Patagonia* (2014).

³¹ Zeballos, note 28 above, p. 4.

³² Carlos Calvo classified the indigenous peoples under the categories of “nomads” (“n’ayant ni territoire propre ni domicile stable, ne sont point considérés comme des Etats”) and the “savages” (“leur droit de possession n’est plus devenu qu’un droit d’occupation”). In regard to the civilized States: “On peut admettre qu’il est du devoir des nations civilisées d’entreprendre l’éducation, la direction, en un mot, la civilisation des peuples sauvages”. See Calvo, *Dictionnaire de droit international* (1885), II, p. 148; II, pp. 28, 199.

³³ Obregón, note 12 above.

³⁴ In the entry “Colonialism” Calvo stated: “Une nation a le droit d’explorer et de coloniser par elle-même et par ses nationaux tout territoire non compris dans le domaine d’une nation civilisée ; mais ce droit n’entraîne pas celui

already used the principles of international law in order to legitimate, within the political national space, the territorial expansion project over the territories belonging to the indigenous peoples. This example makes it difficult to analyze the emergence of international law as a tool of imperial expansion in terms of center-periphery,³⁵ unless we accept the fact that a State can be both a central agent and take part in asymmetrical relationships that place it in a “semi-periphery” position.³⁶ Thanks to his book, Zeballos obtained political recognition and subsequently established a close relationship with General Roca. The election of the latter as President of the Republic in 1880 opened for Zeballos the door of the National Congress. At the age of 26, he became a representative of the City of Buenos Aires.³⁷

Over the decade of his legislative career, his speeches and writings would bring into sharp relief some topics upon which he built his political career. These topics came up in his later publications on international law. However tempting, we should not analyze his career in the light of a teleological perspective, given that it seems to be more oblique than the evidence found in his documents leads us to believe.

Even though he had already acquired the basic principles of the language of international law by the time he graduated from university, they are used, as we have seen, in the local political area where Zeballos’s development would have ups and downs and, in some cases, decisive failures.³⁸ In spite of turbulent moments, he managed to maintain a continuous presence in Argentine political life for twelve years. He positioned himself as an expert in subjects he tried to place at the center of political debates through his speeches in the Assembly and the public debate. The border issue with two neighboring countries, Chile and Brazil, which Zeballos regarded as a threat to the regional ambitions of Argentina, is an example.³⁹ The young representative objected to the border treaty signed between Argentina and Chile in July 1881.⁴⁰ His position in favor of an “armed peace” policy allowed him to stand out in the disputed political arena in which competing ambitions would emerge. He was named Minister of International Affairs on three occasions. During the presidency of Miguel Angel Juárez Celman (1844-1909) from 1886 to 1890 and his successor, Carlos Enrique José Pellegrini (1846-1906), his ministry took place during a world economic crisis, which had important social and political

de s’emparer de force de la terre ou d’en usurper la propriété, si la contrée est occupée par des indigènes plus ou moins barbares encore, et surtout si ceux-ci possèdent un gouvernement établi”. The situation in Congo corresponded to this first case, according to him. He did not mention the usurpation of indigenous community territories by the Argentine army. Calvo, note 32 above, p. 154; Bernaldo, note 21 above; Obregón, “The Civilized and the Uncivilized”, in Fassbender and Peters, note 12 above.

³⁵ The classification of center-periphery seeks to translate analytically the imperial effects of international law on the independent States that are founded on the *Jus Publicum Europaeum* tradition. This classification introduces a rigidity in the analysis, especially when this one takes into account a spatial dimension. See the debate on the Becker Lorca book and, in particular, Halpern’s insight on the importance to distinguish three forms of periphery: the first corresponds to States recently recognized (Latin America and Greece); the traditional powers in Asia forced to trade with Europe (China and Japan); and the powers in decline (Russia and the Ottoman Empire) in D. Howland, J. L. Halpérin, and A. Becker Lorca, “Mestizo International Law: A Global Intellectual History 1842-1933 de Arnulf Becker Lorca”, *Mondes*, no. 1 (2015).

³⁶ As we have seen, the nations considered as “semi-periphery” can use the language of international law in order to legitimate internationally their own imperial expansion. That is what the nations in the Americas did in relation to the rebellious indigenous populations, as did F. F. Martens in Russia. See L. Mälksoo, *Russian Approaches to International Law* (2015). See A. Alvarez, *La codificación del derecho internacional sus tendencias--ses bases* (1912), p. 84.

³⁷ Bonaudo, note 22 above.

³⁸ In a letter addressed to his friend Dávila in 1885, Zeballos claimed that “To many, I had fallen out of favor”. See R. Caillet-Bois, *Zeballos ministro de Relaciones Exteriores en la presidencia de Juárez Celman (Apuntes para una biografía)* (1973).

³⁹ It is the best-known and most controversial dimension of his political career. See Ferrari, note 23 above; R. Etchepareborda, *Zeballos y la política exterior argentina* (1982); Bonaudo, note 22 above.

⁴⁰ Etchepareborda, note 22 above; Ferrari, note 23 above.

repercussions in the local context.⁴¹ His third period as a Minister took place from 1907 to 1908 during the presidency of Figueroa Alcorta (1860-1931); Argentina was deeply divided at a time the first principles of a stable international system were heralded by The Hague international conferences. In fact, the Conference of 1907 took place when Zeballos was chancellor of Argentina.⁴² His unequivocal stance in regard to the border policy became a double-edged sword, and his three periods as Minister took a toll on his political influence.⁴³

Immigration policy was another issue that Zeballos meant to take center place in national debates, one in which he attempted to intervene as an expert. Just as the ex-president Domingo Faustino Sarmiento (1811-1888) and many others had done, Zeballos associated this subject with the nationality question. “The problems” arose in the 1880s, when the first results of a pro-immigration policy started worrying those who had made it possible.⁴⁴ His desire to quickly establish a connection between these political concerns and his future theoretical-teaching positions are reflected in the organization of his documentary collection.⁴⁵ The time he took to gather even the smallest evidence of support in the debate on the naturalization of foreigners in 1887 shows how he sought to gain public recognition of his expert and patriotic intervention.⁴⁶ This intervention did not seem to be disconnected from his recent personal and political failure when he ran for governor of his province.⁴⁷ As he stated in his letter sent to his friend Adolfo Dávila (1848-1918), his speech of 1887, when many thought of his political career as finished, made a strong impression.⁴⁸ He used the migration issue to create for himself a profile of expertise in nationality matters, a move which put him back afloat in the political arena.⁴⁹ His name appeared in three main parliamentary initiatives aiming to modify the citizenship law of 1869, which defined nationality and set the naturalization rules. These issues had to do with both public and private international law.⁵⁰ Zeballos linked them, undertaking a legal battle and a patriotic crusade in defense of the nation.⁵¹

His position cannot be understood, however, within the scope of the nationalism-cosmopolitan opposition, proposed as an interpretative framework.⁵² Although he took political

⁴¹ Confidential letter from Estanislao S. Zeballos to Doctor Adolfo Dávila, in Paris, Buenos Aires, 29 September 1889, Museo Lujan, Archivo Estanislao Zeballos, leg. 87, folio 279, quoted by Caillet-Bois, note 38 above.

⁴² M. Abbenhuis, M. Barber, and C. E. Higgins, *War, Peace and International Order?: The Legacies of the Hague Conferences of 1899 and 1907* (2017).

⁴³ See Bonaudo, note 22 above; Ferrari, note 22 above.

⁴⁴ L. A. Bertoni, *Patriotas, cosmopolitas y nacionalistas: la construcción de la nacionalidad argentina a fines del siglo XIX* (2011); F. Devoto et R. Benencia, *Historia de la inmigración en la Argentina* (2003).

⁴⁵ A large folder entitled is “Naturalización de los extranjeros” (allegedly handwritten by Zeballos’s own hand) is evidence of Zeballos’s possible central place in the national debate on this question. Here, we find telegrams, letters, and newspaper clippings illustrating the multiple favorable reactions to his short speech during the debate on the Retirements and Civil Pensions Bill in 1887. Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, legajo 156.

⁴⁶ See Congreso Nacional, “14e Sesión de prórroga del 21 de octubre de 1887” in *Diario de Sesiones de la Cámara de Diputados*, Buenos Aires, 1887, pp. 410-414. Luján, legajo 156.

⁴⁷ Bonaudo, note 22 above.

⁴⁸ Letter to Dávila, in Caillet-Bois, note 38 above.

⁴⁹ Zeballos would play a significant role in the mobilization of some elite groups in order to promote a policy seeking to naturalize foreigners. On this question, see Bertoni, note 44 above.

⁵⁰ As part of the bill seeking to create the Department of Migrations, he suggested, in 1883, that naturalization be granted by means of the acquisition of public land. Ten years later, as part of the electoral bill allowing foreigners to register on the electoral roll, he suggested that registration grant a de facto naturalization. On this topic, see P. González Bernaldo de Quirós, “Enjeux des politiques de nationalité dans le contexte de migrations post-impériales: le cas de l’Argentine, 1853-1931”, *Revue d’histoire du XIXe siècle. Société d’histoire de la révolution de 1848 et des révolutions du XIXe siècle*, no. 51 (2015), pp. 71-87.

⁵¹ During his speech in the Lower House, he stated “as we are going to become the main center where 500,000 travellers converge, we will find one that we have turned into a Nation with no language, no traditions, no character, no flag”. Quoted by Bertoni, note 44 above, p. 21.

⁵² Bertoni, note 44 above, refuting Preuss’s research. See Preuss, note 29 above, pp. 111-116.

action in order to reduce the stock of foreigners inside the national territory by using a nationalist rhetoric, the instruments available at that time for consolidating the nation as a jurisdictional community were, according to him, hardly applicable in Argentina. Adopting the stance of someone like Mancini would intensify both the problem of the stock of foreigners (with the recognition of *jus sanguinis*) and the dangers to sovereignty caused by the enforcement of national law. Zeballos, just as many others, stood by the teachings of his mentor Amancio Alcorta (1842-1902), which, based on the Constitution of 1853-1860 and the Argentine Civil Code of 1869, lay in constitutional guarantees for all “inhabitants” (making no distinction between nationals and foreigners), birthright citizenship (*jus solis*), and the application of law of residence.

Prior to this political approach in the national context, Amancio Alcorta, then Professor of Private International Law, had addressed this issue at a local level. Later, his position on this topic would spark a controversy with Carlos Calvo. During this period, the Second Congress of Latin-American Jurists, promoted by Norberto Camilo Quirno Costa (1844-1915), was held in Montevideo. This congress took place some months before Zeballos succeeded Quirno Costa in the Ministry of International Affairs.⁵³ Although immigration, which Zeballos associated with the naturalization policy, continued to be one of his main concerns, his role in local and regional debates regarding this issue seems to be irrelevant. One early measure he took as a Minister of International Affairs, (as his friend Dávila tells), was to suppress subsidized immigration and speed military reinforcement of the national borders. This measure effectively ended the agreement with Brazil with respect to the borders of the *Misiones Orientales*, stipulated by the Treaty on Borders that his predecessor had signed.⁵⁴ As a result, he was sent to the United States as Plenipotentiary of the Argentine Republic in 1893. While there, he took the post of representative during the arbitration of the conflict over the border with Brazil and wrote the pleadings.⁵⁵ The arbitration led to a ruling against Argentina, and this ruling was likely associated with Zeballos’s retrospective construction of his public figure, seen in the organization of his documentary collection and linked then to his dogmatic ambitions.

Estanislao S. Zeballos: The Construction of a Distinguished Internationalist

Zeballos’s documentary collection (AZ) was a forgotten piece of the painstaking strategy he implemented in order to strengthen not only Argentina’s role in the Concert of Nations but also to ensure he would be recognized as a central figure. Research in personal collections, along with the multiplication of ego-collections, raises a growing interest in Social Sciences today, offering new tools to approach this kind of documentation.⁵⁶ Unfortunately, this “frenzied” interest has not been implemented to study Zeballos’s collection. The only research on this collection has centered on the “historic significance” of its content rather than on its genesis

⁵³ The first was held in Lima in 1877. Zeballos was critical of the conclusions drawn during the Congress in 1888, which he called a “center of susceptibilities, mistrust, hard lines leading it to its partial failure.” E. Zeballos, *Justicia Internacional Positiva. Conferencias dadas en la Facultad de Derecho y Ciencias Sociales de la Universidad de Buenos Aires* (1911), p. 219.

⁵⁴ On the Zeballos-Bocayuva Treaty, see an analysis of the cultural relations between the two neighbouring nations and Zeballos’s role published in his *Revista Derecho, Historia y Letras en las relaciones transnacionales*; also see Preuss, note 29 above, pp. 106-116; Ferrari, note 22 above.

⁵⁵ Zeballos, *Argument for the Argentine Republic upon the Question with Brazil in Regard to the Territory of Misiones: Submitted to the Arbitration of the President of the United States, in Accordance with the Treaty of September 7, 1889* (1889).

⁵⁶ P. Marcilloux, *Les ego-archives : traces documentaires et recherche de soi* (2019); Artières et Laé, *Archives personnelles: histoire, anthropologie et sociologie* (2011). In Argentina, this has led to several conferences and congresses on this topic. See J. L. Besoky, “Archivos personales o colección? Una aproximación a la discusión sobre los fondos documentales particulares”, in *Actas de las III Jornadas de discusión / II Congreso Internacional. Archivos personales en transición, de lo privado a lo público, de lo analógico a lo digital* (2019).

and morphology. The analysis and interpretation of his life through his personal collection could give us other interesting clues.⁵⁷

A fine collector, his collection was composed of a variety of pieces which provide proof of the different areas of knowledge he was engaged in. At the same time, Zeballos incorporated these areas into the consolidation of Argentina's place in the Concert of Nations. According to Zeballos, these areas (from Geology and Natural Sciences – including Craniology – to Literature and also Ethnography and International Law) were a testament to the level of civilization attained by the Argentine nation. This was related to the place that Argentina was meant to take in the Concert of Nations.⁵⁸ His personal residence served as a shelter for a diverse collection which brought together different objects and artefacts with a huge library and a biographical museum preserving written material.⁵⁹ This collection was undoubtedly maintained by Zeballos and his wife. His wife and first cousin, María Josefa Costa de Arguibel (1854-1922), who worked as his “secretary” (according to Roberto Etchepareborda (1923-1985), likely intervened in the selection and classification of the documents preserved even if Zeballos saw no need to leave any trace of her contribution to his political, scientific, and collecting activities.⁶⁰ When Zeballos died, this vast and complex collection was divided and items went to different places, an act which noticeably modified the actual purpose of his documentary collection.⁶¹ After the death of the couple (his wife had died a year before him), their son, Estanislao María del Carmen Zeballos (1875-?), remained their only heir.⁶² The most valuable objects, including his 36.000-volume library and some historical objects, were auctioned.⁶³ His personal files, along with his journal *Historia, Derecho y Letras* collection, founded and edited by Zeballos until his death (1898 to 1923), were deposited in the *Museo Colonial e Histórico de la Provincia de Buenos Aires*, where they remain today.⁶⁴

The destiny of his documentary collection is intriguing, to say the least. The art of keeping this kind of collection was recent in Argentina, compared with Europe, which could explain the decision to deposit the collection of an intellectual, politician, and academic from the end of the nineteenth century and early twentieth centuries in a museum of colonial history located in a town of Buenos Aires Province. Two national institutions—the *Archivo General de la Nación* and the *Biblioteca Nacional*—could have kept this heritage in the capital of the

⁵⁷ It is common to define the individual based on documentation in their collection. Here, we suggest the opposite: to approach the individual based on the way the individual has kept and organized the documents. On the analysis of Zeballos's collection, see J. M. A. Espinasse, *Noticia Sinóptica sobre Documentación en el Archivo del Museo Colonial e Histórico “Enrique Udaondo” (Lujan, Provincia de Buenos Aires)* (1973).

⁵⁸ It is a question of obtaining an unequivocal recognition of Argentina as a civilized nation as a condition to integrate the world of international law. Calvo, note 32 above, I, p. 148; Obregón, note 12 above.

⁵⁹ In 1872, he led a group of students from the School of Exact Sciences, Physics, and Natural Sciences. The same year they founded the “Sociedad Científica Argentina”. In 1879, they founded the “Sociedad Geográfica Argentina”.

⁶⁰ Roberto Etchepareborda did not cite any sources. Since he did not know Estanislao Zeballos, it is difficult to confirm this information, which could have been obtained by his father, Consul of Argentina in Italy. Etchepareborda, note 22 above.

⁶¹ Some pieces had been scattered when he was still alive, such as his collection of indigenous skulls, bequeathed to the *Museo de la Plata*. On live collections see Y. Potin, “Archives Duby: un inventaire provisoire”, in J. Dalarun and P. Boucheron, *Georges Dyby. Portrait de l'historien en ses archives* (2015), pp. 26-42; Besoky, note 51 above.

⁶² M. E. Blasco, *Un museo para la colonia. El museo histórico y colonial de Lujan 1918-1930* (2011).

⁶³ The library was auctioned by Casa Naón in 1930 according to the evidence left by the publication describing the different pieces. See *Sucesión Estanislao S. Zeballos* (Bs As, Casa de Remates Naón, 1930). On the items having commercial value, see AZ 251 “Cartas certificadas de las obras de arte y de carácter histórico de la colección del Dr. Zeballos, año 1890/1916. Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”.

⁶⁴ Data provided by Mariana Luchetti. On the history of the “Museo”, see Blasco, note 62 above; Anaya Espinasse, note 57 above.

Republic.⁶⁵ The AGN was under Augusto Maillé administration (1923-1929), author of the 1924 Act, which founded the section of Personal Collections in the archives.⁶⁶ The National Library, which disputed the right of the AGN to preserve documents of Argentinian history, also kept private collections.⁶⁷ The first institution focused on collections belonging to political personalities, and the second on those from intellectuals. These two dimensions, paramount in Zeballos's life, are documented in his collection. We know little of the reasons why his son decided to entrust the collection to Enrique Udaondo (1880-1962) six years after the death of his father. However, the divergence between the pathway depicted in the documents and the one his collection really had, gives a key reference for understanding the role of this collection in Zeballos's efforts to immortalize his legacy for posterity.⁶⁸

It is possible that his son contributed to the production and collection of the documents during Zeballos's lifetime.⁶⁹ However, it seems more likely that the gathering and organization criteria of Zeballos's personal papers were undertaken by Zeballos himself or with the help of his wife. The different filing resources (folders, books and boxes) are catalogued in cursive, showing the content of the book on its cover and signed "Eszeballos". Calligraphy varies, suggesting that more than one person participated in this task. Regarding the bound documentation, we can find the same information but in golden handwritten engraving. We suspect that the classification and organization of the documents started even before Zeballos's death, explaining the variety of resources in the preservation of the documentation. Anaya highlights another indication which would support this statement: the usage of the possessive adjective in the cataloguing. So, the box classified under the number 251 has a handwritten label "Certificate of the pieces in *my* collections".⁷⁰ A typed inventory on loose sheets of the contents of 310 files/boxes is the only catalogue of the collection.⁷¹

A note that the collection was donated by Zeballos's son and received by the museum on 3 June 1929 became a heading for this document-inventory.⁷² The document does not reproduce the terms of the endogenous cataloguing, but it does focus on the carrying out of an inventory of its contents. This task might have been done by the son based on the documentation organized by the father. The former, however, could have also made some changes.⁷³ This second description of Zeballos's papers overlaps the first without erasing it and remains until today. Looking at these endogenous elements, it seems likely that the decision to preserve the documents as a documentary heritage for posterity dates back to Zeballos's journey to the United States in 1893.⁷⁴ The first files of the inventory, some bound in leather, aimed to justify

⁶⁵ Swiderski, *Las huellas de Mnemosyne : la construcción del patrimonio documental en la Argentina* (2015); Iuso, "Les archives de moi ou la passion autobiographique" (1997).

⁶⁶ It is the 813/24 Act. See Swiderski, note 65 above, pp. 105-106.

⁶⁷ The Library contains more than 100 personal documentary collections. <https://catalogo.bn.gov.ar>

⁶⁸ In a preface to one of Zeballos's books, Gustavo Ferrari pointed out that the author consigned to oblivion was close to a "silent conspiracy". See E. S. Zeballos, *Diplomacia desarmada*, VIII (1974).

⁶⁹ In his correspondence with André Weiss, Zeballos told the French expert about his idea of travelling to Paris with his wife and his 33-year-old son. The latter was introduced as his secretary. Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo", AZ 109. Letter from Zeballos to Weiss, Buenos Aires, 15/12/1909

⁷⁰ Anaya Espinasse, note 57 above, pp. 42-44.

⁷¹ This "catalogue" does not include the set of Estanislao Zeballos's papers. Besides the 310 boxes, there is a series of unclassified documents deposited at the "Museo Colonial e Histórico Enrique Udaondo".

⁷² "310 files containing a variety of documents that belonged to Dr. Estanislao S. Zeballos; donated by his son, D. Estanislao M. Zeballos (Received on 3rd Jun 1929)". Typed document used as a catalog. Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo".

⁷³ For example, in the typed inventory document, one finds the description of box 255 "Correspondencia general; año 1887/1915". Next to it, there is an annex written in pencil: "I added these loose letters, MIL."

⁷⁴ The collection is not organized in a chronological but in thematic fashion. However, the fact that it begins with the mission to the United States in 1873 is significant.

this failed mission.⁷⁵ Based on these first files, the organization of the documents sought to highlight the international status of the public and scientific man.⁷⁶ The existence of documents prior to this date reveals a previous work of preservation. However, this work is part of a strategy defined by the American experience and gives great visibility to the second stage of his life.⁷⁷ In other words, the vast and meticulous gathering of different documents, which characterizes the documentary collection, seems to be the result of the conjunction of a reflection of a consolidated gathering in the work of a scientific collector and the will and/or need to justify a failed diplomatic endeavor. This coincides, as we will see, with a substantial turning point in Zeballos's public career.

Carrying out an endogenous classification tells us about the importance of Zeballos's scientific and internationalist accomplishments connected to prestigious networks and institutions. This is directly related to his national political image. Entire files hold telegrams and letters congratulating him on his political work. They also preserve correspondence exchanged with scientists from different regions and disciplinary backgrounds. Additionally, they leave a trace of his connections with European and American scientific societies. They also document his different activities as an editor, which leaves tacit evidence of his status as a global intellectual.⁷⁸ The initiative of turning this evidence (which proves his role in these areas) into a narrative is observed, for instance, in the existence of copies of his own sent material along with his received correspondence.⁷⁹ His work as a jurist takes up an important place. His multiple files are evidence of his participation in different groups of international jurists such as the IDL, the ILA, the *Institut de Droit Comparé*, or the *Comité Maritime International*. The letters he exchanged with the most prominent specialists in private international law and his production of dogmatic work were preserved with great care. Within this vast collection, his correspondence with André Weiss seems to occupy an important place as Zeballos devoted an exclusive folder marked "Exchange of Letters with Professor Weiss" to it. This distinguishes it from the more than two dozens of folders, chronologically organized used to gather the letters he exchanged with different personalities.⁸⁰

*The Factory of Civilizational Proximity:
Relational Logic in the Language of Private International Law*

Returning from the United States, Zeballos had time to spend on his academic work and his documentary collection.⁸¹ It helped model a new public image as a man of science and a master

⁷⁵ File 4, for instance, is displayed in the shape of a leather-bound document with a golden inscription on its spine: "E. S Zeballos Misión a Washington. Documentos. 1893-1894".

⁷⁶We have not found any documentation on his private life. We do not know whether it was excluded by Zeballos himself or removed by his son.

⁷⁷ This is the case of file 156, hard copy with a handwritten title reading "Naturalización de los Extranjeros", signed by Eszeballos. It includes bound telegrams, letters, and newspaper articles. This is all preceded by a handwritten document: "Nombres de las personas que han dirigido cartas de felicitaciones al Dr. E. S. Zeballos con motivo del discurso pronunciado en la Cámara de Diputados de la Nación en Octubre de 1887 sobre Naturalización de los Extranjeros" Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo", AZ 156.

⁷⁸ Some handwritten documents were edited while Zeballos was still alive in the journal *Derecho, Historia y Literatura*. Under his direction, he used the journal to disseminate his doctrinal views for 25 years and to strengthen his role in these areas. Consequently, he published his entire correspondence with the *International Law Association* authorities. See below.

⁷⁹ This case of a file classified as "Correspondencia con el Profesor Weiss".

⁸⁰ File 109, the only one conceived to keep the correspondence with just one person. Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo".

⁸¹ Without abandoning his political career entirely, since he was appointed ambassador again in 1906 by Figueroa Alcorta. He left the position in 1908 to head the Ministry of Justice and Public Instruction and had a last term in the Chamber of Deputies between 1912 and 1914.

of legal doctrine. In 1893 he became Professor of International Law in the FDCE at UBA.⁸² Two years later he took a temporary adjunct professorship of Private International Law in the same department.⁸³ In 1898, he founded the *Revista de Derecho, Historia y Letras*, which was ultimately used to exhibit his scientific contributions.⁸⁴ Four years later, he was appointed tenured professor of Private International Law, replacing his recently deceased mentor.⁸⁵ There was not only an academic proximity between the two academics, but also a political one.⁸⁶ Alcorta seems to have played the role of mentor in Zeballos's international scientific ambitions. As an associate member of the IDL since 1891, he may have been a mediator in the future epistolary relationship between Zeballos and Weiss.⁸⁷

The episodic 39-item correspondence between Zeballos and Weiss took place between 1903 and 1922.⁸⁸ The exchange reached its peak between 1909 and 1911 and continued, though with less frequency, until the outbreak of the Great War, during which time it was halted until the two men resumed contact between 1920 and 1922.⁸⁹ When their relationship began, Zeballos was a Professor of Private International Law and Weiss was a Professor of Civil Law in the Law School at University of Paris.⁹⁰ Weiss's prestigious reputation at that time may explain Zeballos's interest in the relationship.⁹¹ The friendship between the two men appears to have been pivotal for Zeballos in his ambition to win the Nobel Prize.⁹² Within the framework of this asymmetrical relationship, however, it is more difficult to explain why the French jurist

⁸² "Nota del 14/4/1893 del decanato de la Facultad de Derecho al rectorado de la UBA informando que Estanislao Zeballos se hace cargo de la cátedra de derecho internacional". Archivo UBA, 104-03-21.

⁸³ "Con fecha 14/08/1895 el Ministerio de Justicia, Culto e Instrucción Pública acusa recibo de la nota de rectorado informando que el profesor suplente Estanislao S. Zeballos se ha hecho cargo de Derecho Internacional Privado en la Facultad de Derecho y Ciencias Sociales". Archivo UBA, 113-03-02.

⁸⁴ Between 1898 and 1923, the journal would publish 3,707 articles, 13% were written by Zeballos. If we take into consideration those written about him as well as his translations, the number goes up to 16% during a period of 25 years. They helped build Estanislao Zeballos's public and scientific stature. C. Domínguez and R. Giacalone, "Revista de Derecho, Historia y Letras (1898-1923) Estudio e índice general", *Iushistoria investigaciones*, no. 4, (2013).

⁸⁵ According to "Nota enviada por el Ministerio al Rector de la UBA con fecha 26/06/1902". See Archivos UBA, E5-03-44.

⁸⁶ Alcorta, twelve years older, also worked as a political advisor. See Letter from Zeballos to Adolfo Dávila 29/9/1889, stating that Amancio Alcorta was part of his private circle, including his mother, who advised him in regard to the dilemma of accepting or not the position of Minister of International Affairs under Pellegrini's presidency in 1890.

⁸⁷ Session d'Hambourg, "Personnel de l'Institut. Élus associés", in *Annuaire de l'Institut de Droit International*, XI, 1889-1892 (1892), p. 26.

⁸⁸ Not all come from the file classified "Correspondencia con el Profesor Weiss". We have found letters in other files and there will certainly be more.

⁸⁹ The last exchange corresponded to a letter Zeballos sent Weiss from Buenos Aires on 29 April 1915 giving his condolences for the loss of his mobilized son who had survived the war. This mistake may have cooled their relationship, which was already tense due to Zeballos's defence of neutrality. In his letters, he had stated that all belligerent nations were "toutes amies de la république argentine". Nevertheless, the correspondence started again in 1920. Zeballos to André Weiss y Ernest Lehr, Buenos Aires, 16/10/1914; Zeballos to André Weiss, Buenos Aires, 29/4/1915. Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo", AZ 109. Zeballos a Weiss, 2677/1920, AZ 227.

⁹⁰ A few years later he was appointed Professor of Private International Law. Estanislao Zeballos's biographical data in V. Cutolo, "Estanislao S Zeballos", *Nuevo diccionario biográfico argentino* (1969). Weiss's biographical data can be found in the data base <http://siprojuris.symogih.org> (accessed on 28 November 2019).

⁹¹ His international law manual would have nine editions, the first in 1899.

⁹² The Argentine jurist asked for Weiss's support in his bid for the Nobel Prize. The Frenchman accepted: "Vos titres à cet honneur suprême sont considérables ; et je ne négligerai rien, vous pouvez en être assuré, pour les mettre en plein lumière" (AZ 261). Zeballos mentioned this correspondence in his exchange letter with the Secretary of the Norwegian Nobel Committee, Ragnvald Moe. C. Correspondencia de Estanislao Zeballos a Rognvald Noé Secretario del Comité Parlamentario "Noble" de mayo 1922. AZ 302. This initiative has been mentioned in González Bernaldo (2018)".

decided to continue this lengthy epistolary exchange.⁹³ The analysis of this unbalanced situation urges us to take a more complex vision of the social and institutional scheme revolving around the consolidation of international law studied from the “periphery”.

In a letter dated 20 September, André Weiss acknowledged receiving the *Bulletin Argentin de Droit International privé*, which Zeballos had kindly sent him.⁹⁴ The letter’s formal style, as well as the appreciation comments, suggests that the two did not know each other personally. Further, the fact that Zeballos sent Weiss the first number of the *Bulletin* is not insignificant. Written in Spanish by Zeballos and then translated into French, the journal sought to “incorporate the Argentinian Republic in the progressive movement of private international law”, of which Weiss was a well-known specialist.⁹⁵ The *Bulletin* included a great number of references from Weiss’s work, especially in the article written by Zeballos on *L’enseignement du droit international privé dans la République Argentine*. He referred to the “prominent professor Weiss” and many others stating that Zeballos had been influential to incorporate their work in the teaching of private international law in Argentina.⁹⁶ The *Bulletin* even includes a review of Weiss’s Manual. Written by Zeballos, it gave him the opportunity to make explicit his disagreements and his “dogmatic” statements, which we will analyze later.⁹⁷

In his acknowledgement of receipt, André Weiss thanked Zeballos for sending him the *Bulletin*. He made some general comments on their different points of views, which he interpreted as produced by different social contexts and cultural characteristics:

Our doctrines are not perhaps the same, as well as they would not be either in matters which have so far escaped coding and are more subjective than any other due to the thousands of social situations and ethnographic eventualities. A journal like yours will contribute powerfully to their results⁹⁸

This first exchange seems not to have caused any disagreement between them. On the contrary, in a letter that Weiss sent to Zeballos on 1 May 1905, the French academic mentioned a previous encounter between them in Paris.⁹⁹ This meeting took place at the Ritz Hotel where Zeballos chose to stay in order to make his business deals easier.¹⁰⁰ During the meeting, Zeballos presented to André Weiss his project of translating Weiss’s *Manuel du droit International*.¹⁰¹ Two years later, the two men continued corresponding with each other about

⁹³ Asymmetrical relationships have been highlighted by research carried out on international law from a post-colonial approach. This is seen in Antony Anghie’s contribution and in those who seek to decentralize international law, frequently assumed to be a European product. Becker Lorca’s book offers an original interpretation of international law from this perspective. His thesis on mestizo international law suggests identifying the notion of semi-civilized or semi-periphery according to its geographical origin. Civilization distances or proximities do not depend only on spatial parameters as it is shown in the case being presented in this article. A. Anghie, *Imperialism, Sovereignty, and the Making of International Law* (2007); M. Toufayan, E. Jouannet, and H. Ruiz Fabri, *Droit international et nouvelles approches sur le tiers-monde : entre répétition et renouveau*; Becker Lorca, note 12 above.

⁹⁴ The sheet indicates his institutional title (professor of the School of Law of Paris) and his address in Paris (10 rue Copernic (16^o). See Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, legajo 109.

⁹⁵ Zeballos, “L’enseignement du droit international privé dans la République argentine”, *Bulletin argentin de droit international privé*, II, no. 3 (1903), pp 42-45.

⁹⁶ Ibid.

⁹⁷ Zeballos, “Compte-rendu de l’ouvrage d’André Weiss *Manuel de Droit International Privé*. (5^e édition, revue et mise au courant. Paris, L/Larose et L. Tenin, 716 pages”, *ibid.*, pp. 576-578.

⁹⁸ Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 109. Letter from Weiss to Zeballos, 20/09/1903.

⁹⁹ Luján, AZ 109. Letter from Weiss to Zeballos, 1/05/1905.

¹⁰⁰ Archivo Zeballos, Correspondencia de Lucas a Zeballos, Paris el 17/02/1904 en AZ 260-261.

¹⁰¹ He also told him about the positive response he received from his French publisher, who had agreed to publish the Spanish version as long as the additions on Argentine Jurisprudence (which Zeballos considered important to

the idea of translating the saga.¹⁰² The progress made seemed to satisfy Weiss who, on September 1909, thanked Zeballos for this “magnificent work”.¹⁰³ The translation was finished in December 1909 and published in Paris in 1911 with a prologue written by Zeballos dated November 1910.¹⁰⁴ Weiss’s satisfaction was likely linked to Zeballos’s having been elected associate member of the IDL in 1908 and permanent member in 1911. The period prior to the publication of the translation of Weiss’s work corresponds to Zeballos’s project of organizing his “five o’clock tea” at the Ritz. At that moment, the correspondence between the two men (full of compliments and appreciation for one another as well as exchange of favors) flourished. Thanks to Zeballos’s mediation, Weiss was able to obtain employment as a translator in the Argentine public administration for André Bosq, a French immigrant in Argentina that Weiss presented as his disciple. Zeballos, for his part, was able to obtain the commitment of a Parisian publisher, L. Larose and L. Tenin, to publish his treatise *La Nationalité*.¹⁰⁵ Zeballos was appointed as the Argentinian delegate in the 4th Pan-American Conference, to be held at Buenos Aires in 1910. In return, he promised to invite Weiss to the Argentinian capital so he could participate in this meeting.¹⁰⁶ As part of this exchange of favors, Weiss wrote, at the request of Zeballos, a letter to the Secretary of the Norwegian Committee to support the Argentinian’s candidacy for the Nobel Prize.¹⁰⁷

The letters prove that the relationship was not as asymmetrical as one might imagine from a Eurocentric perspective. The IDL experts needed these “periphery” connections in order to express their universal jurisdictional consciences and to foster their ambitions of universality. From a micro-social perspective the letters synthesize the range of interests that they both shared. This fact overrides the theoretical and strictly personal issues, as is seen in the letter that Weiss sent to Zeballos on September 1912 thanking him for his proposition to take over Piñero’s succession, a wealthy Argentinian man in France.¹⁰⁸ As it turns out, these networks were essential to the European jurists, as they allowed them to expand their private clientele. This kind of recommendation was especially useful when this clientele was made up of wealthy individuals. This activity, extending over an international market, needed this kind of recommendations.¹⁰⁹ It is then difficult to separate these two aspects which, as we will see, would have affect the formulation of dogmatic stances.

Weiss’s enthusiasm can be easily understood, considering that the translation of Weiss’s *Manuel du Droit International* would allow his work to be disseminated in the Spanish-speaking world.¹¹⁰ Nevertheless, the words he used to describe Zeballos’s translation were quite ambiguous. When thanking him for his work (Weiss did not know exactly if he should

enrich the work) did not increase the number of pages of the volume. Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 109. Letter from Weiss to Zeballos del 1/05/1905.

¹⁰² Luján, AZ 112. Letter from Weiss to Zeballos on 17/07/1907. In 1906, Zeballos is appointed Minister of International Affairs for the third time under Figueroa Alcorta’s administration. This could have delayed the project.

¹⁰³ Luján, AZ 109. Letter from Weiss to Zeballos, 19/09/1909.

¹⁰⁴ A. Weiss, *Manual de derecho internacional privado* (1911-1912). 2 vols.

¹⁰⁵ Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 109. Letter from Zeballos a Weiss, Bs. As. 29/11/1911

¹⁰⁶ André Bosq was the translator of his book *Nationalité*. When volume III was published in 1916, he continued working as a translator for the Ministry of International Affairs of the Argentine Republic. Zeballos invited Weiss on two occasions (1907 and 1910). Neither of these two projects came to fruition. Luján, AZ 109. Letter from Weiss to Zeballos, Paris, 17/7/1907, Letter from Weiss to Zeballos, La Haye, 19/05/1909; Letter from Zeballos to Weiss, Bs. As., 20/10/1909. In 1907, Weiss mentioned the exchanges he held with his compatriot Anatole France (1844-1924) during his return from Argentina.

¹⁰⁷ Letter from André Weiss to Estanislao Zeballos, Paris 12/01/1912 Luján, AZ 109.

¹⁰⁸ Letter from André Weiss to Estanislao Zeballos, Montmorency, 22/09/1912 Luján, AZ 109.

¹⁰⁹ See the rich Tunisian Jewish succession, Nissim Samama, analyzed by Marglin, note 7 above.

For what it is worth, Ngram database, the entry “André Weiss” in Spanish shows an increase of more than 60% of the references made to his work after its translation into Spanish.

recognize “the scrupulous accuracy of the translation or the wise richness of the documentation”), Weiss was undoubtedly pointing to the existing imbalance between them.¹¹¹ Indeed, the extensive footnotes that Zeballos introduced in order to adjust the text to the editor’s demands, meant an equivalent reduction in Weiss’s text.

This adjustment is based on different mechanisms that come along with a voluminous paratext; that is, Zeballos’s two prefaces added in 1911 and 1912 respectively and the immense footnotes. In some cases, Zeballos’s footnotes are purposefully similar to Weiss but follow up in order to place the American production on par with the European one. Weiss’s paragraph introducing the teaching of the law of nations teaching in Europe is accompanied by a footnote. The translator expands it by referring to his own work “Read my study named: *L’enseignement du droit international privé en Europe et en Amérique, dans le Bulletin argentin de droit international privé*, volume I and II (N. of T.)”.¹¹² In other cases, the notes correct the author. When the Frenchman states that “a State’s domestic laws obligate its citizens to ...”, the Argentinian amends it to “... all its inhabitants, nationals or foreigners, permanent or temporary residents (Argentine Civil Code, art. 1)”.¹¹³ This rectification is accompanied by a three-page note highlighting the American contribution to the sources of international law.¹¹⁴

Zeballos’s self-attribution to make such corrections attained its apogee when he translated the definition of private international law provided by the Alsatian: “The set of applicable rules to the solution of conflicts that may arise between two sovereign States due to their respective private laws or their citizen’s private interests”. The translation, including a 12-page note, refutes the definition by arguing that private international law goes beyond that definition: “The political aspect of the contemporary world professes that Human Private Law also develops and transforms becoming a government agency inside of the sovereignties”. If this happens inside confederations, it can also occur inside countries of immigration founded on the grounds that all men have the liberty to move where they wish, and this liberty leads to other jurisdictional consequences. “The man who leaves England, Spain or Germany and declares tacitly or explicitly his will of building his home and life in the Argentine Republic, is making a positive and indisputable demonstration of submission to its laws and judges; and there is no human authority who can deprive him of this situation he has created himself”.¹¹⁵

Zeballos makes the point that Weiss’s positions are grounded in “Ancien regime” legal traditions. The translation of Title IV, “The ancient French monarchical law”, gave him the opportunity to make this reading explicit by the means of a nine-page note attached to the Title. The Argentinian then traced the genealogy of human private law to medieval Spain, which resisted better than other European nations, the fall of the Roman Empire. This way, it learned how to “better protect civil life and trade development” and laid the foundations of a true Human Private Law system that flourished in America.¹¹⁶ The translator assumed the right to correct the author, arguing that his stances were “exaggerated” in regard to nationality conflicts.¹¹⁷

Through his translation and notes, Zeballos ultimately tried to spread his own “human private law doctrine”, expecting it to replace the European conception of private international law, as he had announced this in his writings.¹¹⁸ Weiss seemed to agree with the South

¹¹¹ Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 109. Letter from Weiss to Zeballos, 19/09/1909.

¹¹² Weiss, note 104 above, p. 59.

¹¹³ Ibid., p. 28.

¹¹⁴ Ibid., pp. 54-57.

¹¹⁵ Ibid., pp. 61-72.

¹¹⁶ Ibid., pp. 158.

¹¹⁷ Ibid., pp. 238.

¹¹⁸ In the prologue to the first edition in Spanish, he began by introducing the “theoretical and practical work of private international law, which I call *Human Private Law*”. Ibid., p. 6.

American jurist's right to do so since he might have seen it as a necessary condition for his work to be well received in the local context.¹¹⁹ As a matter of fact, he cherished a translation that had facilitated the reading of his manual in Spanish-speaking countries.¹²⁰ The manual of Weiss's Spanish version reflects the specific operations involved in the translation of legal texts from one region to another.¹²¹ It also provides an instructive example of how translations could be of use to jurists from small States recently formed as a result of the dissolution of the Atlantic empires. They could circulate endowed with the authority of a central actor while at the same time offering the translator personal prestige,¹²² these effects were exacerbated by Estanislao Zeballos's particular objectives. That is, he used Weiss's manual to state that the Argentinian doctrine of human private law was above European science, which according to Zeballos's arguments, was unable to get rid of its feudal traditions. The operation was far from insignificant and can be used to blur or even erase the distinctions established by international law and the European hegemony in this area.¹²³

*Universal Significance of Argentine Civil Law:
The Argentine Doctrine of Human Civil Law*

Zeballos's doctrinal positions were expressed in the *Bulletin* that he sent Weiss in 1903, in which he took up the stance of his mentor, Amancio Alcorta.¹²⁴ Alcorta had pointed out that the Argentine Civil Code offered the best solutions in terms of private international law since it introduced the concept of residency in defining people's legal status in the country.¹²⁵ He also followed his mentor's doctrine, which defended the *jus soli*, based on a similar goal: to reduce the number of foreigners in the national territory. However, Zeballos did not share Alcorta's arguments on a capital point. Alcorta highlighted the continental legal tradition (as did Alejandro Alvarez), which justified the formulation of an "American international law", which was different from the one suggested by the European experts.¹²⁶ In a famous controversy between Alcorta and Carlos Calvo, among the best-known Latin-American figures in international law at that time, Alcorta defended a kind of regional universalism. Calvo rejected

¹¹⁹ We will not approach the issue of the local and regional context in the reception of the work, which is definitely important and will certainly open new perspectives of analysis. Thanks to Jorge Myers for having drawn attention to this point.

¹²⁰ The correspondence between Weiss and Zeballos was in French, so it is impossible to assess the Alsatian's level of Spanish. Among all the hypotheses, we cannot rule out the possibility that Weiss had not fully grasped the sense of the speeches.

¹²¹ Fassbender and Peters, note 12 above.

¹²² Carlos Calvo became famous thanks to Wheaton's first translation into Spanish. About translations of international law manuals, see Becker Lorca, note 12 above. On the dialogic scheme that opens the possibility of claiming that, thanks to these translations, the periphery can be regarded as a new core, see the reflections on the application of Lotman's theory in the translation of doctrines of international law in Mälksoo, note 36 above. About dynamics and conditions in the circulation of ideas P. Y. Saunier, "Les régimes circulatoires du domaine social 1800-1940 : projets et ingénierie de la convergence et de la différence", *Genèses*, no. 2 (2008), pp. 4-25.

¹²³ The Argentine doctrine of human private law has been outlined in various texts since 1902. It is founded on the constitutional principle of the recognition of foreigners' civil rights and the introduction of residence as a principle in the resolution of law conflicts, stated in the Argentine Civil Code. Zeballos, note 53 above; E. Zeballos, *Conférence inaugurale du cours de droit international privé, faite a la faculté de ... Buenos Aires, le 2 avril, 1902* (1902); M. Koskenniemi, *The Gentle Civilizer of Nations : The Rise and Fall of Modern International Law 1870-1960* (2001).

¹²⁴ These were introduced during his first lesson as a professor. They were published in 1902.

¹²⁵ A. Alcorta, "La ciencia del derecho internacional": reseña al libro de Charles Calvo, *Le droit international théorique et pratique, précédé d'un exposé historique des progrès de la science du droit des gens*. Paris 1880-1881, 4 vol. ", *Nueva Revista de Buenos Aires* (1883), pp. 431-432.

¹²⁶ Alcorta, *Curso de derecho internacional privado* (1927); Alcorta, *Curso de derecho internacional público* (1886). On the process of formulating American international law, see Esquirol, note 12 above; and Scarfi, note 12 above.

this precept as a dangerous oxymoron.¹²⁷ Although using the same reasoning and the same examples, Zeballos's argumentation changed noticeably. To him, it was not about questioning the universal dimension in European doctrine, but of contesting the monopoly of European experts over the formulation of universal norms. If Zeballos highlighted the specific features of countries where immigration occurred to defend the principle of *jus soli* against the opinion of the IDL jurists,¹²⁸ as his mentor did, he insisted upon Argentina's entitlement to define a better solution given that the country had immigration experience, making it a laboratory of international law. Zeballos was attempting to argue that Argentina was not only a land fertile enough to experiment in international law but likewise a country able to produce universal doctrines. Zeballos portrayed Argentina as the "only modern nation of immigration" (as opposed to the United States, whose system was hostile to the foreigner) where "conflicts find easy, clear and protective solutions".

According to him, European countries did not offer these same guarantees because immigration regulations were not as liberal as those in force in Argentina and equality between nationals and foreigners was still limited.¹²⁹ These facts would give the American jurists, especially Argentinian ones, a privileged position in formulating principles allowing lawyers to deal efficiently with conflicts of law. Even in his early writings, Zeballos went beyond the mere introduction of innovative solutions attempted by the Argentine Republic.¹³⁰ He highlighted the way Argentine jurists, taking this legislative and constitutional base, applied what he called "Argentina's doctrine of human private international law". Zeballos saw this statement as a way to encourage the progress of democracy in the face of a private international law characterized by a European "autocratic and monarchical" tradition that favored State sovereignty over individual rights.¹³¹ To him, the Argentine Constitution had positively recognized the Rights of Man as a universal principle.¹³²

To Zeballos, this also meant a decentralization of the place where doctrines were formulated. In other words, unlike Alcorta, Zeballos postulated the existence of a multiple-located (European) universalism. The jurist took it to a higher level. He used the development

¹²⁷ It is about the controversy between Amancio Alcorta and Carlos Calvo published in the journal run by another jurist and Argentine diplomat, Vicente Gregorio Quesada (1830-1913). Calvo cautioned Alcorta about the dangers of mentioning "special situations" in international law: "The United States, Brazil, Chile, the Argentine Republic or any other country in the Americas had never thought of invoking 'special situations', not even in the most troubled periods of their history. They could only be implemented with those having a protectorate status". Alcorta, note 125 above; Alcorta, *Curso de derecho internacional privado* (1892); On Calvo's position, see Becker Lorca, note 12 above.

¹²⁸ The issue was addressed during the conferences at Oxford in 1880 on "General Principles of Nationality, Succession and Law Enforcement"; the Conference at Paris in 1894 where André Weiss was the rapporteur of the Nationality Commission; and the Conference at Cambridge in 1895 where he was rapporteur again. During this conference, the principles of nationality were stated: primacy of *jus sanguinis*, rejection of perpetual fidelity, individual and voluntary character in change of nationality and the introduction of a new element: the nationality of origin should not be transmitted *in fine*. Institut de Droit International, *Annuaire de l'institut de droit international* (1882); Institut de Droit International, *Annuaire de l'institut de droit international* (1894); Institut de Droit International, *Annuaire de l'institut de droit international* (1895).

¹²⁹ Zeballos, *Bulletin argentin de droit international privé*, p. 3.

¹³⁰ Ibid.

¹³¹ Zeballos, note 123 above, pp. 15-16.

¹³² This is the position defended by Pasquale Fiore (1837-1914). Zeballos corresponded with him in 1911 on a translation project and annotations made to Zeballos's fourth edition of his work. P. Fiore, *Le droit international codifié et sa sanction juridique. Suivi, d'un résumé historique des principaux traités internationaux* (1890); Luján, "Archivo del Museo Colonial e Histórico Enrique Udaondo", AZ, 109.

of international law as both a manifestation and a product of future civilized States in order to argue that its direction allowed for the recognition that the future of progress laid in America.¹³³

During the First World War, Zeballos concentrated on the publication of his great dogmatic work in French, *La Nationalité au point de vue de la législation comparée et du droit privé humain*. The outbreak of the war postponed its publication several times. Then, he corresponded intensely with his Parisian publisher, Léon Tenin. This communication was done via his translator, André Bosq (Weiss's recommendation) or the Minister of El Salvador in Paris, Francisco Medina. In his letters, Zeballos complained about the frequent delays in the publication of *La Nationalité*, which would extend until 1919.¹³⁴ Zeballos' unbelievable impatience towards his publisher, who was forced deal with the wartime shortages every day, had to do first with the repercussions of the European conflicts on the immigrant-receiving nations. When the First World War broke out, the inhabitants born abroad, especially in belligerent nations, comprised 30% of the Argentine population. Zeballos estimated that 1.2 million European-born Argentinians could have been mobilized. This represented 21% of the Argentine population directly involved in a war that was turning Europe into ruins.¹³⁵ Defining nationality was, therefore, not an insignificant matter. This explains why Zeballos feverishly insisted on the publication of his work: he wanted to give the Argentinian position a doctrinal foundation.¹³⁶ His ambitions extended beyond the defense of Argentinian positions. He wanted his book to be the ground-work on which the regulations of the post war world would be built. He stated as much in the letters exchanged with his representative in Paris and his publisher:¹³⁷

I have made him understand how important it is for statisticians worldwide that his book be published as soon as possible. It has the final say with regards to a subject discussed in Europe daily and about which texts of new laws are continuously proposed. Once the war is finished, it will certainly be the target of international conversations.¹³⁸

What did Zeballos base his ambitions on? He considered that the War demonstrated that the Old World experts were unable to work on the basis of the principles of international law.¹³⁹ The theoretical development that located the progress of International Law in America was reinforced by the sad European spectacle. This offered a window of opportunity for his personal, political, and dogmatic project. As of 1914, his extensive scientific correspondence contains numerous references to the fate of the young democratic republics that he characterized as the source of a “new kind of civilization and State, to which the United States, the Argentine Republic, Canada, Australasia, Mexico and Brazil belonged. These States had a primitive population or the surplus of a population from other Continents”.¹⁴⁰ By the end of 1915, when

¹³³ About the intellectual structure of international law and the role played by historicism, see E. Jouannet, “Colonialisme européen et néo-colonialisme contemporain. Notes de lecture des manuels européens du droit des gens entre 1850 et 1914”, *Baltic Yearbook of International Law*, VI (2006), pp. 49-77.

¹³⁴ A 60-item body of material dated from 1 January 1913 to 26 July 1920. Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 277.

¹³⁵ Demographic data come from the 1914 census. Zeballos did not explain how he worked out these numbers in a period when it was impossible to examine the census categories. E. Zeballos, *La Nationalité au point de vue de la législation comparée et du droit privé humain* (1914), I, p. 27; For national/foreign categories in the census see Otero, *Estadística y Nación. Una historia intelectual del pensamiento censal de la Argentina moderna 1869-1914* (2006).

¹³⁶ “La République Argentine a l’honneur reconnu d’être le premier pays qui ait codifié le droit supernational”; “la constitution argentine qui est plus avancée, plus humanitaire et plus féconde, parce qu’elle a créé une doctrine propre de Droit privé humain”. Zeballos, *La (1914)*, I, pp. 7, 66.

¹³⁷ Letter from Francisco Medica to Zeballos, Paris, 16/1/1917. Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 277.

¹³⁸ Letter from Francisco Medica to Zeballos, Paris, 16/1/1917. Luján, AZ 277.

¹³⁹ Letter from E. Zeballos to A. Rolin, 29/03/1915 en Luján, AZ 261-261.

¹⁴⁰ Zeballos, note 135 above.

his first volume of *La Nationalité* was finally published, he contacted the IDL American members and associates to hold a meeting so that they could “coordinate an action plan that we should develop all together during the Institute’s next session”. This plan came with a proposal to create an “American-European organism seeking to guarantee future warm relations among nations”.¹⁴¹ The agenda revolved around two main points: the rights of neutral nations and the recruitment of soldiers by the belligerent countries. These soldiers were, according to the Americas constitutions, citizens.¹⁴² Manuel Alejandro Álvarez (1868-1960) thanked him for the “laudable and blissful idea” and reminded him that American Institute of International Law had supported this idea since 1911.¹⁴³ The Chilean’s sarcastic letter was a barely veiled response to what he thought was Zeballos’s purpose. Zeballos was trying to build another alternative to the American Institute of International Law (AIIL), promoted by James Brown Scott (1866-1943), and Álvarez in order to create a space for dogmatic production free from the control of the United States. The opportunity came when he received a letter from Georges G. Phillimore (1867-1925) and Hugh H. Bellot (1861-1928) on June 1918 on behalf of the Executive Council of the International Law Association (ILA). The letter read:

A proposal to hold a Conference of this Association in one of the States of South America so soon as shall be reasonably practicable after the restoration of peace. The outbreak of this present war prevented the holding of the Conference at The Hague in September, 1914, for which all arrangements had been made. Subject to the preference to be given to the Capital –so much associated in modern times with the official discussion of International Law problems – if a meeting in Europe should be thought desirable, still the Council feels that it is not too soon to be taking counsel and preliminary action with a view to the Association extending its activities in a new sphere of operations.¹⁴⁴

Phillimore suggested Buenos Aires, Rio de Janeiro, or Montevideo as possible meeting points. Zeballos’s response was immediate. He mentioned his “humble” contribution to the work done by the ILA, at the IDL, and the foundation in Buenos Aires of a branch of the *Comité Maritime International* in 1911. He also pointed out that his initiative in 1915 became a precedent, which encouraged Phillimore and Bellot’s letter. These precedents would be the bases on which he would fund and develop his arguments throughout the upcoming exchanges. They were based on Argentina’s indisputable legitimate right to organize this event given its early engagement with the international law and its stringent neutralism (this argument put an end to the Brazilian proposal). Bellot advised him to create an Argentine branch of the ILA in order to strengthen the association in South America and his project to hold the conference in Buenos Aires.¹⁴⁵ For two years, Zeballos devoted himself to carrying out these two tasks by calling on local politicians; and by establishing – with some difficulties – a Latin-American network through the creation of other branches of the ILA in South America (this action may

¹⁴¹ Letter from Alejandro Álvarez to Zeballos, Santiago de Chile, 18/10/1915 in Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”, AZ 260-261.

¹⁴² Letter written in Buenos Aires on June 1915 and reproduced in Zeballos, “Reorganización jurídica internacional”.

¹⁴³ Letter from Zeballos to A. Rolin, Buenos Aires, 29/03/1915; Letter from A. Rolin to Zeballos, La Haye, 10/06/1915; Letter from Alejandro Álvarez to Zeballos, Santiago, 18/10/1915; Letter from George Grafton Wilson to Zeballos, Harvard, 22/11/1915. Luján, AZ 260-261.

¹⁴⁴ Letter written on 10/06/1918 was published in Zeballos’s journal and formerly in the newspaper *La Prensa*. Zeballos, “Iniciativa de la international Law Association”.

¹⁴⁵ With the help of José L. Suárez, he opened two branches, one in Peru and another in Bolivia. Zeballos, “Boletín de la Sección Argentina de la International Law Association”, pp. 116-117.

have worked as a countermeasure to the well-structured ILA network);¹⁴⁶ and by negotiating the organization of the conference in Buenos Aires with the ILA authorities. His efforts made it possible to recruit 180 distinguished members for the Argentinian branch – politicians, university students, diplomats, and experts in law – and to obtain solid support from the National Congress, despite the Socialists’ reticence.¹⁴⁷ Having secured this, Zeballos gained ILA support and the meeting took place in Buenos Aires in August 1922. The congress program gave a predictable central role to Zeballos who, during his opening speech, predicted that the conference held in Buenos Aires “will mark a new starting point in the wise work of the *International Law Association* and will be one the most remembered in its records”.¹⁴⁸

The conference he arranged during the first session had a modest title: “Legal Reorganization of Humankind”.¹⁴⁹ It was the base of a motion urging the assembly to vote at the end of the conference in favor of the recognition of the existence of an Argentinian doctrine of human private law, based on the constitutional guarantees of the rights of foreigners; the cultivation of peaceful relationships among nations; the strict neutrality during war; and the “eclectic and well-thought assimilation of foreign law, that is, its experimental cooperation in perfecting the world’s legal institutions”.¹⁵⁰ The motion was approved, which meant recognition for Zeballos’s twenty years of multiple initiatives aimed at linking his name to a dogmatic contribution and trying to place Argentina at the international table. He then reactivated his epistolary exchange with Weiss, who invited him to his son’s wedding in Paris. Zeballos resumed his candidacy for the Nobel Prize with Weiss’s unconditional support.¹⁵¹

Months later, he was invited to the Institute of Politics at Williamstown in order to hold a series of six conferences on the new “Argentinian doctrine”. He developed his thesis defining America as the future of international law and Argentina as the model for a new kind of State: the “Humanitarian State”, as opposed to the North-American Nationalist State.¹⁵² Zeballos seemed to have succeeded in establishing himself as a personality within the domain of internationalists: President of ILA, member of several scientific societies, famous author of the Argentinian doctrine of human private law, and candidate for the Nobel Prize. Everything appeared to have confirmed the fate already recorded in his documentary collection. Nevertheless, Zeballos’s biological limitations put an end to this ambition.¹⁵³ Some years later, the IDL organized for the first time a meeting in extra-European territory whose conference in New York led to the “Declaration of the International Rights of Man.” Beyond its merely symbolic nature, it could be thought that Zeballos had paved the way for this accomplishment.

¹⁴⁶ Note from Suárez to Zeballos 24/971921; Letter from the ILA Peruvian Committee to Zeballos, Lima 2479/1921 in Zeballos, 403-56.

¹⁴⁷ See our data base containing information published in the *Revista de Derecho, Historia y Literatura*. The financing required to organize the event was as high as 50,000 Argentine pesos. Dickmann’s opposition managed to reduce it to 25,000. This budget was still high.

¹⁴⁸ “International Law Association: Conferencia de Buenos Aires de 1922. Programa. Del 24 al 30 de agosto 1922 en el Palacio de Justicia. Zeballos, “International Law Association_ Conferencia de Buenos Aires de 1922. Programa”, p. 125.

¹⁴⁹ *Ibid.*, p. 128.

¹⁵⁰ Zeballos, “Novedad y experimentación de las Instituciones Argentinas”, in Zeballos, “Discurso inaugural de la 31ª conferencia de la International Law Association”.

¹⁵¹ Luján, “Archivo del Museo Colonial e Histórico Enrique Udaondo”.

¹⁵² B. Williams, “The Institute of Politics”, *American Political Science Review*, XIX (1925), pp. 791-800; Zeballos, *Las conferencias en Williamstown*, p. 64.

¹⁵³ Estanislao S. Zeballos died a few months later at the age of 69 at the Port of Liverpool on his way to London. He was heading to the English capital to preside over the ILA meeting. Vicente Osvaldo Cutolo (1922-2005), *Nuevo diccionario biográfico argentino (1750-1930)* (1968), pp. 795-799.

However, neither his doctrine nor the Argentinian sources were mentioned during the meeting.¹⁵⁴ Moreover, during his preparatory work, Alejandro Álvarez said:

It is then a mistake to criticize, as we usually do, the denomination of codification applied to International Law by taking the criteria of civil codification. America has undertaken international codification under the four aspects mentioned above, – except for canonical codification, of course, – and all the States of this continent have taken part of it. That means, there are four continental codification movements and the four of them operate under the direction of the Pan-American Union.¹⁵⁵

The Argentinian's doctrine of human private law as a model of a universal positive human law was then buried.

The story narrated above invites us to ponder an unaccomplished future. The IDL and the ILA quickly forgot Zeballos's doctrine. The coveted Peace Nobel Prize was bestowed on another Argentinian internationalist, Carlos Saavedra Lamas (1878-1959), in 1933 while Estanislao Zeballos's name was linked to Argentina's belligerent policy. Zeballos's internationalist character, though preserved in his documentary collection, would fall into oblivion.

Zeballos is nowhere present in the history of international law in Latin America, although he played a significant role in the establishment of internationalist networks and the initiative to establish South American lawyers as rightful contributors to international law. When it comes to defending internationalism's philosophical foundations, Zeballos is deservedly side by side with Carlos Calvo or Juan Bautista Alberdi (1810-1884).¹⁵⁶ He associated them in turn with a rationalist and humanist universalism advocated within (European) circles which reunited the legal consciences of the civilized world. Zeballos desired to integrate those spaces. Unlike these two other Argentinian experts, Zeballos, who saw international law as an expression of progress in the civilized nations, believed that the Americas were the best forum in which to produce new legal norms in accordance with the democratic aspect of the civilized world. These norms clearly corresponded to the ones defended by Argentina so that its migration policy would be compatible with maintaining national sovereignty. However, unlike the position that was mostly imposed together with Pan-Americanism at that time, Zeballos claimed that the Americas were the land where American and universal norms should be formulated. By the time he believed he had achieved his goal at the age of 68, he was seen as a man from the past.¹⁵⁷

Does his difficulty in imposing his vision derive from local political failures, the intellectual structure of internationalism, or the regional geo-politics characterized by the different narratives of international law in Latin America?¹⁵⁸ It was no doubt a combination of reasons. We deliberately put aside a retrospective analysis of the historical reasons that explain the complete oblivion of someone who pretended to be a dominant figure of the new world

¹⁵⁴ De Visscher, "Avant-Propos". At that time, not a single Argentine was elected to the IDI. Among the Latin-American members, we can identify the Chilean Alejandro Álvarez, the Cuban Antonio Sánchez de Bustamante (1865-1951), the Costa Rican Manuel M. de Peralta (1847-1930), and the Colombian Francisco José Urrutia Olano (1870-1950).

¹⁵⁵ Álvarez, *La codification du Droit International* (1929) p. 7.

¹⁵⁶ Obregón (2015), note 12 above.

¹⁵⁷ The assistance of Juan Pablo Scarfi is acknowledged for his comments on this point.

¹⁵⁸ For these aspects, see Becker Lorca, "International Law in Latin America or Latin American International Law?: Rise, Fall, and Retrieval of a Tradition of Legal Thinking and Political Imagination", *Harvard International Law Journal*, XLVII (2006), p. 283.

legal order.¹⁵⁹ It has a heuristic purpose. In the first place, the suggested perspective opens a series of problems, still unexplored. If they were to be closed now, it would be impossible to establish new explanatory links.¹⁶⁰ The approach of the history of international law based on the ego-collections opens, as this work has shown, new clues in the analysis of the social fabric of the distance or civilizational approach. Thus, we will be able to address the situated historic dimension of standards of civilization, on which international law is based, and upon which the international market of internationalist lawyers specializing in private international law is built. Is Zeballos's doctrine unperceived just because it was consistent with a Eurocentric standard of civilization at the time when a Pan-American internationalism was proclaimed continentally?

Or is it because it sought to state a human civil rights doctrine in the aftermath of the War when the great powers had to deal with masses of displaced people, many of them stateless?

Last, the interest in introducing a new approach to personal documentary collections should be emphasized. Generally used to search for traces of biographical studies, these are hardly considered as another kind of instrument used by the jurists from the periphery to balance an asymmetrical relationship and attain international status. What is the role of the documentary collection in the construction of a dogmatic tradition? What are the conditions required so that the collection can actually take part in this construction? Heirs have to know how to handle this documentation and maintain an interest in doing so. A series of local variables are also important in doing this work as the role of the documentary collection depends on them. Zeballos's case is also paradigmatic there as it tells a story of failure through a collection that was supposed to document a success story. Not all internationalists have left such a gathering of documents; and if they have, not all of them survived the vicissitudes of family and institutional histories. In any case, our study tempts us to wonder about them.

¹⁵⁹ A previous study has proposed different elements that would explain this oblivion, among them the effects of the First World War on the institutionalization of international law. The conflict overshadowed the sociability networks in which Zeballos invested energy, resources and time. González Bernaldo, note 21 above.

¹⁶⁰ M. Bloch, *Apologie pour l'histoire ou Métier d'historien* (1949), p. 41.