

Roberto Toniatti, a Passage to India, and Comparative Law

Of Italian Brahmins, Bollywood villains, and Secular Gurus

Arun Thiruvengadam*

1. Introduction

I am privileged to be a part of this collective tribute offered to Professor Roberto Toniatti by so many scholars, several of whom have been his colleagues, students, and mentees at the University of Trento's Faculty of Law. Unlike many of these scholars, I have only known Roberto for seven short years. And, across this period, we have met less than half a dozen times. Yet, at least two of these meetings lasted for three weeks each, and they allowed me to get to know Roberto in ways that have left a deep impression upon me. In this brief essay, I will seek to enumerate some reflections on Roberto as a professional and as a person.

2. Brief reflections on Roberto Toniatti, Professor of Comparative Constitutional Law

I first came to know Roberto in his professional capacity as a Professor of Comparative Constitutional Law at the University of Trento. I will briefly advert to my sense of him as a professional academic across three registers: as a scholar, classroom teacher and administrator. These are the three tasks that most academics are expected to discharge, and I will suggest that Roberto has been exemplary in each of these roles.

As attested to in so many contributions here, Roberto has written works that are significant contributions to the discipline of comparative law, especially comparative public law. As [this](#) official record on the website of the University of Trento reveals, Roberto's publications extend across five decades. Understandably, the dominant group of these publications is in Italian: the bulk of these are, sadly, beyond my linguistic grasp. But there are significant publications in English that I have read and learned from. I mention a few notable examples here, which exhibit the diversity of issues that Roberto has engaged with over time. [This](#) co-authored introduction to a symposium on 'Constitutionalism in Central and Eastern Europe' that appeared in the leading journal of comparative public law, *I.CON*, is also testament to Roberto's decades-long quest to shine a light on the relatively understudied legal and political legacy of the Austro-Hungarian empire. An issue that Roberto has written consistently upon across a long span is that of federalism and regional autonomy. While generally focused on developments in Europe (such as [this](#) essay), his scholarly focus, especially in recent years, has turned to other parts of the world, including Asia. A work that I have gained significant insights from is his [2017 edited volume](#), co-edited with Jens Woelk, that

* Professor of Law at the School of Policy and Governance, Azim Premji University, Bangalore, India. I thank Karthik Chandrasekar and Neeraj Grover for their inputs on an earlier draft.

focuses on 'Regional Autonomy, Cultural Diversity and Differential Territorial Government' generally and specifically in Tibet. In this volume that has several chapters on China and Tibet, what is striking is that the editors invited scholars specializing in the federal politics of Burma, India, Spain (Catalonia as well as the Basque region), Malaysia, South Sudan and South Tyrol to bring comparative insights to bear on similar issues in Tibet. Roberto's concluding essay in the volume ties together these comparative insights in adroit fashion and draws compelling insights about regional autonomy not just for Tibet but also for areas of the world that are grappling with similar concerns.

Another important issue on which Roberto has focused is that of minority rights and connected issues of legal pluralism in Europe, Asia and other contexts. All this amounts to a wide range of issues that have been the subject of Roberto's scholarly analysis across a long career. The high esteem he is held in among his peers is reflected in invitations to deliver keynote address at major conferences and prestigious lectures. In 2014, the Asian Law Institute ('ASLI') based at the National University of Singapore's Faculty of Law invited Roberto [to deliver a keynote address](#) at its annual conference held in Kuala Lumpur, Malaysia. ASLI is generally recognized as the leading body of Asian law schools and its annual conference typically involves the coming together of hundreds of legal academics from across the world. This was thus a signal honor. More recently, Roberto delivered the 2019 Casad Comparative Law Lecture at the Kansas University School of Law, the text of which was published in the Kansas Law Review in the same year. Titled '[Comparing Constitutions in the Global Era: Opportunities, Purposes, Challenges](#)', Roberto's lecture reflects on the state of the discipline at a critical time in world history, using his decades-long experience and insights to issue a call for increased co-operation in research and the training of future lawyers. His reflections on a range of issues that confront the discipline in our times will provide much food for thought for those who seek to chart its future course.

Thanks to many of his publications being available on databases and on the web, one can get a sense of Roberto's scholarly output even from afar. But those of us who have had the privilege of teaching with Roberto know that beneath the occasionally gruff and formal exterior that he maintains at conferences, there is a deeply caring and sensitive side that emerges in his classroom teaching. Having co-taught a course on 'Introduction to law in Asia' with him on two occasions at the University of Trento (May 2013 and May 2019), I was able to see first-hand how much care and diligence he brings to his teaching, and how much he thinks about the process of education and mentoring students effectively. On both occasions, I would casually discuss the performance of individual students in the class with Roberto when I was done with my classes, and I was struck that in almost every case, Roberto both knew the student in question and had something to say about how the student was faring generally, beyond the course. Given that in Europe, classes are much more lecture-based and the relationship between instructors and students is more formal than I am used to from my education in India and the United States, this was a reminder that a caring teacher will find a way to make a connection with students regardless of the context in which she operates.

I have much less to say about Roberto as an administrator, because by the time I met him, he was no longer the Dean of the Faculty of Law at Trento. However, I was constantly reminded that he was accorded unusual respect by his colleagues and students, more so than is due to a former Dean. I understand that Roberto's time as Dean was one where the Faculty did very well in national rankings, and also cemented its place as a leading centre for teaching and research in comparative law across Italy and Europe. I suspect those at Trento are better suited to address these aspects, and I will leave it to them to do so. In all the time I knew him, though, Roberto was engaged in research projects that had a comparative dimension and typically involved getting people working on interesting issues in different parts of the world together, often to the scenically located Trento, with its wondrous charms. This points to some skill in both conceiving ambitious research projects and then executing them to ensure that there is a continuous flow of such projects.

3. Brief reflections on Roberto Toniatti, the person

I do want to offer some personal reflections on the many generousities shown to me by Roberto, and the things I have learned from him beyond the law. I do this with a slight sense of trepidation as I know Roberto to be someone who is both deeply private, and respects personal privacy of others to a fault. In sharing some of these details, I do not want to offend his sense of privacy and I hope I get the balance between revealing parts of Roberto's personality that I was privileged to see to others, while respecting what he would not be comfortable with sharing.

When I first came to Trento in 2013, Roberto emailed me to say that he would be waiting outside the airport to drive me to the guest apartment where I was to stay. Since this was my first time in Italy, I did not realise that this involved driving about 100 kms from Trento to the nearest airport in Verona. And, since I had a relatively early flight in, this would have required Roberto to get up fairly early to make the hour-and-a-half long drive into Verona. Once we reached Trento, Roberto took me to a grocery to do my shopping to prepare for my two-week stay and then showed me around the guest apartment, noting how some things were done differently in Italy and what I should be mindful of. I later found that Roberto had departed from the norm to make room for me in his own office, so that he could help me get adjusted to things, and also make sure that I was not without assistance whenever I needed it. Quite often, Roberto would suggest we go out for lunch and I realized that this was his way of helping me get to know eating places that were convenient – and affordable – and to help me overcome the language barrier of not being able to speak Italian. While some may see this as a natural part of being a host, I realized upon meeting Roberto at other venues in Hong Kong, Singapore and Seattle, that his generosity of spirit was an essential part of his being, and was not a function only of his being my host. I saw this same generosity being extended to many others, including a former doctoral student for whom he painstakingly organized a book launch event and seemed to take even greater pride than the author herself in the scholarly achievement that the book represented. This made me realise that while I was personally grateful to Roberto, I was not being

singled out for such treatment, and that many people were similarly the beneficiaries of his essential spirit.

I will end this by sharing some details of Roberto's past that may not be known even to people within the Trento community. Early in our conversation, I realized that Roberto's knowledge about things in India did not come solely from books. After some prodding, he revealed that in his youth, Roberto had become quite disillusioned with things in Italy, and had decided to leave for an indefinite period of time. As many young people would do in the 1970s, Roberto decided to travel and live in South Asia. He ended up living in parts of India and Sri Lanka for several months, shuttling between Bombay, Goa, and parts of Ceylon (present-day Sri Lanka). When I enquired how he managed to find money to fund his stay, he noted, after some hesitation, that one avenue for raising funds was by acting in cameo roles in Hindi films made in Bombay (now referred to as Bollywood). At the time, the Hindi film industry was continuing with the anti-colonial sentiment that was prevalent in the 50s and 60s by casting white men as villains. Since Roberto was big in stature even as a young man, he was told to look menacing and scowl threateningly at some Indian actor or the other. Apparently, doing this for a few minutes on screen was enough to earn enough dollars to last a few weeks on a shoe-string budget. (Following this story, a personal research project of mine is the watching of Hindi films from the early 70s to try and catch a quick glimpse of the young Roberto).

Eventually, Roberto ended up doing social work with a faith-based organization in Sri Lanka and also interacted with religious figures (was this the source of his later research on legal pluralism? - one can only wonder). When I asked him how his sojourn in South Asia ended, Roberto told me that he met a Guru (a spiritual teacher who has usually renounced worldly pleasures), who told him that his place was in Italy and that he should return home. He acted on this advice, returned to Italy, moved to Trento eventually, and then stayed put. With Trento as his base, he continued to travel across the world as a comparative law scholar and also for his vacations, which he invariably spent in a different part of the world.

A quick aside: for an earlier generation of comparatists, time spent in immersing oneself in the culture being studied and obtaining linguistic competence were considered essential. Today, with the ubiquity of global languages and the strides made in translating texts, those skills are considered less important (or are manageable at the very least). However, most of us in the field would still argue for the importance of being immersed in places and legal cultures different from our home jurisdictions, also to make the familiar strange, and to be able to identify what we consider to be default norms, which are anything but. While Roberto has not formally written much about India/South Asia, my sense is that his long period in the sub-continent, and his extensive travels within it, may have had something to do with his later vocation as a student of comparative law.

But of course, my suggestion that Roberto's stint in India as a young man had something to do with his becoming a comparative law scholar can only remain speculative. In a recent exchange, however, I was delighted to inform Roberto that he was not the first Italian named Roberto to travel to India to find his way forward in life. The historian Manu Pillai recounts in [a short newspaper column](#) the fascinating journey

of Roberto de Nobilo, who was born in Montepulciano, Italy in 1577. de Nobilo was high born, but decided to become a Catholic priest and travelled to India in 1604 as a 27 year old as a Jesuit missionary. He arrived in Goa, before moving to Kochi and was transferred to the ancient temple town of Madurai where his predecessor had made a grand total of zero conversions in 15 years. de Nobilo underwent a transformation, learned Tamil, Telugu and Sanskrit, and became "a Hindu to save the Hindus." de Nobilo became and was treated by others as an "Italian Brahmin." As Pillai describes it, "de Nobilo began to live like a "native": the Jesuit's cassock was discarded for the garb of a sanyasi" (a Hindu holy man who generally wore a lower garment and little else). These methods proved highly successful: by 1610, the Madurai mission had 60 converts, which had amassed to 4000 by the time of de Nobilo's death in 1656.

Roberto's journey, as we know, was quite different from that of his medieval namesake. He returned to Italy to ascend the heights of Italian legal academia, becoming a legal Brahmin of a sort. But, at least to this particular Indian, his time in India and South Asia seems to have left a profound impression upon him.

Recently, a colleague asked me why, in the acknowledgments to my first book published in 2017, I had listed Roberto's name as one of three people who had taught me much without being formally my teacher. There is a deeply personal reason behind this. During my first stint in Trento in 2013, I was going through a difficult professional dilemma: I was then based in Singapore and was finding it difficult to come to terms with being an expatriate scholar of Indian constitutional law. After listening to me grapple with this patiently across several days, Roberto put aside his natural circumspection, and the day before I was scheduled to leave for Singapore, suggested to me gently that I might find solace in returning to India. As it turned out, Roberto's advice circled in my mind over the next few months and years and was an important factor in my moving back to India in 2015. Roberto's return to Italy in the 1970s was apparently prompted by the sage advice given to him by a South Asia-based guru. Four decades later, he offered the same advice to a younger man he encountered and whom he sensed was similarly struggling to find his place in the world. Roberto gave me advice that was much needed and that has worked to my professional and personal benefit. I shall forever remain grateful that Roberto overcame his reserve and spoke his mind at a time when many others may have chosen to remain quiet. For this reason – and for the continuing lessons I draw from my meetings and conversations with him - he will forever remain my guru.

I take this opportunity to wish Roberto the very best on the occasion of his retirement from the Faculty of Law. His presence will be missed by those around him, but also by those situated far away from Trento and whose lives were touched by him in profound ways. I do very much hope that I will be able to continue my association with him.

I must record my gratitude to colleagues at the University of Trento for reaching out to me and allowing me this opportunity to record my gratitude to Roberto in this collective tribute.