The European Journal of International Law Vol. 35 no. 1
© The Author(s), 2024. Published by Oxford University Press on behalf of EJIL Ltd. All rights reserved. For Permissions, please email: journals.permissions@oup.com

Textbooks as Markers and Makers of International Law: A Brazilian Case Study

Luíza Leão Soares Pereira* and Fabio Costa Morosini**

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

Abstract

This article challenges conventional views of international law textbooks as mere instructional tools and explores them as powerful sites for shaping knowledge and the discipline. Drawing on empirical methods and critical theory, we analyse the 10 main international law textbooks used in Brazil and conduct interviews with their authors to illuminate the textbooks' complexities and their potential for shaping the discipline and the profession. The article delves into the tension between the structure of international law as depicted in the textbooks and the agency of their authors, investigating the authors' identities and backgrounds. Brazil serves as a compelling case study due to its numerous international law textbooks and their widespread use. Our results indicate a predominant universalist approach in Brazilian textbooks and their connection to the French international law tradition. Moreover, the study sheds light on the Brazilian 'invisible college' of international lawyers, revealing gender and racial disparities and institutional centralities. It also uncovers crucial omissions in the textbooks, such as the relationship of international law to colonialism, slavery, race, gender and economic inequality. Overall, this study offers a comprehensive understanding of international law as a field in Brazil and provides a valuable methodological framework for future research on textbooks' role in shaping the discipline.

* Luíza Leão Soares Pereira, Guest Professor, School of Law Graduate Programme, Universidade Federal do Rio Grande do Sul, Brazil. Email: luizaleaop@gmail.com.

** Fabio Costa Morosini, Professor, School of Law, Universidade Federal do Rio Grande do Sul, Brazil; Research Fellow, National Council for Scientific and Technological Development, Brazilian Ministry of Science and Technology; Visiting Professor, University of Michigan Law School, USA. Email: fabio.morosini@ufrgs.br.

The authors thank the following people: research assistants and members, Brazilian Ministry of Science and Technology, Research Group Direito, Globalização e Desenvolvimento; Law librarian at the University of Michigan Law School, Shay Elbaum. For their helpful comments on earlier drafts, we would like to thank Arnulf Becker Lorca, George Rodrigo Bandeira Galindo and Lucas Lixinski.

1 Introduction

Textbooks are sites for power and discipline making, 'engines of sociomental control that delimit the realm of the "relevant" in international law'.[1] Yet they receive limited attention as scholarship. Cast as training tools that, by virtue of their genre, do not encapsulate original insights, we tend to miss how their comprehensiveness in fact paints a broad and nuanced picture of international law and its place in world making for the book's readership. This article aims at reading textbooks as ambitious agenda setters in their own right.

We employ empirical methods, harvesting data from the textbooks themselves and conducting semi-structured interviews with their authors, but infuse our analysis with a critical sensibility, grounded on literature on the sociology of law,[2] on knowledge production in international law,[3] on international law textbooks,[4] on semi-peripheral international lawyers,[5] on the teaching of Third World Approaches to International Law,[6] on critical and decolonial approaches to teaching international law,[7] on comparative international law[8] and on the decolonization of

[1] Bernardino, 'Going By the Book: What International Law Textbooks Teach Us Not to Know', in A. Bianchi and M. Hirsch (eds), *International Law's Invisible Frames: Social Cognition and Knowledge Production in International Legal Processes* (2021) 293.

[2] P. Bourdieu, 'The Force of Law: Toward a Sociology of the Juridical Field', 38 *Hastings Law Journal* (1971) 805; Dezalay and Madsen, 'The Force of Law and Lawyers: Pierre Bourdieu and the Reflexive Sociology of Law', 8 *Annual Review of Law and Social Science* (*ARLSS*) (2012) 433; Dezalay and Dezalay, 'Professionals of International Justice: From the Shadow of State Diplomacy to the Pull of the Market for Commercial Arbitration', in J. d'Aspremont *et al.* (ed), *International Law as a Profession* (2017) 311; B. Latour, *The Making of Law: An Ethnography of the Conseil D'Etat* (2009).

[3] Bianchi and Hirsch, 'Introduction', in Bianchi and Hirsch, *supra* note 1, 1.

[4] Bernardino, *supra* note 1; M. García-Salmones Rovira, *The Project of Positivism in International Law* (2013) 85; Kennedy, 'The Last Treatise: Project and Person (Reflections on Martti Koskenniemi's from Apology to Utopia)', 7 *German Law Journal* (*GLJ*) (2006) 982; 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' 47 *Harvard International Law Journal* (2006) 283.

[5] Obregón, 'Peripheral Histories of International Law', 15 *ARLSS* (2019) 437; A. Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842–1933* (2014).

[6] Eslava, 'The Teaching of (Another) International Law: Critical Realism and the Question of Agency and Structure', 54 *The Law Teacher* (2019) 368.

[7] al Attar and Abdelkarim, 'Decolonising the Curriculum in International Law: Entrapments in Praxis and Critical Thought', *Law and Critique* (2021). There is a movement specifically on this topic being undertaken by a network of researchers in Latin America known as REDIAL (Repensando o Ensino do Direito Internacional na América Latina). In this sense, see A. Sanctis de Brito *et al.*, 'Reflexões sobre o ensino do direito internacional no Brasil: a formação como jurista internacionalista entre a teoria e a prática', in E. Prieto Ríos, P. Acosta-Alvarado and D. Rivas Ramírez (eds.), *Repensar la educación en derecho internacional en América Latina: avances y discusiones en 2019* (2020) 3; Betancur-Restrepo and Prieto Ríos, 'Educación del derecho internacional en Bogotá: un primer diagnóstico a partir de los programas de clase y su relación con las epistemologías de no conocimiento', 39 *Revista Derecho del Estado* (*RDE*) (2017) 53; de Brito and Nasser, 'Ensinar direito internacional no Brasil: panorama de uma prática e seus desafios', 39 *RDE* (2017) 119; P. Acosta-Alvarado *et al.*, 'Rethinking International Legal Education in Latin America: Exploring Some Obstacles of a Hegemonic Colonial Academic Model in Chile and Colombia', in S. Xavier *et al* (eds.), *Decolonizing Law: Indigenous, Third World and Settler Perspectives* (2021) 114.

[8] A. Roberts, *Is International Law International?* (2017).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

higher education.[9] Each of these bodies of literature comes together to help us revisit textbooks and their function beyond training materials, unveiling their analytical, political and social possibilities. Guided by this critical literature, we evaluate textbooks not only as repositories of data on how international law is taught but also as maps of the sensibilities produced and reproduced by authors and practitioners of international law.

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.[10] Thus, we reject the idea that authors can produce a 'neutral' manual or discover international law outside of the tension between structure and agency.[11] Part of uncovering this goes towards asking who is behind these texts and their respective ideologies and identities, which is part of what we do here, analysing the curricula of textbook authors and conducting interviews with them to clarify their views of international law to better understand the ways in which these imprint on the texts they produce. We seek to tackle structural questions about international law (such as whether there are substantive themes of 'national' interest that are repeated in the textbooks, whether there are privileged sources among their citations and 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 (how do the textbooks reflect the authors' professional histories, geographic location, academic background and positionality?).

We use Brazil as our field of analysis because, first, this is where we practise and teach international law. In addition, Brazil has an unusually large number of textbooks in the discipline that supply a rich source for analysis. This is a product of a combination of factors that include a disproportionate number of law schools per capita,[12] a long-standing tradition of teaching law using primarily textbooks[13] and an incentive to produce one's own textbook to demonstrate prestige in the local academy. Brazilian students also often do not speak English or French as a second language, and, thus, primary materials are de facto inaccessible to them in their original form.

[9] B. Hooks, *Teaching Critical Thinking: Practical Wisdom* (2010); G. Bhambra, D. Gebrial and K. Nişancıoğlu, 'Introduction: Decolonizing the University?', in G. Bhambra, D. Gebrial and K. Nişancıoğlu, *Decolonizing the University* (2018) 1.

[10] In this sense, John Gray makes an interesting analogy between maps and textbooks: 'Maps do more than simply describe, they simultaneously seek to construct. The same could be said about textbooks. They too set out to map a terrain, but like all maps they are the result of decision making in which the interests, beliefs and values of the map-makers play an all-important role'. J.E. Gray, *The Construction of English* (2010), at 1.

[11] L. Christian-Smith, 'Texts and High Tech: Computers, Gender, and Book Publishing', in L. Christian-Smith and M. Apple (eds), *The Politics of the Textbook* (1991) 50.

[12] Universidade Federal de Goiás, 'Brasil: o maior complexo industrial de produção de bacharéis em direito', available at https://direito.ufg.br/n/815-brasil-o-maior-complexo-industrial-de-producao-de-bachareis-em-direito#:~:text=O%20Brasil%20tem%20mais%20faculdades.

[13] Textbooks are often the only products proving the 'existence' of international law 'in the hands' of Brazilian students. They are most students' 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.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

International law textbooks, in this sense, act as literal translations of these materials, interspersed with the ideas of the authors. Finally, we propose that there is no reason why the Brazilian experience should be seen as more niche than, for instance, an analysis of textbooks from the five permanent members of the United Nations (UN) Security Council: our methodology and substantive insights are useful and easily transplantable across jurisdictions.

We propose that our focus on Brazil should not distract readers from our project's application beyond any particular jurisdiction. Our insights, while shedding light on some aspects particular to the Brazilian experience, are a case study on the power of textbooks as markers and makers of international law. The template we sketch out here is an invitation for further research into textbooks in other locations. The following sections provide different modes of reading textbooks. The fourth section reads the lines of textbooks, examining their basic architecture and summarizing the results of our findings,[14] while the fifth section reads between the lines of textbooks by exploring the legal projects that underpin them. We conclude with the sixth section by reading against the lines and studying what is absent from Brazilian textbooks.

Overall, the focus on Brazil shows that Brazilian textbooks adopt a universalist approach and a connection to a French international law tradition. We also observe that, while some textbooks present distinctively authorial characteristics (project textbooks), others are more descriptive and technical (instrument textbooks), which we connect not only to the global trend of managerialism[15] but also to developments in the Brazilian legal landscape. In addition, we use textbooks to sketch out some characteristics of the Brazilian 'invisible college',[16] such as its lack of gender and racial diversity, similarities between authors' career paths, the centrality of certain Brazilian and international institutions in Brazilian international lawyers' legal imaginaries and the importance of key individuals in the Brazilian international legal profession. Finally, we read against the lines of these textbooks to reveal neglected areas that are particularly important in the Brazilian context – international law's relationship to colonialism and slavery, its connection to racial and gender discrimination and economic inequality and developments in transitional justice. The results provide not only a unique window into the content of Brazilian textbooks themselves but also a complex, historically and socially situated picture of international law as a field in Brazil and a methodological framework for others seeking to use textbooks to understand the discipline anywhere.

[14] Using insights from grounded theory, see B. Glaser and A. Strauss, *The Discovery of Grounded Theory* (2019).

[15] Koskenniemi, 'The Fate of Public International Law: Between Technique and Politics', 70 *Modern Law Review* (2007) 1.

[16] Schachter, 'The Invisible College of International Lawyers', 72(2) *Northwestern University Law Review* (1977) 217.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

2 Research Methods

We analyse the 10 main Brazilian textbooks currently in use: *Curso de Direito Internacional Público* by Alberto do Amaral Júnior;[17] *Curso de Direito Internacional Público* by Carlos Roberto Husek;[18] *Direito Internacional* by Dominique Carreau and Jahyr-Philippe Bichara;[19] *Direito Internacional Público* by Francisco Rezek;[20] *Manual de Direito Internacional Público* by Hildebrando Accioly, Geraldo Eulálio do Nascimento e Silva and Paulo Borba Casella;[21] *Direito Internacional Público* by Marcelo Dias Varella;[22] *Direito Internacional Público* by Salem Nasser;[23] *Curso de Direito Internacional Público*

[17] Alberto do Amaral Júnior holds a doctorate in law from the University of São Paulo (1991) and has been a professor of international law at the University of São Paulo since 1987. His first textbook was published in 2008, and the latest edition dates from 2015. We used the fifth edition (2015) for our analysis.

[18] Carlos Roberto Husek holds a doctorate in law from the Catholic University of São Paulo (2004) where he has also taught international law since 1987. In addition to academia, Husek was a labour judge from 1988 to 2021. He currently practises law in São Paulo. His first textbook was published in 1995, and the latest edition dates from 2023. We used the 14th edition (2017) for our analysis.

[19] Dominique Carreau, who holds a doctorate in law from the University of Paris, was a professor of international law at the University of Paris. Jahyr-Philippe Bichara has a doctorate in international law from the University of Paris (2004) and teaches international law at the Federal University of Rio Grande do Norte. Bichara did all of his legal studies in France and wrote his doctorate under the supervision of Carreau. Upon starting to teach international law in Brazil, he translated into Portuguese and adapted to the Brazilian reality Carreau's original international law textbook. Their first textbook was published in 2015, and the latest edition dates from 2021, when they switched publishing houses to Paris' Pedone, which will potentially reach a larger audience, especially other lusophone readers outside of Brazil. We used the second edition (2017) for our analysis.

[20] Francisco Rezek holds a doctorate in public international law from the University of Paris (1970) and a diploma in law (1979) from the University of Oxford. He was a professor of international and constitutional law at the University of Brasilia and professor at the Instituto Rio Branco (Diplomacy School) since its creation in 1976. He served as attorney general (1972–1983), Supreme Court justice (1983–1990, 1992–1997), president of the Superior Electoral Court (1989–1990) and Ministry of Foreign Affairs (1990–1992). From 1997 to 2006, he served as a judge at the International Court of Justice. He opened his own law practice in 2008. His first textbook was published in 1989, and the latest edition dates from 2022. We used the 17th edition (2018) for our analysis.

[21] Hildebrando Accioly (1988–1962) was a high-profile career diplomat who taught international law at the Catholic University of São Paulo and the Instituto Rio Branco. The first edition of his textbook was published in 1948. In 1970, he joined forces with Geraldo Eulalio do Nascimento e Silva (1917–2003), another career diplomat. In 2007, by invitation of Nascimento e Silva, Paulo Borba Casella was added to the group and became the sole living author of this textbook. João Roriz, 'Um Dever Do "Homem Culto": Hildebrando Accioly, Jurista, Diplomata', in G. Galindo (ed.), *Direito Internacional no Brasil: Pensamento e Tradição* (2021) 31, at 41. Casella is a full professor of public international law at the University of São Paulo. He has a doctorate in international law (1986) from the same university and a master of law from the University of Paris. The latest edition of this textbook dates from 2023. We used the 20th edition (2012) for our analysis.

[22] Marcelo Dias Varella holds a doctorate in law (2002) from the University of Paris and has been teaching international law at the University Centre of Brasilia since 2002. Since 2005, he has been a research fellow at the Ministry of Science and Technology of Brazil, conducting independent research. In addition to academia, since 2006, Varella has been a career public official in Brazil's Federal Executive, having acted as a consultant in law and public policy in several Ministries. His first textbook was published in 2008, and the latest edition dates from 2019. We used the sixth edition (2016) for our analysis.

[23] Salem Nasser holds a doctorate in international law from the University of São Paulo (2004) and a master's degree in international law from the University of Paris. Since 2004, Salem has taught international law at FGV São Paulo School of Law. We used the first and single edition of his textbook (2012) for our analysis.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

by Sidney Guerra;[24] and *Curso de Direito Internacional Público* by Valerio de Oliveira Mazzuoli.[25] We also chose to analyse the *Curso de Direito Internacional*, by Celso Duvivier de Albuquerque Mello,[26] despite the absence of new editions since 2005 due to his passing, as it is still used widely in Brazilian classrooms. There are other textbooks in circulation in Brazil, but we selected these as the best representatives of the field, based on our lived experiences as students and teachers of international law in Brazil and their widespread adoption in the Brazilian law school curriculum.[27]

All textbooks analysed were written from the 2000s onwards, with two exceptions. The first, mentioned above, is the still central Celso de Mello's *Curso de Direito Internacional*. The second is Accioly and colleague's textbook, based on his 1935 three-volume treatise,[28] a celebrated and extensive work translated into both French and Spanish.[29] The abridged textbook version was first published in 1948. Since Accioly's passing in 1962, similarly to what we see in the tradition of English language classics such as those by Lassa Oppenheim, the textbook has lived 'other lives' under new editorship and authorship – Ambassador Geraldo Eulálio do Nascimento e Silva became its editor from 1970 and its author since 1996 and Professor Paulo Borba Casella has been listed as an author from 2008.[30] The textbook is currently in its impressive 26th edition.[31] We recognize the merit of looking at these works through a historical lens[32] and will indeed attribute some of their idiosyncrasies to their temporal dislocation. However, we chose to engage with them in the same context as the other eight

[24] Sidney Guerra is a full professor of public international law at the Federal University of Rio de Janeiro, full professor of law at the University of Grande Rio and professor of the graduate programme in law at the University Candido Mendes. He holds a doctorate in law from the University Gama Filho (2002). In addition to academia, Guerra practises law in Rio de Janeiro. His first textbook was published in 2004, and the latest edition dates from 2023. We used the 12th edition (2019) for our analysis.

[25] Valerio Mazzuoli holds a doctorate in law from the Federal University of Rio Grande do Sul (2008). Since 2008, Mazzuoli has been teaching international law at the Federal University of Mato Grosso. In addition to his role in academia, he is a practising lawyer in Cuiaba, Mato Grosso. His first textbook was published in 2006, and the latest edition dates from 2023. We used the 13th edition (2020) for our analysis.

[26] Celso Duvivier de Albuquerque Mello held a Bachelor of Laws from the Catholic University of Rio de Janeiro. He taught international law at several law schools in the state of Rio de Janeiro, including the most prestigious ones: the Catholic University of Rio de Janeiro, the Federal University of Rio de Janeiro and the State University of Rio de Janeiro until his passing in 2005. Between 1973 and 1976, he taught international law at the Ministry of Foreign Relations before the creation of the Instituto Rio Branco. In addition to being a professor, Mello served as a judge (1966–1992) and president of the Maritime Tribunal, an autonomous body linked to the Marines (1980–1981). His first textbook was published in 1967, and the latest edition dates from 2007. We used the 12th edition (2000) and vol. 2 of the 14th edition (2002) for our analysis. Morosini and Leichtweis, 'Um TWAILer Entre Nós? Desvendando as Contribuições de Celso Duvivier de Albuquerque Mello Para O Direito Internacional (Crítico) No Brasil', 17 *Brazilian Journal of International Law* (*BJIL*) (2020) 199, at 202–204.

[27] Similarly to Roberts, '[relying] on academics, academic publishers, and students' (from her chosen jurisdictions) when conducting her study of textbooks. Roberts, *supra* note 8, at 130.

[28] For an appraisal of this treatise, see J. Roriz, 'Um Tratado Brasileiro', 7 May 2022, available at http://ila-brasil.org.br/blog/um-tratado-brasileiro/.

[29] *Ibid.*

[30] As is suggested in the title to Reisman, 'Lassa Oppenheim's Nine Lives', 19 *Yale Journal of International Law* (1994) 255.

[31] Though here we analysed its 25th edition.

[32] Becker Lorca, *supra* note 4, at 287.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

textbooks in analysis – they are still relevant to paint a picture of international law in Brazil today. We identified two women-authored textbooks: Gilda Russomano's *Direito Internacional Público*[33] and Deisy Ventura's *Direito Internacional Público* (co-authored with Ricardo Seitenfus).[34] We decided not to include these works in our analysis because neither book has been updated and reissued,[35] and, unlike Celso de Mello's textbook, they do not continue to be used widely in law schools.

We undertook this research, under the auspices of a research group, as a collective effort with multiple research assistants, coordinated by us as co-authors. We divided the work into two phases. In the first phase, researchers analysed the textbooks themselves as well as the authors' biographies.[36] We asked researchers to compile data under the following categories: (i) biographies of authors, documenting institutions where they obtained their degrees, where they teach law (for those who were/are law professors) and their practice outside academia; (ii) international law topics addressed in each textbook; and (iii) references used in each textbook – for example, treaties, cases and bibliography. In parallel, we conducted weekly literature review sessions on relevant subjects. We compiled this data in one general report. The preliminary results were published in a series of blog posts.[37]

By the end of this first stage of the research, there were several questions that could not be answered by analysing the raw data that we had obtained. They included questions about the importance of editors and publishers in dictating the content of the books in question, who the authors envisaged as their main audience, reflections about whose works they chose to cite and why and more open questions about professional networks and mentorships that would help us better understand the characteristics of a Brazilian 'invisible college'. We decided to interview all of the living authors to help us answer these questions. We developed a semi-structured questionnaire around four major themes: biography; sources of international law and bibliography used to produce the textbook; sex, gender and racial self-identification; and the authors' relationship with their publishers.[38] All authors were extremely generous with their time and

[33] G.M.C.M. Russomano, *Direito Internacional Público* (1989). On Russomano's influence on Brazilian international law, see L.S. Tasquetto, 'A "inabalável confiança no Direito Internacional contemporâneo" e a dubiedade em suas abordagens: a trajetória acadêmica e profissional de Gilda Maciel Corrêa Meyer Russomano', in G. R. B. Galindo (ed.) *Direito Internacional no Brasil: Pensamento e Tradição* (2021) 301, at 301.

[34] D. Ventura and R. Seitenfus, *Direito Internacional Público* (2006).

[35] An updated edition of Ventura's book was re-edited in 2016 without her as a co-author.

[36] That is, the official Brazilian National Council for Scientific and Technological Development Curricula and other available sources.

[37] F.C. Morosini and L.L.S. Pereira, 'Research Symposium: Direito Internacional na "Palma da Mão": lendo as (entre)linhas dos manuais brasileiros', *International Law Association Brazil* (2021), available at http://ila-brasil.org.br/blog/direito-internacional-na-palma-da-mao-lendo-as-entrelinhas-dos-manuais-brasileiros/; F.C. Morosini and L.L.S. Pereira, 'Research Symposium: International Law "in the Palm of Our Hand": Reading between the Lines of Brazilian International Law Textbooks', *Afronomics* (2021), available at www.afronomicslaw.org/category/analysis/research-symposium-international-law-palm-our-hand-reading-between-lines.

[38] To design our questionnaire, we were informed by M. Rocha Machado, *Pesquisar Empiricamente o Direito* (2017).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

accepted our invitation to be interviewed. They received the questionnaire in advance and gave us lengthy and illuminating, as well as entertaining, interviews. All interviews were then transcribed by members of the research group and then coded using ATLAS.TI, a computer-assisted qualitative data analysis software.

3 Literature Review: Textbooks and Discipline Making

Our intuition that textbooks would help us understand the discipline in Brazil is shared by legal scholars and scholars from other disciplines similarly concerned with the relationship between knowledge and power, who recognize textbooks at any educational level and in any discipline as a site for power relations and building blocks of disciplinary imagination. In fields as varied as sociology,[39] economics,[40] accounting,[41] language[42] and chemistry and physics,[43] scholars have recognized them as 'a rich source of analysis for a range of research projects… an empirical ground on which to base investigation and… offer some intriguing lines of analysis to be mined and traced across disciplines'.[44] We draw from Linda Christian-Smith and Michael Apple's *The Politics of the Textbook*, a seminal work about textbooks in the American school context, which highlights the importance that researchers broach textbooks not only as 'hunter gatherers' harvesting 'social numbers'[45] but also as mirrors reflecting social relations of inequality. Textbooks, to them as to us, are 'artifacts', 'results of political, economic, and cultural activities, battles, and compromises' 'authored by real people with interests' and 'published within the political constraints of markets, resources, and power'.[46]

In domestic law, American casebooks have been used as foils to better understand the gender and racial biases in torts,[47] contract[48] and criminal law.[49] Others have

[39] Manza and Wright, 'Producing Textbook Sociology', 51 *Archives Europeennes de Sociologie* (2010) 271.

[40] Y. Giraud, 'Textbooks in the Historiography of Recent Economics', in T. Dupe and E.R. Weintraub (eds), *A Contemporary Historiography of Economics* (2019) 137; Richardson, 'Reading and Writing from Textbooks in Higher Education: A Case Study from Economics', 29 *Studies in Higher Education* (2004) 505.

[41] Ferguson *et al.*, 'Constructing Meaning in the Service of Power: An Analysis of the Typical Modes of Ideology in Accounting Textbooks', 20 *Critical Perspectives on Accounting* (2009) 896.

[42] Vitta, 'The Functions and Features of ELT Textbooks and Textbook Analysis: A Concise Review', *Regional Language Centre Journal* (2021) 1; Babaii and Sheikhi, 'Traces of Neoliberalism in English Teaching Materials: A Critical Discourse Analysis', 15 *Critical Discourse Studies* (2018) 247.

[43] A. Lundgren and B. Bensaude-Vincent (eds), *Communicating Chemistry: Textbooks and Their Audiences, 1789–1939* (2000); M. Badino and J. Navarro (eds), *Research Pedagogy: A History of Quantum Physics through Its Textbooks* (2017).

[44] Issitt, 'Reflections on the Study of Textbooks', 33 *History of Education* (2004) 683, at 684.

[45] Christian-Smith and Apple, 'The Politics of the Textbook', in Christian-Smith and Apple, *supra* note 11, 1, at 2–3.

[46] *Ibid.*

[47] Tobias, 'Gender Issues and the Prosser, Wade, and Schwartz Torts Casebook', 18 *Golden Gate University Law Review* (1988) 495.

[48] Frug, 'Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook', 34 *American University Law Review* (*AULR*) (1985) 1065.

[49] Grosso and O'Brien, 'Grounding Criminal Procedure', 20 *Journal of Gender, Race, and Justice* (2017) 53; Ristroph, 'The Curriculum of the Carceral State', 120 *Columbia Law Review* (2020) 1631.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

studied the market forces dictating casebook publishing in the USA.[50] In the United Kingdom (UK), domestic textbooks have been used to historicize the socialization of students into the Common Law and to write contemporary social histories of legal academia.[51] In international law, there are few, but significant, examples of scholarship dedicated to studying textbook/treatises. Tony Carty's 1972 doctoral dissertation uses 19th-century textbooks to draw out 'general patterns of thinking' in international law, for instance by demonstrating the discipline's 'institutional turn'.[52] Carty argues that textbooks in the 19th century are 'the only key to an understanding of the history and present nature of international law', as areas of the discipline were 'constructed and developed in these very books'.[53] He proposes, rather boldly, that we engage in reverse engineering in order to see that Article 38(1)'s other sources (treaties, custom, general principles, judicial decisions) are generated by textbooks and not the other way around.[54]

Critical analysis of treatise-like books by prominent international lawyers has shown glimpses of these publications' importance for the development of our disciplinary imagination.[55] Oppenheim and his *International Law*,[56] recognized as 'probably the most influential English textbook of international law',[57] is at the centre of narratives about the development of international legal positivism. In Mathias Schmoeckel's narrative, Oppenheim's textbook represents a turn towards modernity and systematicity, born out of a combination of the author's Germanic sensibilities and historical context. Benedict Kingsbury centres the same book in a narrative about the building of positivism into the discipline, highlighting the political consequences of purporting to depoliticize the law.[58]

Arnulf Becker Lorca uses selected Latin American textbooks to expertly trace semi-peripheral sensibilities of the discipline. He identifies textbooks' 'consolidated hold' on Latin American perceptions of international law due to their extensive use by scholars and practitioners and their role of '[expressing] the professional common sense', 'building up a national lore'.[59] In saying this, Becker Lorca recognizes the role of textbooks as makers of international lawyers in Latin America as well as evidence of what

[50] Lind, 'An Economic Analysis of Early Casebook Publishing', 96 *Law Library Journal* (2004) 95.

[51] D. Sugarman, 'Legal Theory, the Common Law Mind and the Making of the Textbook Tradition', in W. Twining (ed.), *Legal Theory and Common Law* (1986) 26; Cownie, 'Are We Witnessing the Death of the Textbook Tradition in the UK?', 3 *European Journal of Legal Education* (2006) 79.

[52] A. Carty, '19th Century Textbooks and International Law' (1972) (PhD dissertation on file at the University of Cambridge), at iii, ix.

[53] *Ibid.*, at xxiv.

[54] *Ibid.*

[55] Kennedy, 'The Last Treatise: Project and Person (Reflections on Martti Koskenniemi's from Apology to Utopia)', 7 *GLJ* (2006) 982; Koskenniemi, 'Book Review of Brownlie's Principles of Public International Law', 83 *BYIL* (2014) 137.

[56] L. Oppenheim, *International Law: A Treatise* (3rd edn, 1920).

[57] Schmoeckel, 'The Internationalist as a Scientist and Herald: Lassa Oppenheim', 11 *European Journal of International Law* (*EJIL*) (2000) 699, at 701.

[58] Kingsbury, 'Legal Positivism as Normative Politics: International Society, Balance of Power and Lassa Oppenheim's Positive International Law', 13 *EJIL* (2002) 401, at 412.

[59] Becker Lorca, *supra* note 32, at 287.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

they are made of – textbooks are simultaneously evidence of the features of a field as well as moulds that imprint themselves onto the field. We borrow his classification of textbooks as 'universal' or 'particular' in our analysis.[60]

Ana Luisa Bernardino reflects on how textbooks have the power not only to include, but also to exclude, themes from the international legal field, reinforcing the invisible frames that help reproduce power relations in and through international law.[61] She highlights that textbooks educate aspiring international lawyers on what to think about and not think about and they concomitantly show the biases of our discipline – what international law(yers) choose(s) to keep out of the frame.[62] Textbooks 'linger excessively on knowledge of the rules and principles of international law in detriment of all other considerations' with no regard for what happens after cases are decided; they determine what counts as 'general' international law as opposed to what should remain in specialist areas or what should not be spoken about at all.[63]

Theory also remains largely outside the realm of the textbooks that Bernardino looks at, which in turn cements them as '*the* reality of international law'.[64] She also aptly discusses the 'hidden curriculum' of textbooks,[65] how they determine 'what knowledge counts' and concurrently what knowledge does not.[66] They often dismiss critique as 'extreme or facile' and inflate international law's role in world affairs.[67] The state practice they pick out both reflects and reproduces power dynamics in international relations – the USA and the UK are given disproportionate attention, and other countries' practice is seldom discussed.[68] She argues finally that 'going by the book' – pun intended – in international law means forfeiting modes of knowledge as well as limiting creativity and emancipatory ways of practising international law. In her words, 'as important frames of the discipline, they police our perceptual world, determining what is visible and what is invisible, the sayable and the unsayable'.[69] Finally, she expounds how they create a professional hierarchy, where 'the "masters" of international law maintain their god-like status' due to their positioning as textbook authors as well as the authoritative language of textbooks themselves.[70]

More recently, Henry Jones and Aoife O'Donoghue reflect upon how textbooks help or hinder teachers of international law who are invested in baring the discipline's politics.[71] They choose to measure textbooks' progressiveness through their engagement with the history of international law. They conclude that the textbooks published in English and widely used in Ireland – and possibly in England, Scotland and

[60] *Ibid.*, at 287–293.
[61] Bernardino, *supra* note 1, 293.
[62] *Ibid.*
[63] *Ibid.*
[64] *Ibid.*, at 6 (emphasis in the original).
[65] *Ibid.*, at 8.
[66] *Ibid.*
[67] *Ibid.*, at 9.
[68] *Ibid.*
[69] *Ibid.*, at 11.
[70] *Ibid.*, at 12.
[71] H. Jones and A. O'Donoghue, *History and Self-Reflection in the Teaching of International Law* (2022).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

Wales – fail that goal. Their periodizations are 'Eurocentric', 'state-centric', 'idealist intellectual', 'international institutionalist' and 'international normative'.[72] In Jones and O'Donoghue's reading, there is insufficient engagement with 'imperialism', 'colonialism' and 'colonization'.[73] The authors also criticize textbooks' lack of citations of works beyond those of white European men.[74] Only Jan Klabbers' and Gleider Hernández's works meet (some) of the authors' criteria for what constitutes a progressive international law textbook. Traditional favourites, such as works by James Crawford, Ian Brownlie, Malcolm Shaw and Malcolm Evans, largely miss the mark.[75]

An analysis of textbooks in international law that approximates and informs ours was undertaken by Anthea Roberts in *Is International Law International?*[76] Her overall argument is that, despite its universalist veneer, international law has pronouncedly parochial characteristics. Looking at textbooks from selected states, she sought to verify how international law is taught, practised and understood in different countries – the project of 'comparative international law'.[77] She defends that textbooks both 'reflect and shape different approaches to international law in different states'.[78] Like us, she analyses both 'the *subjects* these books focus on and the *materials* they use' to understand the messages that are passed on to the students in the field and through which they are socialized as 'international lawyers'.[79] She challenges the universalist ideal of Oscar Schachter's 'invisible college', claiming that the international law profession is better described as a 'divisible college', in which national characteristics, shaped by states' *realpolitik*, seep into international lawyers' own understanding of international law.

Roberts concludes that, despite certain shortcomings, textbooks are 'a visible and comparable measure for conducting cross-national studies'.[80] She measures the degree of 'nationalization/ denationalization/ westernization' of textbooks by looking at (i) the number of citations of domestic, domestic foreign and international case law; (ii) the number of citations of doctrine and the nationality of the authors cited; (iii) the topics substantively covered in textbooks from different states; and (iv) how certain key topics were treated in different states' textbooks.[81] Roberts spends much time on how each nation's interests shape different narratives within the textbooks in question and contrasts them with other countries' textbooks in order to challenge international lawyers' universalist presumptions.[82] Her conclusions are shaped by her emphasis on the five permanent members of the United Nations (UN) Security

[72] *Ibid.*, at 88–93.
[73] *Ibid.*, at 91–92.
[74] *Ibid.*, at 92.
[75] *Ibid.*, at 88–93.
[76] Roberts, *supra* note 8.
[77] A. Roberts *et al.*, 'Conceptualizing Comparative International Law', in A. Roberts *et al.* (eds), *Comparative International Law* (2018) 3.
[78] Roberts, *supra* note 8, at 32.
[79] *Ibid.*, at 33 (emphasis added).
[80] *Ibid.*, at 34.
[81] *Ibid.*, at 135–138.
[82] *Ibid.*, at 35.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

Council, which, as others have pointed out,[83] were always likely to wield results that emphasize the parochial over the universal.

Unlike Roberts, we are not interested in comparing different states' textbooks. Rather, we are ascertaining the characteristics of individual textbooks in a single country – Brazil. We, however, use similar metrics to Roberts in order to verify how Brazilian textbooks fare in terms of patterns of citation of primary and secondary sources and whether there are any distinguishable Brazilian themes.[84] Literature from law and other disciplines uses textbooks in at least three ways. The first is by analysing their content – the topics covered (and not covered), the sources they use and the methodology they explicitly or implicitly employ. The second is by looking at their authors – what are their social markers in terms of nationality, race, sex and class; what are their academic backgrounds, career paths, social networks and their methodological affiliations. And the third is by looking at the context in which these textbooks are published – to whom these books are marketed, in what way they help further their authors' careers and what these contextual aspects tell us about the functioning of a given field. We decided to present our results in a similar way: the content, the authors and the context of the aforementioned 10 textbooks, derived both from data harvested from textbooks themselves and from a series of semi-structured interviews with all textbook authors.

4 Reading the Lines: The Basic Architecture of International Law Textbooks

Here, we scrutinize the content of Brazilian textbooks to support our effort of unveiling their analytical, political and social possibilities. This section comprises two categories: themes most commonly explored and the sources on which they tend to rely, which, in our study, includes treaties, cases and secondary sources. We found no particular Brazilian themes broached in the textbooks. With regard to sources, multilateral treaties represent the majority of primary sources cited. The majority of secondary sources cited were written by Brazilian authors, followed by French authors. The majority of these works were written in, or translated into, Portuguese and authored overwhelmingly by men. These results are the coordinates we use to draw the map of international law in Brazil in later sections of this article. The methodology we use here can be replicated by scholars in other jurisdictions.

A *Themes*

There are no unanimous themes approached by all textbooks. 'Subjects of international law', 'international responsibility', 'settlement of disputes' and 'territory'

[83] Hernández, 'E Pluribus Unum? A Divisible College?: Reflections on the International Legal Profession', 29 *EJIL* (2018) 1003; see also Chasapis Tassinis, 'The Self-seeing Soul and Comparative International Law: Reading Anthea Roberts' Is International Law International?', 7 *Cambridge International Law Journal* (2018) 420.

[84] For our elaboration on these findings, see section 4.B.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

appear in nine out of 10 textbooks. Many textbooks devote space to 'specialized' areas of international law – international humanitarian law, in particular, is broached in nine textbooks, over what are usually considered 'classic' international law themes such as 'sources' (eight), 'international law and domestic law' (eight) and 'use of force' (six). As mentioned below, there are some connections between themes and the professional experience or academic interest of the authors in question, though this overlap is not absolute.[85] Some of the authors deliberately went on to write separate monographs on specific international law topics not covered by their textbooks.

We found very little evidence of deliberate choices to include themes due to regional or national significance. When we originally devised this research project, we expected that some particularly 'Brazilian' international law topics would be included – that is, detailed accounts of the functioning of MERCOSUR (Southern Common Market), the regional economic bloc of which Brazil is a party, or engagement with the Inter-American Court of Human Rights (IACtHR) case law in which Brazil was a respondent. We thought the choice of themes would help us understand what Brazilian international lawyers perceive as relevant to international lawyers 'in training' in the country. However, these particularly regional themes are largely absent. With the exception of engaging domestic constitutional law to explain the relationship between Brazilian law and international law, there is no prevalence of regional themes in these textbooks. Their outlines largely resemble those of textbooks in English or French. Moreover, as remarked by Jones and O'Donoghue, textbooks' 'history' chapters provide important clues as to the politics and methodological approaches they espouse.[86] We observed that Brazilian textbooks either do not speak of the discipline's history or reproduce its most traditional European versions. Both Mello and Accioly, for example, dedicate sections to some of international law's European 'founding fathers', such as Alberico Gentili, Hugo Grotius and Francisco Suárez, and do not name any additional local figures; they also do not dispute traditional historical narratives, such as the birth of modern international law in Westphalia. In other words, by and large, they tend to reproduce a top-down and universal conception of international law instead of investigating potentially local features of the field.

Part of the explanation for this is that, contrary to Roberts' conclusions in her study of the five permanent members of the UN Security Council, some areas of doctrinal international law are essentially the same everywhere: certain regimes, such as the law on state responsibility, the law of the sea and international humanitarian law, apply across the board independently of the state where one is located. However, as we will explore below,[87] it is clear that there are themes of particular regional significance. Brazilian international law textbooks do not make this apparent. In our interviews, one author went as far as saying that his textbooks could be translated and used in any jurisdiction in the same way that an English or French textbook could simply

[85] See section 5.C.
[86] Jones and O'Donoghue, *supra* note 71.
[87] See section 5.A.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

be translated into Portuguese and used in Brazil.[88] This perception that international law (and its textbooks) lack domestic identity was further confirmed in our interviews when authors were asked about Brazilian approaches to international law. They gave us largely unimpressed and generic answers, and only one author was able to identify traces of a Brazilian tradition.[89] These tentative and largely disengaged answers indicate that, if such a particular Brazilian international law identity does indeed exist, it is likely not the product of self-awareness (see Figure 1).

B *Sources Used*

Preliminarily, we observed that the majority of these texts used very uneven referencing. Sometimes references in the body of the text did not overlap with the final

[88] Interviewer: '[D]o you think your manual, based on the description you're providing here, could be used in other parts of the world? We were talking about Brazil, but do you think?'
Interviewee no. 7: 'I think so, without any problem, because it has this concrete aspect. Of course, you can change the materials, you can refine the questions, you can..., but I believe it can be used easily. Especially because, as you know, in our course, we have two-thirds of public and one-third of private students. However, the manual specifically refers only to public international law. So, when it comes to the private part, it becomes very Brazil-specific, as Brazil deals with private international matters. Therefore, I think, um, except maybe for the aspects related to the relationship between international and domestic law, which are very specific to Brazil in a manual, how Brazil deals with the internalization and hierarchy of international treaties, you would have to modify that and generalize a bit more. Although I always start with the observation that when you look at this relationship, you no longer approach it from the perspective of international law. Instead, you primarily consider it from the perspective of domestic law, and each legal system establishes its own relationship with international law. But apart from that, I think it is fully usable, although, as I mentioned, it needs to be updated and, um, more sophisticated. I would like to change the case studies, you know, just to freshen them up. But the experience also shows, at least in a course like ours, which is relatively short and has this division with the private aspect, you can't cover the entire course. I end up leaving aside, at least, one chapter or one of the major topics, for example, like the elements of the state, the state as a subject of international law. Because the number of weeks is limited, you can't go as deep as you would like.'
Interviewer: 'No, I will, ... if you want to continue, just interrupt me as well, okay? We have seen a concern, not only in Brazil but also elsewhere, regarding the idea of trying to identify unique characteristics of international law that are related to the place where it is produced. The question would be whether you believe there are Brazilian elements in international law, and if so, what would these elements be that could give, let's say, a "tropicalization" to international law?'
Interviewee no. 7: 'Well, I think, ... I'm aware of this debate, even though I haven't been following it closely. I'm also very curious about it. Right now, maybe I haven't delved too deeply into it because I tend to be a bit skeptical about this diversity of international law. I think as a language, you know, international law is very much produced in Europe. And I believe this even manifests itself in our manuals and such. We could copy a manual from any other country, say, a French manual, and translate it into Portuguese, and maybe no one would notice. So, you wouldn't need to invent anything. And I don't see, even among the Brazilian professors I've come across, anything that is significantly different.'

[89] Interviewee no. 1: 'I believe there is a Brazilian perspective on international law and international relations, but not a Brazilian international law per se. I can't identify an international law founded on a Brazilian perspective. Perhaps today we can observe elements that could lead us to the idea of an international law from a Brazilian perspective, but these elements are still dispersed and do not yet allow for a deeper consolidation to the extent that we can qualify them as an international law from a Brazilian perspective.'

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

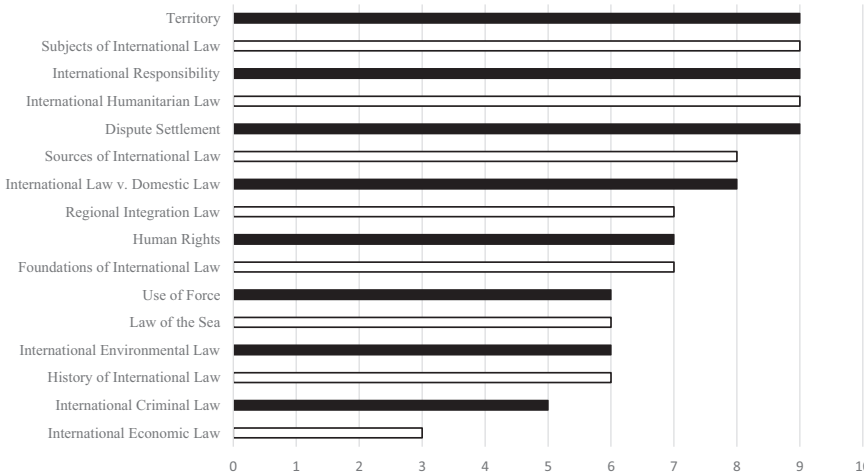

Figure 1: *Content of each textbook by table of contents*

bibliography. Often, case law is cited incompletely and, in the body of the text, without corresponding footnotes. This posed challenges in our data collection efforts and generated uncertainty about the provenance of certain statements. When questioned about referencing, one of the authors stated that editors explicitly advised him to drop a number of references as they were distracting to readers and took up too much space, increasing the textbooks' costs. We hypothesize that this uneven referencing may be due, first, to textbooks' peculiar standing as academic but not strictly scientific. One of the authors refers to not being bound by 'scientific constraints' while writing his textbook.[90] Another hypothesis is that references are incompatible with textbooks' quasi-oral nature: they mimic the style of a lecturer's script rather than a scholarly

[90] Interviewee no. 3: 'I intentionally don't mention many things. So sometimes I read something somewhere, but why wouldn't it be plagiarism? Because everyone says the same thing. So I could say, "Treaty is a genus of which convention is a species," but everyone says that. So my sources go beyond those that I cite. I only cite what I can't find anywhere else, what I see is not obvious. And when I do cite these… Shawn, Brownlie, Pellet, Daillier, Dupuy, the others that I mention, it's because I only found that in them. Now, undoubtedly, since I studied in the United States… I mean… I studied in France and England, before the manual, there will be more French authors, you know. But perhaps, if you pay attention, you'll see that a large part of my citations is case law. Why? Because there's no way to avoid citing that. The idea is that the manual doesn't have many footnotes. Now, the manual, in my view, is not a scientific work where you need to… if I were doing academic research or writing a scientific article to create a book like this, I would need… even in the final version, I would have thousands and thousands of citations, but then the sauce would cost more than the chicken, you know. For example, in the early versions of my manual, you can see an index of cases. But as I expanded the manual, I eliminated it.'

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

publication.[91] Two exceptions to this are Amaral Júnior and Mazzuoli, who are more systematic in their referencing. Unevenness aside, these textbooks do cite primary and secondary materials. We analyse these below, dividing them into treaties, cases and secondary sources.

1 Treaties

We obtained data about the overall number of citations to treaties and separated those across multilateral, regional and bilateral treaties. The goal of collecting data on treaties cited in Brazilian textbooks is at least two-fold. First, we sought to compare the overall number of citations to treaties with those to case law. This could help confirm or disprove our intuitions that countries from Civil Law traditions, such as Brazil, privilege the authority of treaties over case law in their practice/understanding of international law. The overall numbers confirm this: citation to treaties largely surpasses that to case law – overall, Brazilian textbooks amass 8,342 citations to treaties compared to 1,882 citations to cases. Second, we use treaties to locate textbooks along a spectrum between universalism and particularism. We will elaborate on this dichotomy, which we borrow from Becker Lorca, in section 5.A. For now, it suffices to say that the blatant prominence of multilateral treaties over regional and bilateral instruments, which we have verified here, further indicates that Brazilian textbooks have 'universalist' tendencies (see Figure 2).

2 Cases

Similarly, our research mapped out citations to case law (see Figure 3). The overall number of citations to cases indicates a preference for using treaties over case law as sources – 1,882 citations to cases and 8,342 citations to treaties. This is despite

[91] Interviewee no. 4: 'What initially inspired us to write the book – this course that we have, which is now in its 16th edition – were products of the classes themselves, so that the students could understand what we were trying to convey. This is a first point: to pass on to the students a theoretical, well-grounded understanding. Although there are many good books on international law – obviously, right? – and many good authors in Brazil and around the world, the truth is that we had a particular view of the subject as we studied each author, as every professor does. This particular view of the subject regarding the fundamentals of international law, things that we considered important to include in the book – which not all books had, nor all courses had. … A student of international law, when hearing about international law for the first time, thinks that we will be discussing international politics. Politics… international law doesn't exist…. Convincing the student that international law is law and that it exists is what concerned us when writing the book, saying: "Look, there is a legal division of the world, the world is divided, the sea has divisions, there's territorial waters, contiguous zones, considerations of contiguous and successive rivers, there is state sovereignty, the state is part of the international society, if it weren't, we would be in a permanent state of war, maybe the world wouldn't exist". We focused a lot on diplomacy, including some specific chapters that we didn't see in other courses, such as the international organization of labor, right? With each edition, we add something new: International Court of Justice, International Criminal Court, and so on…. It's a worldview for the law student, saying that obviously politics is there, social facts are there, but law encompasses everything, law is our salvation. That was the idea, and since the first book – which had about 150 pages – we have reached the current edition with a book of 400 pages. And it's still too little, you know?! My idea – and I'm working towards it – is to create something more extensive, perhaps two or three volumes, but I need time, and we'll gradually finish these things.'

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

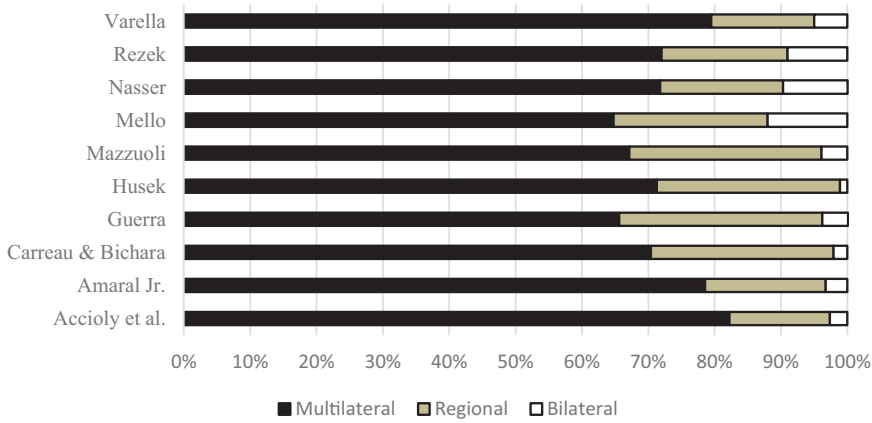

Figure 2: *Percentage of multilateral, regional and bilateral treaties cited in each textbook*

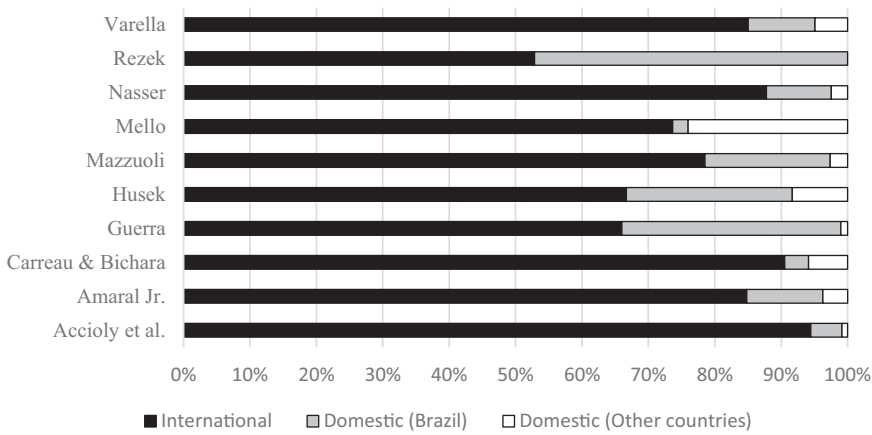

Figure 3: *Percentage of international, domestic (Brazil) and domestic (other countries) cases cited in each textbook*

the involvement of the authors' overlapping occupations as private practitioners and domestic/international judges, which could arguably lead to more engagement with case law.[92] Such a tendency could indicate, as aforementioned, a reflection of Brazilian authors' education in the Civil Law tradition, which is said to privilege legal texts and doctrine as sources over case law. Roberts also notes a stronger reliance on treaties over case law in Russian and Chinese textbooks.[93] She suggests that this may be because case law is not available in languages accessible to Chinese and Russian readers.[94] This may also help explain our findings.

[92] See section 5.C.2.
[93] Roberts, *supra* note 8, at 130.
[94] *Ibid.*, at 137.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

Second, we sought to find out whether there were jurisdictional preponderances among these cases. We theorized that the use of cases from international courts and tribunals would indicate 'universalist' tendencies, whereas the use of Brazilian domestic cases, or cases from other Latin American countries, would indicate increased concern with local concerns. The large majority of cases cited (81.29 per cent) were international; 13.67 per cent were domestic (Brazilian); and 5.08 per cent were domestic (other), with no particular Latin American regional preponderance. This confirmed our findings in the quantification of multilateral treaty citation, which also indicated universalist tendencies as far as the citation of primary documents is concerned.

3 Secondary Sources

We analysed the use of secondary materials referenced in Brazilian textbooks, documenting the nationality and gender of all authors of these materials cited as well as the language of works cited. The proportion of nationalities of authors cited across all textbooks reveals a large preponderance of foreign authors. The overall number of French authors surpasses all other nationalities (at 16.08 per cent), except Brazilian (34.73 per cent). British and American authors follow at 6.78 per cent and 6.12 per cent, respectively. We also sorted citations by language, as Brazilian academic practice often makes use of translations of foreign texts to Portuguese. We found that the majority of works cited were published in Portuguese (38.7 per cent) but that French closely followed at 33.8 per cent. English is the third most utilized language of sources cited, at 21.2 per cent. In half of the textbooks, French is the most utilized language of secondary source citations: Accioly et al. 31.41 per cent, Carreau and Bichara 62.69 per cent, Mello 37.79 per cent, Rezek 18.98 per cent and Varella 45.23 per cent (see Figure 4). The nationality of authors cited and the language of secondary sources used both support our intuition that Brazilian textbooks overall uphold a 'universalist' view of international law, not necessarily sensitive to Brazilian / Latin American local perceptions of the discipline, as we expound upon in section 5.A. The 'Eurocentric' pattern in citations is also an indication of the academic paths of the authors concerned. Many of them obtained their advanced degrees or spent substantial time in European institutions, where they were exposed to European legal doctrines that shaped their understanding of the discipline. This preponderance of European citations over Brazilian/regional authors reflects the textbook authors' perception that it is for European countries to 'produce' international law and for countries in the periphery and semi-periphery to 'reproduce' their ideas, even if unwittingly.[95]

Some experts, however, expected the preponderance of non-Brazilian – European and Anglo-Saxon – citations to be even higher than what we observed.[96] Possible

[95] G. Bhambra, D. Gebrial and K. Nişancıoğlu, 'Introduction: Decolonizing the University?', in G. Bhambra, D. Gebrial and K. Nişancıoğlu (eds), *Decolonizing the University* (2018) 1; A. Escobar, 'Mundos Y Conocimientos de Otro Modo: El Programa de Investigación de Modernidad/Colonialidad Latinoamericano', *Tabula Rasa* (2003) 51.

[96] Arnulf Becker Lorca, in particular, made such a comment when invited to discuss our article in a seminar held online at the University of Sheffield's Early Career Work in Progress Seminar in the United Kingdom on 18 May 2022.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

reasons for this could be: (i) barriers to access to foreign publications – for example, paywalls and high import costs; (ii) language barriers, as not all authors have working knowledge of foreign languages; and (iii) a cultural tradition to cite fellow Brazilians who are part of the authors' same epistemic community. In this sense, it could be a deliberate political choice to cite Brazilian colleagues, as opposed to Europeans, as a tool to increase one's social capital amongst peers.[97] Authors cited are overwhelmingly

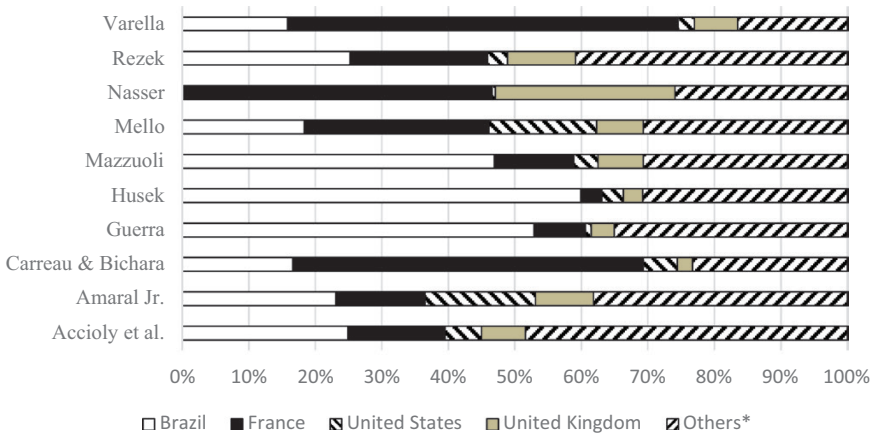

Figure 4: *Percentages of different author nationalities cited in each textbook* Nationalities with generally less than 5 per cent of total citations are added under 'Others'.*[98]

[97] Interviewer: 'And your manual cites a lot of Brazilians, right? And that is something you consider important in the notion and formation of international law… right?' Interviewee no. 2: 'I think so because, well, you also had opportunities during your academic formation to study abroad, to travel a lot, like I did. And I find it very complicated, you know when people here in Brazil sometimes arrive speaking another language, whatever it may be, French, English, Spanish, anything, they are already revered as something impressive. Even in some other studies, like for example, the discussion of Latin American constitutionalism here in Rio de Janeiro, there is even a program that discusses that, but the one bringing up that discussion is not even Latin American, it's a European. So, you can see how things are. I believe that here in Brazil, and I have said this in various places I go, even outside of Brazil, not now, but hopefully soon we can travel again, is that in Brazil and in Latin America in general, there is still a lot of this need for European formation, the recommendation of European authors, and sometimes we fail to make recommendations, citations, to give recognition to our colleagues who are right here, close by, in Rio Grande do Sul, in São Paulo, in Roraima. So, I see this in a very negative way, in terms of my desire, and it's what I have sought to do, always valuing those who deserve to be valued, naturally, not only in intellectual terms but also in personal, moral terms, because there are also people who, well, it's not worth it, you know, to value friends here in Brazil, regardless of having many friends, thank God, outside of Brazil, and having travelled extensively. But I think the spotlight, um, needs to be given to those who are from here, you know, if it's a very specific topic, then okay, you can't bring that discussion, but if you are a pioneer, if you are the reference, why not? So, for example, when it comes to human rights, you cannot ignore studying Cançado Trindade, you just can't. So, "Oh, so I'm going to look for another author just so I don't use Cançado Trindade?" Some people do that, but I'm not going to do that.'

[98] Under the 'others' category, we found mostly an aggregate of authors from other European countries (for example, Germany, Austria, Belgium) and a few from Canada. There was a small number of Latin American authors cited (Uruguayan, Argentinian, Mexican, Peruvian) and a few Russian and Polish authors. None of these numbers, however, were sufficiently significant to be included as a stand-alone category in this graph.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

men. Individual textbooks' citations vary from 87.74 per cent men, at their most gender diverse, to 100 per cent men, at their least gender diverse. Amongst the few women cited are Claudia Lima Marques, Deisy Ventura, Flavia Piovesan, Gilda Russomano and Nadia de Araujo. We observed that many of them are Brazilians themselves. We do not suggest that authors deliberately chose to exclude knowledge produced by women authors; the interviews in fact confirm that the textbook authors were sensitive to gender equality's importance as a broad goal in academia and in society more generally. However, these concerns were not translated into positive action to improve citation diversity, as acknowledged by the authors themselves.

5 Reading between the Lines: The International Legal Projects of Textbooks

This section reads 'between the lines' of Brazilian textbooks in order to unveil hidden features of how international law is taught, practised and reproduced in Brazil. Our analysis for this section is divided into three subsections: universalism versus particularism, project textbooks versus instrument textbooks and the 'Brazilian' invisible college of international lawyers.

A *'Universalism' versus 'Particularism'*

From the start of the project, we aimed at understanding whether Brazilian international law textbooks – and, consequently, in our proposition, Brazilian international law – had parochial characteristics and concerns with differentiating itself from universalist traditions of the discipline.[99] We expected that these characteristics would reveal particular Brazilian interests peeping through the content of textbooks as well as their sources. What we found instead is that most textbooks we analysed, with some notable exceptions, did not have a particular Brazilian flavour. These results are informed by Becker Lorca's insight in his study of Latin American textbooks, where he develops the terminology of 'particularism' in contrast with 'universalism'.[100] The universalist pole's common characteristics are the presentation of international law as a 'global' project with no national affiliation – a cosmopolitan endeavour that is neutral, technical and universal. Particularist international law textbooks, on the other hand, reveal some cognizance of the potential pitfalls of a universal international law and appropriate the discipline strategically in defending regional or national interests.[101] As Becker Lorca himself suggests, textbooks exist on a spectrum between these two poles, and rigid classifications would be artificial. What we do here is elaborate on this sliding scale, explaining how each work falls closer to one or another side of the spectrum.

[99] Some of the universalist/particularist tendencies are identified throughout the text but are expounded upon here.
[100] Becker Lorca, *supra* note 4.
[101] *Ibid.*, at 287.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

We sought to identify universalist/particularist tendencies in Brazilian textbooks in the following ways; first, in the choice of themes explored – for example, is there an emphasis on local/regional histories or institutions in the body of the text; are there reflections about Latin American or American international law; and to what extent do they explore the incorporation of international law to domestic law? We also looked at their sources – what is the proportion of multilateral 'universal' treaties cited versus regional/bilateral treaties; are there domestic and regional as well as international cases in the footnotes; what is the nationality of authors cited as secondary authorities; are they Brazilian, Latin American, from the global South or the global North; and what is the language of the secondary sources cited: French, English, Portuguese or Spanish?

We organized the textbooks on a sliding scale between the universalist and particularist poles. In doing so, we sought to harmonize data obtained about each of the aforementioned indicators. The overall view suggests that, with a few exceptions, Brazilian textbooks in general have a preference for universalist, traditional, even Eurocentric views of the discipline. Some would fall under the 'true universalist' category (Accioly et al.), whereas others (Carreau and Bichara, Varella, Nasser) fall under a 'universalist lite' category that is concerned with some national/regional themes. Another intermediate category uses a greater number of national/regional sources but still operates from a largely universalist perspective that assimilates European perceptions (Rezek, Guerra, Amaral Júnior). Husek, Mazzuoli and Varella's works have stronger particularist affiliations in some respects – they place emphasis on international law's interaction with the Brazilian Constitution.

Mello, on the other end of that scale, despite his wide use of European references, focuses on regional/domestic themes such as the history of regional integration, American international law and the international law of development, indicating the strongest particularist tendencies amongst all the textbooks analysed. He positions himself as someone who writes about international law from the semi-periphery. While far from forging a Brazilian identity to international law, his textbook is infused by what we identify as a global South sensibility. In his very illuminating prefaces to every new edition, he sides with other Third World scholars to criticize the structure of international law. One good illustration of this semi-peripheral sensibility is how he disputes the subfield of international economic law, placing development concerns at the heart of the discipline.[102]

These conclusions also help add complexity to Roberts' study of textbooks from the five permanent members of the UN Security Council, which led her to assert that parochial characteristics are easily discernible. If we look at semi-peripheral states' textbooks, such as Brazil's,[103] national interests seem less likely to influence the content and materials cited. What we have found, overall, is that Brazilian textbooks by and large reproduce universalist conceptions of international law in content and form. This universalist bend is further confirmed by our interviews with

[102] Morosini and Leichtweis, *supra* note 26, at 209–211.
[103] Roberts herself suspects that this might be the case. See Roberts, *supra* note 8, at 152–156.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

the authors, where questions about a 'Brazilian identity' of their textbook were met with puzzlement or outright rejection.[104] Our findings, in this sense, mirror those of Babatunde Fagbayibo in relation to the teaching of international law in the African continent.[105]

B *Between Technique and (Overt) Politics: Textbooks as Projects or Instruments*

Another feature we identified is that some textbooks treat the discipline as a largely technical enterprise to be taught and 'instrumentalized', whereas others have a distinctive authorial flair, articulating a particular 'project' for international law, which led us to classify them under two rubrics: 'instrument' and 'project' textbooks. While we recognize that the 'project' and 'instrument' archetypes are somewhat reductionist, we believe they help us articulate important features of these works that would otherwise remain unnamed. These features mirror the phenomenon described by Martti Koskenniemi as afflicting the discipline itself – that of international law transitioning from a political cosmopolitan project into a technique of global governance (managerialism).[106] Whereas Koskenniemi attributes a negative connotation to the 'managerial' turn in international law, we understand 'project' and 'instrument' textbooks as mere descriptions of two different approaches. These different approaches are a product both of the changes in global disciplinary sensibilities identified by Koskenniemi and, perhaps most of all, of the modifications to the Brazilian legal education market, legal publishing landscape and profiles of textbook authors.

1 'Project' Textbooks

Some of the features of 'project' textbooks in our characterization are quite tangible – the erudition and technicity of their language, allied with a systemic approach to international law and an engagement with theoretical/systemic themes in the discipline. Their main distinctive characteristic, however, is that they are infused with the authors' particular sensibilities about the discipline. Neither of the four textbooks we classified under this rubric – Accioly et al.'s, Mello's, Rezek's and Amaral Júnior's – subscribes to a common 'project'. They are all very different beasts. Accioly and colleagues' work portrays international law as a cosmopolitan project. Its language is erudite and technical, conveying Accioly's approach to international law as a discipline made by, and directed at, the 'cultured erudite man'.[107] In the preface to the book's first edition, the author asserts that 'no cultured man can completely ignore the

[104] See section 4.A.

[105] Fagbayibo, 'Some Thoughts on Centring Pan-African Epistemic in the Teaching of Public International Law in African Universities', 21 *International Community Law Review* (2019) 170.

[106] Koskenniemi, *supra* note 15, at 29.

[107] Roriz, *supra* note 21, at 31. Accioly's conservatism and catholicism influenced his ideas, as observed by Roriz and Pereira, 'Um Internacionalista Atravessado: Hildebrando Accioly e a Grande Imprensa (1944–52)' (2022) (Monograph thesis on file at the Pontifícia Universidade Católica do Rio Grande do Sul, Porto Alegre).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

existence of international law'.[108] Despite the arduous work done under Nascimento e Silva and Casella to update the original work by Accioly, erudition remains one of its central features. Its authorship and target audience explain its prolixity – both Accioly and Nascimento e Silva were career diplomats and wrote with diplomats and statesmen in mind.

The book must also be understood in its historical context. Its first edition is from 1948 when international law in Brazil was largely studied by those following a diplomatic career, then the purview of white elites who had economic and social standing, what Karla Gobo Pinto refers to as the *Noblesse d'État*.[109] There is an indication that Accioly's prestige extended beyond the borders of Brazil: he is cited in early editions of Oppenheim and in Roberto Ago's work on state responsibility before the International Law Commission, perhaps relativizing the understanding that influences between the global North and global South were always unidirectional. The sophisticated, but somewhat cumbersome, tone of this textbook can be seen as a result of the convergence of its authorship, audience and historical context.

Mello's textbook shows the author's sensitivity to Third World concerns. As we expounded in section 5.A., this is a textbook that most privileges a local perspective – for instance, by disputing the concept of international development and discussing Latin American regional integration. Mello explores, in encyclopaedic form, international law from a place of 'localism', with discernible Third World sensibilities that are epistemologically critical. Common in his oeuvre are statements such as that 'international law should be an instrument in the fight against under-development'.[110] His idea of international law as a progressive political project can be seen in the lengthy and candid prefaces he attached to his work, where he makes bold statements about international law and its politics. In the preface to the book's ninth edition, he criticizes the dictatorship's choice to remove international law from the list of compulsory subjects in the law school curriculum, heavily criticizes the role of capitalism in perpetuating inequality between states and reveals his scorn for neo-liberalism.

We can attribute the difference in tone between Mello's textbook and other works analysed here to his openly centre-left political inclinations.[111] We can also speculate that the historical moment in which its first edition was published (1967) helps explain its politics – it was both the time of the New International Economic Order[112] and the heyday of Brazil's military dictatorship. Although Mello himself was not a career diplomat, he had ties to the Brazilian Ministry of Foreign Affairs, having taught in the Instituto Rio Branco, Brazil's diplomatic graduate school, between 1973 and

[108] H. Accioly, *Tratado de direito internacional público*, 3 vols (1933–1935) (author's translation).

[109] K.L.G. Pinto, 'Noblesse d'État: Do Campo Ao Habitus Da Diplomacia Brasileira' (2016) (PhD thesis on file at Universidade Estadual de Campinas), available at www.ncbi.nlm.nih.gov/pubmed/26849997.

[110] C.D. de Albuquerque Mello, *Curso de Direito Internacional Público* (12th edn, 2000), at 15.

[111] F. Morosini and M.G. Leichtweis, 'Um TWAILER entre nós? Desvendando as contribuições de Celso Duvivier de Albuquerque Mello para o direito internacional (crítico) no Brasil', in G. Galindo (ed.), *Direito Internacional no Brasil: Pensamento e Tradição* (2021) 377, at 383.

[112] On the New International Economic Order and Latin America, see J. Castañeda (ed.), *Derecho Económico Internacional: análisis jurídico de la Carta de Derechos y Deberes Económicos de los Estados* (1976); H. Gros Espiell, *Derecho Internacional del Desarrollo* (1975).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

1976. His work was often cited in official Foreign Ministry legal briefs and by the Brazilian Supreme Court in matters of international law.[113] Unlike Accioly et al.'s textbook, Mello's book ceased to be re-edited after his passing in 2005, but it is still highly influential in Brazilian law school curricula and remains a staple in international law circles.

Our third textbook in the 'project' category is Rezek's. His textbook is one of the most respected in Brazilian diplomatic circles and elite law schools. Anecdotally, those studying for the highly competitive entrance exam to become a Brazilian diplomat are told to prepare for the international law exam using his book. Rezek is a member of the Brazilian bureaucratic elite and a *bona fide* member of the 'invisible college' of international lawyers. He is the only author in our roster to have been a judge at the Brazilian Supreme Court (elected twice in 1983–1990 and 1992–1997), a deputy attorney general in 1979, president of the Brazilian Supreme Electoral Court (1989–1990), Brazilian minister of foreign affairs (1990–1992) and later elected as a judge to the International Court of Justice (ICJ) (1997–2006). After leaving the ICJ, he went into private practice in Brazil and has often been appointed as arbitrator to high-profile tribunals under the International Centre for the Settlement of Investment Disputes and the International Court of Arbitration of the Paris International Chamber of Commerce.[114]

Rezek's illustrious career path is well imprinted in his textbook, placing it in an interesting position in the universalist-particularist spectrum that we propose here. On the one hand, he centres the Brazilian experience: he uses a plethora of Brazilian domestic decisions and explores the Brazilian legislation and practice of treaty internalization. He also cites a majority of authors who are Brazilian – many citations are to his own scholarship, judicial opinions and expert reports. On the other hand, despite this nationalistic slant, Rezek does not share Mello's left-wing view of the domestic. He supports a conservative take on diplomacy and international law. Rezek self-identified during his interview as a positivist, centring state sovereignty and state consent and outwardly rejecting 'human-centric' approaches to international law. His textbook is divided into traditional sections (sources, subjects, state responsibility, governance of the global commons, peaceful settlement of disputes and war) and espouses traditional views on substantive issues. This is congruent with his alignment with the conservative political forces in Brazil that are responsible for his appointments to prestigious institutions during his career. Thus, we chose to describe his 'project' textbook as one of conservative localism.

We also classify as a 'project textbook' Amaral Júnior's. His book's project is to 'modernize' the Brazilian international legal field. In his interview, he discloses a desire to provide an alternative to the French tradition prevalent in Brazilian international law

[113] Morosini and Leichtweis, *supra* note 26, at 220.

[114] J. F. Rezek, História Oral Centro de Pesquisa e Documentação de História Contemporânea do Brasil, *Entrevista José Francisco Rezek I* available at www18.fgv.br/CPDOC/acervo/historia-oral/entrevista-tematica/jose-francisco-rezek-i.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

textbooks, which he perceives as descriptive, stifling, dogmatic and antiquated. He chooses to replace it with an interdisciplinary, dynamic and institutionally focused approach to the discipline. Amaral Júnior is the only textbook author to state that he wishes to cater to international relations students in addition to law students[115] and those preparing for the Instituto Rio Branco.[116] His thorough referencing and research – the table of authorities in his textbook reaches 53 pages – contrasts with most other textbooks' sparse, uneven referencing and orality. This connects to his full-time dedication to academia. However, modernizing, in Amaral Júnior's view, is synonymous with substituting the French for the anglophone textbook model – he asserts in his interview that he feels most connected to schools of thought rooted in Oxford, Cambridge, Yale, New York University and Harvard and mentions a series of anglophone authors as his main influences. This is in stark contrast with most other authors, who deem France and The Hague to be the main loci of power and knowledge in the discipline. Although he does not disregard French scholarship (13.4 per cent of citations are to French authors), he mostly cites Brazilian academics (23.1 per cent), followed by US scholars (16.6 per cent). Despite the deference to British academia revealed in his interview, reference to British authors amounts to only 8.7 per cent of the citations in his book.[117]

In summary, 'project textbooks' differentiate themselves from their 'instrument' counterparts in their content and spirit: they espouse more or less discernible authorial ideas and do not only posit to reproduce the discipline 'as is'. Accioly et al.'s textbook reproduces a conservative liberal sensibility, Mello infuses his textbook with Third World concerns, Rezek seeks to balance domestic Brazilian sources and conservative voluntarist views and Amaral Júnior tries to 'modernize' the landscape through interdisciplinarity and anglicization to counter the otherwise prevalent French tradition in Brazilian textbooks. Despite their contrasting political messages, these books are united in the 'project' category as they (i) seek to exhaust the content of international law; (ii) use relatively prolix language; and (iii) are infused with the particular political and intellectual sensibilities of their authors. Unlike their 'instrument' counterparts, they are primarily directed neither at undergraduate law students nor at most internal Brazilian bureaucracy; instead, they converse with local internationalized elites, such as those in the Brazilian Ministry of Foreign Affairs and some international stakeholders through their translations.

[115] The offer of international relations courses has been developing steadily in Brazil and, alongside it, the need for materials that teach international law to this different audience. Vigevani, Thomaz and Leite, 'As Relações Internacionais no Brasil: notas sobre o início de sua institucionalização', 14 *Inter-Relações* (2014) 5; Lessa, 'Instituições, atores e dinâmicas do ensino e da pesquisa em Relações Internacionais no Brasil: o diálogo entre a história, a ciência política e os novos paradigmas de interpretação (dos anos 90 aos nossos dias)', 48 *Revista Brasileira de Política Internacional* (2005) 169.

[116] In addition to his textbook, Amaral Júnior was commissioned by the Instituto Rio Branco's Fundação Alexandre de Gusmão, from 1996 to 2012, to produce four editions of the *Candidate's Manual*, a hornbook containing general guidelines on law generally and on international law for those wishing to take the Rio Branco exam. See A. do Amaral Junior, *Manual do Candidato: Noções de Direito e Direito Internacional* (2012).

[117] Although we recognize that British academia is made up of many non-British scholars.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

The characteristics of 'project textbooks' highlighted here reveal a dichotomy. On the one hand, they enshrine the elitist underpinnings of international law as a practice and academic enterprise in Brazil. They are also all predominantly 'universalist' and, with the exception of Mello, do not espouse particularly progressive agendas. On the other hand, their rigorous exhaustive nature and clearer political underpinnings contribute to an understanding of international law in Brazil as a locus for political disputation and world making.

2 Textbooks as 'Technical Tools': The 'Instrument' Textbooks

'Instrument' textbooks share two main characteristics: first, they adopt a less formal language than their 'project' counterparts and, second, they do not articulate a clear authorial vision and do not present a discernible political project, instead expounding upon technical aspects of international law from the point of view of the Brazilian bureaucracy. Their authors' disengagement with international law's politics is often overt – Interviewee no. 2 asserted in the preface to his textbook's first edition that 'he does not intend to dissect "new" or "classic" discussions in international law'.[118] Interviewee no. 4 also expressly asserted in his interview that he does not delve into 'theory', and Interviewee no. 5 stated that he does not intend his book to be 'critical'. The purported absence of 'politics', which is in itself an engagement in a 'politics' of its own, affiliates these authors with a tradition that sees international law as 'neutral' and does not question what lies behind the label of 'international', associated with the 'universalist' tendencies expounded upon above.[119] A less charitable reading of these textbooks could see them merely as a reflection of the discipline's newfound managerialism,[120] but we chose to also understand them contextually. Temporally, we hypothesize that these 'late-comer' textbooks needed to differentiate themselves from their prolix 'project' predecessors as briefer and more accessible, closer to 'handbooks' than to 'treatises'. In our view, 'instrument textbooks' are ambitious agenda setters in their own right in the sense that they help shape or lead the discipline towards a more technical and managerial, rather than overtly political, path.

The particular features of the Brazilian legal landscape might also have contributed to the rise of 'instrument' textbooks. First, there is the huge number of Brazilian law students with particular pedagogic requirements. In 2020, Brazil had more than 1,200 law schools, with varying degrees of excellence in teaching and performance

[118] Interviewee no. 2: 'My textbook is different because… I am very… objective, sometimes people take a paragraph to explain what you can explain in a paragraph, it takes 10 pages. Just to show off a presumed erudition many times, right? And as for me… I… I value my space, my work, my time, and I try to do the same in relation to other people. So if we were to use a vulgar terminology, then there are many books that people write, write, write just to fill the pages, well… they use various aspects to make the material have a larger body. And I try to be direct, be objective, I try to indicate new theories, as I have already mentioned here, not only in the field of catastrophes, but mainly in the fields where I have been more active, the issue involving human rights and the environment, and the subjects that are already recurrent, which are addressed here in Brazil and in the world, I try to approach them in a very objective manner.'

[119] Becker Lorca, *supra* note 4, at 287.

[120] Koskenniemi, *supra* note 15, at 29.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

in the qualifying Brazilian bar exam.[121] In all these law schools, international law is a compulsory module.[122] This creates a market for simplified compact textbooks for students' consumption. 'Instrument' textbooks' accessible language and less cumbersome engagement with international law's theoretical underpinnings cater to this market, as the authors themselves seem to recognize. Interviewee no. 7 specifically mentioned that a goal for his book was to oppose 'a conservative doctrine of international law' that he conflates with excessive theoreticism. Interviewee no. 4 and Interviewee no. 5 made similar assertions that their work is directed towards those uninitiated in the language of international law.[123] Interviewee no. 4 and Interviewee no. 7 expressly asserted that they wrote with their respective classrooms in mind and used their own undergraduate teaching materials as a template for their books. All 'instrument textbook' authors were thus concerned less with articulating an authorial view of international law and more with helping students navigate the discipline.

Another potential stimulant for the proliferation of 'instrument textbooks' is the popularization and increased internationalization[124] of legal civil servant careers in Brazil. Access to the Brazilian civil service is gained through competitive public entrance exams (*concursos* in Portuguese). Those wishing to prepare for these exams have formed a market for easily digestible materials targeting specific exam requirements. Legal publishing houses responded by commissioning legal academics to produce such work, including international lawyers. It is thus credible that international law textbooks, once lengthy tomes written for and by political elites, would transition towards more simplified summaries of international law topics suitable for *concursos* preparation, aligned with the 'instrument' textbook category. When asked about the impact of *concursos* on their work, some authors openly acknowledged that they seek to reach out to this audience by, for example, including summaries of relevant topics alongside the main text.[125] Most authors, however, were reluctant to acknowledge any

[121] Fundação Getúlio Vargas / Ordem dos Advogados do Brasil, *Exame Da Ordem Em Números* (2020).

[122] Portaria no. 1.886/94, Resolução CNE/CES no. 9/2004; see also Saliba, 'Direito Internacional No Brasil', in M. Sanchez-Badin, A. De Brito and D. Ventura (eds), *Direito global e suas alternativas metodológicas: primeiros passos* (2016) 131.

[123] C.R. Husek, *Curso de Direito Internacional Público* (2017), at 9; V.O. Mazzuoli, *Curso de Direito Internacional Público* (2023), at 9.

[124] Engelmann, Menuzzi and Pilau, 'International Connections within the National Government: Brazilian Public Legal Careers and International Circulation (2008–2018)', 79 *Crime, Law and Social Change* (2023) 627. This seems to be in line with the global trend of 'transnationalized bureaucracy' described by Wilkins, 'Making Global Lawyers: Legal Practice, Legal Education, and the Paradox of Professional Distinctiveness', 26 *Harvard Law School Center on the Legal Profession Research Paper* (2014) 4.

[125] Interviewee no. 3: 'Well… I think there's a bit of everything, you know. First, there has always been international law in exams, like the bar exam, for positions such as police officer, prosecutor, attorney, judge and here in Brasília, consultant for the Chamber and Senate, the two most prestigious exams. In the military police here in Brasília, it always comes up because of the embassies, and in the civil police, because officers constantly encounter diplomatic and consular units in their daily work. They stop someone, and if the person makes a mistake, they need to know what to do, you know. In my book, I even try to address that, but in my… I won't lie, there are some things in my book that I included from the beginning thinking about that because in Brasília, the life of Brasilienses revolves around taking exams. So, for example, what commonly appears in exams, I highlight in bold, and I provide a summary at the end of each chapter.'

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

direct connection between their work and these exams.[126] In our view, this may be because Brazilian academics consider that succumbing to the irresistible market pull of civil service entrance exams cheapens one's work. In any event, 'instrument' textbooks' affinity with *concurso* students might have positive unintended consequences for their authors – namely, an increase in citations by the domestic courts in which these former students go on to work as civil servants. Mazzuoli's popularity amongst *concurso* students, for example, could be one of the factors that cemented his position as one of the most cited international lawyers by Brazilian domestic courts, including the Supreme Court.

The characteristics of 'instrument' textbooks may also be a reflection of the professional backgrounds of their authors, whose experiences of international law and institutions are more parochial than those of 'project' textbook authors. Mazzuoli is an academic with much success in the burgeoning law publishing industry in Brazil, whereas Guerra and Husek are both practitioners (private practitioner and labour law judge, respectively). Nasser is a partner at a São Paulo law firm. Varella is a public servant, part of the Executive Branch bureaucracy. Their connections to domestic, rather than transnational, practice may help explain their inclinations towards a more objective language, briefer form and greater preoccupation with how international law is applied in Brazilian institutions.

These 'instrument' textbooks have advantages and disadvantages in relation to the 'project' archetype: first, by rejecting the erudition of the likes of Accioly et al. and Mello, they make our historically elitist discipline more accessible to the wider public. In a way, they are much more appropriate to the teaching of international law in a country such as Brazil, where the study of law has become ubiquitous and materials in English are inaccessible to Portuguese-speaking students. 'Instrument' textbooks are also written with international law's domestic practice in mind, targeting the needs of the increasingly transnational Brazilian bureaucracy, including but not limited to domestic courts. On the other hand, by not acknowledging the political underpinnings of the discipline and proposing to describe it in isolation from theory, they contribute to the perpetuation of the inherent politics and contingencies of the 'international'. They can also be associated with the 'managerial' approach described by Koskenniemi – specialized, technical, fragmented, institutionalized – that is now the hallmark of our profession.[127] We see this category of textbooks as artefacts that both reflect certain characteristics of international law in contemporary Brazil and further entrench such characteristics, as they continue to be used by students and practitioners in the country.

C *The Brazilian 'Invisible College'*

In this section, we map out the professional international law landscape in Brazil through the prism of textbooks. We have mapped out the institutions in which

[126] Except with the highly prestigious entrance exam for the Instituto Rio Branco, the Brazilian Ministry of Foreign Affairs diplomatic academy.

[127] Koskenniemi, *supra* note 15.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

authors studied and where they currently teach as well as their professional paths beyond academia. During the interviews, we asked them to self-identify in terms of gender and race as well as sexual orientation. Authors were also invited to identify their mentors and interlocutors and to locate the main fora where ideas circulate in international law. By dissecting textbook authors' profiles, we were able not only to shed light on the characteristics of this particular powerful group of individuals but also to make statements about the functioning of the Brazilian 'invisible college of international lawyers' more broadly.

1 Academic Background and Academic Affiliation

Two main findings stand out regarding authors' academic backgrounds; first, the strong presence of French academia in their formation – six textbook authors have passed through French academic institutions. Carreau and Bichara partnered up to adapt a French textbook for a Brazilian readership. They are French and French/Brazilian, respectively, educated at the University of Paris. Rezek and Varella did their doctoral degrees at the University of Paris. Casella and Nasser did master's programmes at the University of Paris as well. Second, most authors were educated and/or work in south-east Brazilian academic institutions, especially institutions in the state of São Paulo. Amaral Júnior, Casella and Nasser did their doctoral degrees at the University of São Paulo. Husek obtained his doctorate from the Catholic University of São Paulo, and Mazzuoli did his master's in São Paulo as well (Universidade Estadual Paulista). Mello and Guerra obtained their advanced law degrees from schools in the state of Rio de Janeiro. Universities in the southern states also appear in the authors' biographies: Varella obtained a master's degree from the Federal University of Santa Catarina, and Mazzuoli did his doctoral degree at the Federal University of Rio Grande do Sul. The south-east region of Brazil, especially São Paulo, is also where most authors teach international law. Amaral Júnior and Casella are affiliated with the University of São Paulo; Husek teaches at the Catholic University of São Paulo, and Nasser at FGV São Paulo School of Law. Mello taught for many years before his passing in Rio de Janeiro, where Guerra currently teaches. Rezek and Varella teach at Centro Universitário de Brasília in the Brazilian capital of Brasília (see Figure 5 and Figure 6).

2 Professional Background: Relationship between Academia and Practice?

Most textbook authors straddle academia and legal practice.[128] In addition to teaching, other professional placements include federal labour judge (Husek), lawyer in private practice (Mazzuoli and Guerra) and public servant in the Brazilian executive branch (Varella). However, as one of our interviewees suggested, 'textbook authors' private practice is rarely connected to public international law'; their professional practice outside of academia stays mostly in Brazilian domestic institutions rather than in

[128] Three of the authors were exclusively academics: Amaral Júnior, Bichara and Casella.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

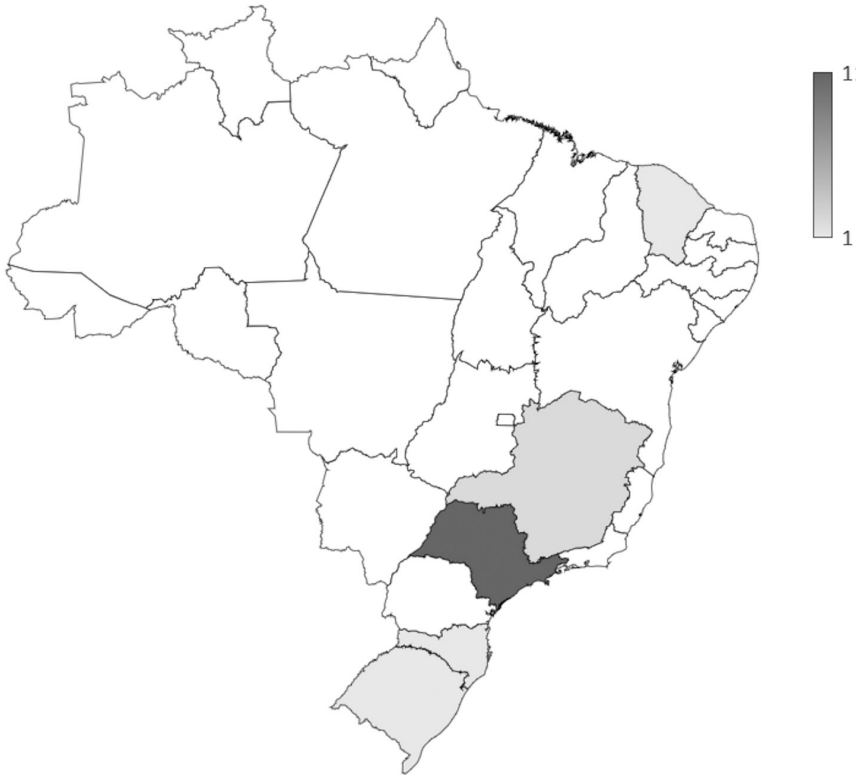

Figure 5: *Educational trajectory of textbook authors by Brazilian federal state*

the 'international bar'.[129] There are three exceptions to this finding: Accioly and the first heir to his textbook, Nascimento e Silva, were both career diplomats. Rezek, after many years in the high echelons of Brazilian domestic legal practice, reached the Brazilian Supreme Court and became minister of foreign affairs and judge at the ICJ. Currently, he is in private practice and acts as an investment and international commercial arbitrator.

We observe connections between textbook authors' career paths and the content of their respective textbooks. For instance, Mello's judgeship at the Brazilian Sea Tribunal, an administrative court located in Rio de Janeiro, runs parallel to his inclusion of six distinct law-of-the-sea chapters in his textbook.[130] Amaral Júnior's doctorate in consumer law might have led him to include details about the area in his textbook. His specialization in international economic law helps explain why he

[129] On the international bar, see Kumar and Rose, 'A Study of Lawyers Appearing before the International Court of Justice, 1999–2012', 25 *EJIL* (2014) 893. On the absence of global South scholars in the high echelons of the profession, see Pereira and Ridi, 'Mapping the "Invisible College of International Lawyers" through Obituaries', 34 *Leiden Journal of International Law* (2020) 67. On the relationship between local elites and global North *jurisconsultes*, see Dezalay and Dezalay, *supra* note 2.

[130] Morosini and Leichtweis, *supra* note 26.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

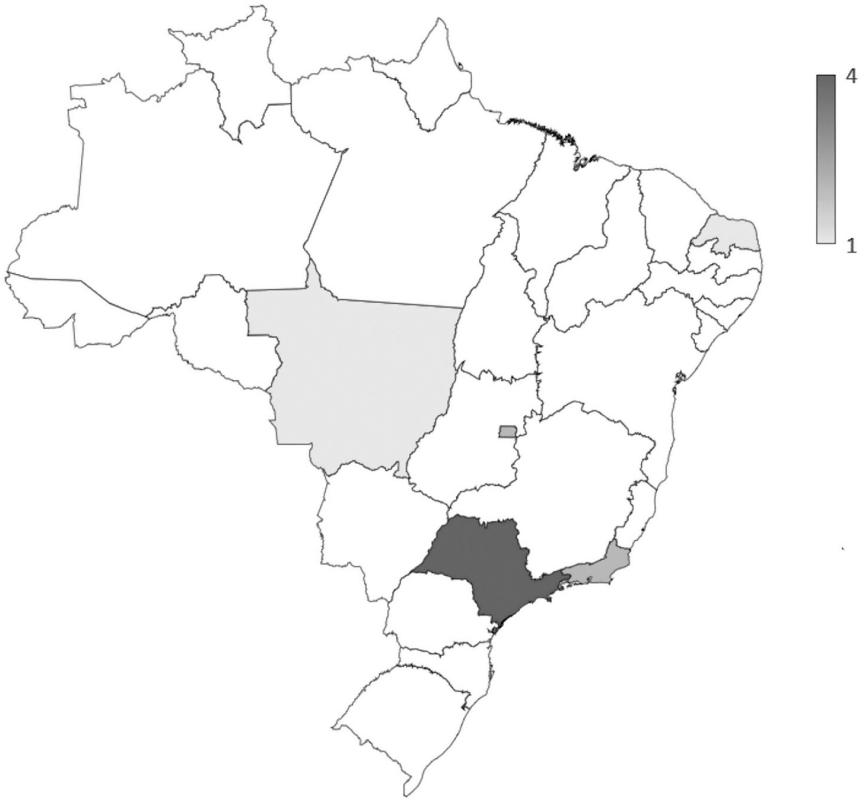

Figure 6: *Professional affiliation of textbook authors by Brazilian federal state*

dedicates significant textbook sections to the World Trade Organization (WTO) and MERCOSUR. Rezek has a large number of citations to judgments of the Brazilian Supreme Court in his book, which corresponds to his two mandates at that Court. He has also written a monograph and several academic articles about the law of treaties, which is reflected in his textbook's extensive analysis of the subject. Husek's work as a labour law judge is aligned with his choice to include a chapter in his book about the International Labour Organization. The reverse is also true – some authors who have written extensively about a certain topic (for example, Varella and international environmental law) have opted to publish specialized monographs on those subjects rather than expanding their textbooks.

3 Race, Gender and Sexual Orientation: A Complex Relationship

Because we see texts as being 'produced by real people with real interests',[131] we sought to dwell on how identity – and not only one's career path – could influence textbooks.

[131] Christian-Smith and Apple, *supra* note 45, at 3.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

We thus included a question at the end of our interviews that asked authors to self-identify around three markers: race, sex and sexual orientation. All authors of all textbooks we analysed identified as men. Most of them identified as heterosexual. One of them identifies himself as a gay man, while others chose not to answer. For the 'race' marker, we relied on the interviewee's own self-description. The large majority of authors self-described as 'white', with three of them characterizing themselves as 'non-white' (pardo), 'Arab' or 'Phoenician'. One of the authors discusses his ability to tan as a relevant racial marker.

Whereas all authors were sensitive to racial, sexual and gender discrimination, most struggled to connect these markers to the substance of their work in any significant way. One interviewee, in particular, said that he would not answer our question as he did not see how race, gender or sexuality would have any bearing on his work. Others made broad statements about developments in human rights legislation prohibiting race, gender and sex discrimination or siloed these issues as 'human rights' concerns, not belonging to general international law. The one notable exception to this pattern was the author who identified as a gay man, who recognized that his positionality impacted his work – for instance, in his choice to address certain human rights developments in the protection of the rights of LGBTQIA+ people in his textbook.

Overall, our findings mirror what those studying the intersections of identity and international law already articulate[132] – international lawyers in particular, and lawyers in general, find it difficult to acknowledge how their identities form their biases and, in turn, shape their work. They also reflect Brazil's fraught relationship to race, in particular, although the ramifications of this are beyond the scope of this article.[133] We sustain that only by acknowledging these biases through self-reflection can one attempt to engage with international law in a more responsible manner.[134]

4 Social Networks, Spaces for the Exchange of Ideas and Building Prestige through Textbooks

In order to understand certain social aspects of the Brazilian international law landscape, we posed questions to our interviewees about who their mentors were/are in Brazil and beyond, about their intellectual influences and about the role that textbooks had in building up their careers, and we also asked them to locate the

[132] On the relationship between gender and international law, see Charlesworth, Chinkin and Wright, 'Feminist Approaches to International Law', 85 *American Journal of International Law* (1991) 613. On racial biases and international law, see Mutua, 'Critical Race Theory and International Law: Convergence and Divergence', 45 *Villanova Law Review* (2000) 827.

[133] On how racism impacts on the interpretation and application of the law in Brazil, see J.A. Moreira, *Pensando como um Negro: Ensaio de Hermeneutica Juridica* (2019); see also Engle and Lixinski, 'Quilombo Land Rights, Brazilian Constitutionalism, and Racial Capitalism', 54 *Vanderbilt Law Review* (2023) 831.

[134] Lang and Marks, 'People with Projects: Writing the Lives of International Lawyers', 27 *Temple International and Comparative Law Journal* (2013) 437, at 444.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

places in which, in their view, ideas circulate in the discipline, domestically and internationally. Their answers, read in light of the analysis of their biographies and respective textbooks, allowed us to draw some conclusions about international lawyers' social networks, the spaces that are influential for the discipline in Brazil and the relationship between textbook authorship and prestige in the field in the country.

These interviews led to four major findings. First, there is a strong connection between France and Brazil when it comes to international law.[135] This is especially interesting if we consider that Brazil was a former Portuguese colony. Thus, a liaison to that country would be easier to explain for linguistic and colonial reasons. The connection to France is indicated not only by the aforementioned preponderance of citations to French authors but also by the connections between textbook authors, French academic institutions and French international law professors.[136] Many authors list French mentors and interlocutors as relevant people in their professional networks – Carreau, Alain Pellet, Mireille Delmas-Marti and Pierre-Marie Dupuy show up on more than one occasion. Interviewees no. 3, no. 8 and no. 9 reveal in their interviews that they follow international law developments through French jurisprudential repositories. The most direct example of the connection between France and Brazil when it comes to international law is Carreau and Bichara's textbook. Their co-authored textbook is an almost literal translation of Carreau's original French text to Portuguese with selected adaptations, and even its current publisher, Pedone, is located in France.

Second, when asked about the international law loci for the circulation of ideas, authors mentioned international and domestic fora. The Hague Academy of International Law is a fundamental locus from which ideas and authoritative scholarship emerge for these authors. It was identified almost universally. Many authors cited specific *Recueil* by name as sources for their books, indicating the academy's prestige in Brazilian international law circles.[137] Domestically, two institutions stand out: first, the Brazilian Supreme Court, which is the most cited domestic court in the textbooks themselves. Conversely, in the interviews, being cited by the Supreme Court is presented as a measure of prestige and influence. The other influential Brazilian institution according to our work is the Brazilian diplomatic academy, the Instituto Rio Branco. Its centrality is revealed already in our analysis of authors' biographies, their connections to the *Instituto* cropping up in different forms. Mello lectured there, Amaral Júnior produced materials to prepare Rio Branco students for the diplomatic entrance exam and Accioly and Nascimento e Silva, both diplomats, studied there.

[135] On the French influence in other areas of Brazilian law, see Junqueira de Azevedo, 'Influência Do Direito Francês Sobre o Direito Brasileiro', 89 *Revista da Faculdade de Direito, Universidade de São Paulo* (1994) 183.

[136] See sections 5.C.1, 5.C.2 and 5.C.4.

[137] We identify that, in the Brazilian experience, France and The Hague are part of what James Gathii identifies as the 'the limited geography of places and ideas that dominate the beltway of our discipline'. Gathii, 'The Promise of International Law: A Third World View', 36 *AULR* (2021) 378.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

In the interviews, authors highlighted their proximity to the Rio Branco often – they mentioned how their textbooks are used by those studying for the Rio Branco's entrance exam or reveal that they have adjusted the content of the textbook to serve this purpose, suggesting that they consider connections between their work and the *Instituto* as a measure of prestige.

Third, we noticed two international lawyers – Mello, the author of one of the books we studied, and Antônio Augusto Cançado Trindade, former ICJ and IACtHR judge – appear as central figures in the country's professional landscape. They stand out, aside from the aforementioned French individuals, as central to the social networks of our textbook authors. Mello, himself the author of one of the books we studied, is mentioned by four interviewees as a mentor and intellectual influence. Cançado Trindade's prolific writing did not include a traditional textbook, but we knew instinctively of his importance given our positionality as Brazilian international lawyers and knew that any map of the field in Brazil would be incomplete without his name. As suggested in a workshop organized at the University of Sheffield by commentators George Galindo and Becker Lorca, Cançado Trindade was the proverbial elephant in the room in our project – his presence simultaneously obscured and looming because of our chosen source of analysis. The interviews allowed us to weave him in and thus do some justice to the legacy and influence we knew he had. He appears, first, as some authors' mentor and intellectual reference. Least expectedly, Cançado showed up by stealth during our interview with Rezek, whom Cançado Trindade succeeded at the ICJ. Rezek's unprompted rejections of doctrines that centre on individual human beings in international law are echoes of their intellectual differences. These topics were known areas of disagreement between the two former ICJ judges.

Finally, we found suggestions that textbooks function as a means to harness prestige in the field in Brazil and help to propel one's career. We found that some authors associate authorship of textbooks with status and career progression. Two statements in particular stand out; Interviewee no. 7 asserts that writing a textbook is expected if one becomes a professor at a renowned law school. Interviewee no. 3 identifies a causal connection between publishing his textbook and an increase in invitations to speak all over Brazil and abroad.

6 Reading against the Lines: What Do Textbooks Write Out of International Law?

Whereas our work thus far has focused on documenting presences – mapping the content of these works and the choices behind them through interviews with the authors – we were inspired by the work of Bernardino to notice the absences in these texts.[138] Much like what 'is' there, what is consciously or unconsciously erased from these textbooks also constitutes the identity of international law (textbooks) in Brazil. The first noticeable absence is the connection between international law and colonization and decolonization processes. Brazil, like other former colonies, is a byproduct

[138] Bernardino, *supra* note 1.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

of imperialism. It is therefore expected that international law textbooks attuned with the country's history would explore the relationship of international law with the 'discovery' of the country as well as with the movements that contributed to its independence. The textbooks we analysed, however, are silent about this subject. This may be associated, first of all, with the general absence of analysis of the relationship between law, imperialism and colonization from most Western textbooks,[139] from which Brazilian textbooks widely cite and draw. Because Brazilian textbook authors tend to rely on Western textbooks, it is unsurprising that they do not consider that relationship part of international law, much less Brazil's engagement with it.

Connected to this first point is the absence of Brazil's violent relationship to race.[140] Brazil has the largest contingent of black people in the world outside of Africa.[141] These numbers are not a product of voluntary migration but, rather, of the longest period of the slave trade in the world.[142] The relationship between Brazil, international law and slavery is absent from Brazilian textbooks. Likewise, these textbooks fail to document the connection between Indigenous peoples and the various segments of international law – from land rights to the health and cultural rights of these communities. The past and ongoing genocide of Indigenous peoples in Brazil remains outside the remit of international law textbooks.

In the particular realm of international human rights law, other important absences are felt in Brazilian international law textbooks. First is Brazil's relationship with its dictatorial past. From 1964 to 1985, Brazil underwent a military dictatorship that submitted a large number of people to severe human rights violations, including the assassination of members of the political opposition, forced disappearances, torture, rape and other types of inhumane and degrading treatment. Unlike other countries in the region that submitted their former military officials to trials as part of the re-democratization process, Brazil opted for amnesty. This absence is especially poignant given that important international law developments occurred in this area, including judgments against Brazil's own amnesty laws before the IACtHR.[143] The

[139] See, e.g., Jones and O'Donoghue, 'History and Self-Reflection in the Teaching of International Law', 10 *London Review of International Law* (2022) 71.

[140] See Ainsworth, 'Case for Casebook Reviews', 20 *Seattle University Law Review* (1997) 271, at 275 (stating that 'Watson and DeLong both note the striking absence from their reviewed casebooks of issues involving race, class, gender, and sexuality, not only omitting and effacing such factors from the cases and problems but also neglecting to include jurisprudential voices such as critical race and feminist theory among the scholarly perspectives to which students are exposed').

[141] A. Reis de Araujo, 'Como é possível haver preconceito racial em um país com a maior população negra do mundo fora do continente africano?', *MPT 2ª Região*, available at www.prt2.mpt.mp.br/512-como-e-possivel-haver-preconceito-racial-em-um-pais-com-a-maior-populacao-negra-do-mundo-fora-do-continente-africano#:~:text=A%20normativa%20internacional%20tem%20especial.

[142] A. de Sanctis, 'Seeking Capture, Resisting Seizure: Legal Battles under the Anglo-Brazilian Treaty for the Suppression of the Slave Trade (1826–1845) (2020) (PhD thesis on file at Universidade de São Paulo), available at www.teses.usp.br/teses/disponiveis/2/2139/tde-30102020-143337/en.php); R. Ferreira, *Cross-Cultural Exchange in the Atlantic World: Angola and Brazil during the Era of Slave Trade* (2012).

[143] IACtHR, *Gomes Lund et al. v. Brazil*, Judgment (Preliminary Objection, Merits, Reparations, and Costs), 27 November 2010. All decisions are available at www.corteidh.or.cr/index.php/en/jurisprudencia.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

politically tense military period and its aftermath is generally excluded from Brazilian international law textbooks.

Another gap in Brazilian textbooks is international law's relationship to gender and sexuality. This is despite the fact that domestic violence legislation in Brazil[144] resulted from its condemnation before the IACtHR in a case brought by activist and survivor Maria da Penha.[145] Brazil's criminalization of homosexuality in the Military Criminal Code and extremely restrictive abortion rights laws are also absent from these textbooks.[146] One cannot help but draw connections between these absences and the very low number of citations to women in the textbooks that composed our sample as well as the absence of current textbooks authored by women in the country.

Another very common absence in Brazilian international law textbooks is the role of international law and international institutions in managing and perpetuating economic inequality and poverty. Some of the textbooks have sections on international economic law, but they tend to be descriptive of the laws of MERCOSUR and the WTO. Mello is an exception, as he takes a critical stance on the role of law as an instrument used to perpetuate asymmetrical relations between countries in the global South and the global North. By and large, Brazilian international law textbooks replicate the approach taken on international economic law issues present in mainstream Western textbooks.

7 Conclusions

The article discusses an analysis of the 10 most prominent international law textbooks used in Brazil and the interviews conducted with their living authors. The main findings include that: (i) the textbooks examined do not prominently feature Brazilian-specific themes, focusing instead on universal international law topics; (ii) French and Brazilian authors are frequently cited in the textbooks, with Portuguese being the predominant language of publication; (iii) there is very limited gender diversity in the citations; and (iv) the textbooks generally promote a universal view of international law rather than emphasizing national or regional aspects. We have classified the textbooks on a spectrum between 'project' (erudite and with a distinctive authorial perspective) and 'instrument' (more concise and technical). We have attributed these characteristics to trends within the discipline in general and within the Brazilian legal landscape in particular.

[144] Brasil, Lei no. 11.340, 7 August 2006.

[145] IACtHR, *Maria da Penha Fernandes v. Brazil*, Judgment (Preliminary Objection, Merits, Reparations, and Costs), 13 March 2001.

[146] Abortion rights, trans rights and the criminalization of homosexuality are all under the purview of regional human rights courts and United Nations human rights treaty bodies. Convention on the Elimination of All Forms of Discrimination against Women 1979, 1249 UNTS 13; United Nations Human Rights Committee, *Toonen v. Australia*, 31 March 1994; IACtHR, *Atala Riffo et al. v. Chile*, Judgment (Merits, Reparations and Costs), 24 February 2012.

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

As for the authors' profiles, we have identified the centrality of south-eastern Brazilian universities and of French academia in their formation. The study identifies the significance of the Hague Academy of International Law in Brazilian international law circles. The Brazilian Supreme Court and the Instituto Rio Branco have been highlighted as influential domestic institutions. We also observed a complex relationship between the authors and the issues related to race, gender and sexual orientation. Some critical topics, such as international law's relationship to colonialism, race, gender, transitional justice and economic inequality, are notably absent from these textbooks.

Some of our findings support the assertion that knowledge moves unidirectionally in international law – the global North 'produces' knowledge, and the global South 'reproduces' it. First, we know that Brazilian textbooks cite a large amount of global North scholarship. Second, when observing textbook authors' career paths, we note that all of them pursued professional careers in Brazil, even the ones that have strong connections to foreign institutions. When asked about who they consider to be their interlocutors, foreign individuals are mentioned as 'mentors' whereas other Brazilians are referred to as peers, with the exception of Rezek who mentions foreign international lawyers as part of his direct intellectual circle. This suggests that the careers of Brazilian international lawyers are mostly inward-looking and that local prestige is harnessed by studying in the global North and reproducing ideas learned there back home.[147] However, given the scope of our data that focuses on the citations *in* these textbooks and not *to* these textbooks in other (foreign) works, we cannot argue that this movement of ideas is completely unidirectional. We thus cannot make definitive claims about how ideas move between a 'Brazilian branch' of the invisible college of international lawyers and its 'universal' hub.

Whereas we recognize the inherent limitations of a study that uses a set of particular artefacts (textbooks) to make general statements about a field, we maintain that the results obtained here are relevant in at least three ways. First, they add complexity to 'meta' studies about international law as a discipline and a profession and shed light on the practice of an often overlooked semi-peripheral state. Second, this is a call to arms so that others take on this type of work, utilizing our methodology but also building upon it. Textbooks can help shine a light on the many hidden and otherwise hard-to-trace assumptions about how international law exists and operates. Finally, we hope our findings engage those writing textbooks in a conversation about their work's power to shape the field and the responsibility that comes with textbooks' discipline-making role. If we are serious about unveiling international legal contingency and advancing a better international law – in line with progressive agendas for the discipline – then textbooks offer a unique and important window to do just that.

[147] See the statement from Interviewee no. 2, *supra* note 99, at 21 (about being revered for studying abroad and having foreign connections, particularly European).

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026

Downloaded from https://academic.oup.com/ejil/article/35/1/25/7629032 by guest on 11 March 2026