Research Symposium – “International Law 'in the Palm of our Hand’: Reading between the Lines of Brazilian International Law Textbooks.”

By:

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The “Research Symposium” is an initiative of the ILA-Brazil International Law Agendas blog to stimulate a debate on ideas that emerge from research projects in international law in Brazilian law schools. In this inaugural symposium, we present the research project; “International law 'in the palm of our hand’: reading between the lines of Brazilian International Law textbooks.”

“International law ‘in the palms of our hands’: reading between the lines of Brazilian International Law textbooks” is a research project developed since 2019 by the Research Group “Law, Globalization and Development” (DGD) of the Federal University of Rio Grande do Sul School of Law, under the

coordination of Professors Fabio Morosini (Universidade Federal do Rio Grande do Sul, Brazil) and Luíza Leão Soares Pereira (University of Sheffield, United Kingdom). Five graduate students at master and doctoral levels, and eleven undergraduate students have collaborated in this research project.

This research is part of a move to theorize about the Brazilian identity in international law (George Galindo "International Law in Brazil, Thought and Tradition," to be published; BADIN, MOROSINI & GIANNATTASIO, 2019; DE BRITO & NASSER, 2017). Unlike these other efforts, we focus our analysis on the most popular IL textbooks currently in circulation in Brazil. Legal textbooks are *par excellence* attempts to systematize an area of law. When writing them, authors reveal what matters and what does not matter in the field, and in this way constitute the field itself, emphasizing or de-emphasizing structures, power, and discourses (BERNARDINO, 2021, forthcoming). We understand textbooks as a microcosm of international law in Brazil - a bird's-eye view of the field as it is taught, produced, and reproduced in the country.

The title “International law ‘in the palms of our hands’: reading between the lines of Brazilian International Law textbooks” was not accidental. First, the “palm of our hand” refers to the etymology of the word “manual” (of the Latin *manus*, or hand) (textbook in Portuguese), and to their frequent use in Brazilian law schools. Manuals are often the only products proving the “existence” of international law “in the hands” of Brazilian students, and their only contact with the discipline, in view of the inaccessibility of the field as a practical area of law for most students in Brazil and the developing world (DEZALAY & DEZALAY, 2017). This should be taken into consideration when we study its role in forging the image of the field for jurists in the country. The title also alludes to “chiromancy”, or palm reading. By examining our empirical findings through a critical approach, we seek to draw the lines (what is written) and read between the lines (what has been excluded, or the sources hidden beneath the assertions) in these textbooks to understand the past, the present, and how to possibly shape the future of international law in Brazil.

In the Palm of our Hands - Textbooks as Empirical Evidence

Our research analyzes the ten main textbooks of the discipline currently in circulation in Brazil. They are: *Curso de Direito Internacional Público* by Alberto

do Amaral Júnior; *Curso de Direito Internacional Público* by Carlos Roberto Huzek; *Direito Internacional* by Dominique Carreau and Jahyr-Philippe Bichara; *Direito Internacional Público* by Francisco Rezek; *Manual de Direito Internacional Público* by Hildebrando Accioly, Geraldo Eulálio do Nascimento e Silva, and Paulo Borba Casella; *Direito Internacional Público*, by Marcelo Dias Varella; *Direito Internacional Público*, by Salem Nasser; *Curso de Direito Internacional Público*, by Sidney Guerra; and *Curso de Direito Internacional Público*, by Valerio de Oliveira Mazzuoli. We also chose to analyze the *Curso de Direito* Internacional authored by Celso Duvivier de Albuquerque Mello despite the absence of new editions since 2005 due to his passing, as it is still used widely in Brazilian classrooms. The results presented here are empirical data read through a critical lens, as we aim at practicing international law with "a new strategic awareness of the limits and possibilities that [the discipline] offers for political engagement" in progressive causes (KOSKENNIEMI, 2009).

This meta-exercise of mapping and better understanding international law as a "field", as a discipline, and as a practice, using textbooks as "artifacts" of this practice located in space (Brazil) does not exist in a vacuum. The DGD Research Group's discussions have been grounded on literature on sociology of law (BOURDIEU, 1987; LATOUR, 2009; DEZALAY, GARTH, 1996), on knowledge production in international law (BIANCHI, HIRSCH, 2021 (forthcoming)), on international law textbooks in particular (BERNARDINO, 2021 (forthcoming); SALMONES ROVIRA, 2013; KENNEDY, 2006) on semi-peripheral international lawyers (BECKER LORCA, 2015; OBREGÓN, 2006) on the teaching of Third World Approaches to International Law (ESLAVA, 2019), on comparative international law (ROBERTS, 2017), and on decolonization of Higher Education in general (HOOKS, 1994; BHAMBRA, GEBRIAL AND NIŞANCIOĞLU (eds), 2018). Guided by critical literature, we evaluated the textbooks not only as repositories of data on how international law is taught in Brazil, but also as maps of the sensibilities produced and reproduced by authors and practitioners of international law in the country.

Reading Lines and Between the Lines: Agency and Structure

Based on this theoretical framework, we seek to explore the tension between the structure of international law that these textbooks describe, and the agency of their authors and recipients. We seek to tackle structural questions about

international law in Brazil (such as: are there substantive themes of "national" interest that are repeated in the textbooks? Are there privileged sources among their citations? What are the patterns of nationality and gender among the authors of secondary works cited?) and questions about the agency of the authors of these textbooks (including how do the textbooks reflect professional histories, geographic location, academic background, and positionality?). We embrace in this process the understanding that the power of textbooks and their authors is part of the complex interplay among the mentioned factors, and that their diffused power to produce and reproduce structures and patterns of arguments demands deeper analysis. Thus, we reject the idea that authors can produce a “neutral” manual or discover international law outside of the tension between structure and agency.

The Preliminary Results: Aligning Past, Present, Future of International Law in Brazil?

This Research Symposium is composed of this introductory post and five other posts written by the other researchers participating in this project. The second post, written by Julia Macedo, Gabriel Lee, Pedro Henrique Pereira Santos and Nathalia Melo, explores the biographies of the authors of the studied textbooks, mapping markers of gender, academic background, and professional background - including, in some cases, the exercise of other legal careers in parallel with academia. The researchers seek to relate biographical aspects of the authors with substantive choices made in their textbooks. The third post, by Diego Flávio Fontoura José, Isadora Brondani, and João Antônio Coutinho Areosa, explores the sources used in these manuals: treatises, cases, and secondary bibliographical references. From the data collected, the authors describe the patterns found, such as the preponderance of certain international and domestic institutions among the primary sources cited, and the nationality of the authors of secondary sources mentioned.

The fourth post of this Symposium, written by Fernanda Ratzkowski, Jamille Batista e Souza, and Julia Brito Ospina, suggests a typology for the studied manuals, built on the data gathered and the researchers' impressions on the content of each manual. Two archetypes of international law textbooks in Brazil emerge from this analysis, coined by us as *textbook as project* and *textbook as instrument*. The former are characterized by the erudition and technicality of

their language, as well as by a systemic approach to international law, whist the latter are marked by informality and the absence of a clear intellectual project for international law. In the Brazilian case, the association of textbook *as instrument* with entrance examinations for admission to the Brazilian public service is undeniable.

Matheus Gobbato Leichtweis, Isadora Rodrigues, Elisa Piva Corrêa and Thales Medeiros reflect on the dichotomy between the universal and the regional in international law from the microcosm of Brazilian textbooks. In dialogue with works on comparative international law (ROBERTS, 2017) and the positionality of members of the profession (BECKER LORCA, 2015), it debates on the possibilities and limits of both theoretical frameworks and how they are applied to the case of Brazilian textbooks. Julia Brito Ospina and Julio Veiga-Bezerra's post closes the symposium by reflecting on the experience of the students involved in the process of producing this research, and as users of IL textbooks. It describes the lived experiences of those researchers in the process, in the spirit of both the literature on critical pedagogy (FREIRE, 1974; HOOKS, 1994) and self-reflection in the study of international law (D'ASPREMONT, 2017; KENNEDY, 2016).

The process of executing and presenting the results of this research was self-reflective and shaped by critical pedagogy (FREIRE, 1974; HOOKS, 1994). As part of the knowledge of decolonization process that shapes this exercise, we sought to decentralize all phases of the process from us, research coordinators, fostering a non-hierarchical environment. The posts presented here are the result of more than a year of weekly Zoom meetings, with participants throughout Brazil and the world, in which we raised questions, adapted hypotheses, discussed ideas, analyzed data, and reached fascinating conclusions about the practice and teaching of international law in Brazil. The connection among group members, and the self-reflection provoked by the research object, formed a fundamental part of our process.

On behalf of the research team, I now share the partial results of this process with the community of internationalists through this LINK. As the editor of the International Law Agendas in Brazil, I in particular hope that the Portuguese speaking Afronomicslaw audience will find this particularly useful. Together with my team, and in the spirit of the Afronomicslaw and TRILA symposium

from a few months ago on this blog - Teaching and Researching International Law: Global Perspectives - we look forward to your engagement.

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