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Teaching International law in the Nineteenth-Century Brazil: a history of appropriation and assimilation (1827-1914)

L'insegnamento del diritto internazionale nell'ottocento brasiliano: una storia di appropriazione e assimilazione (1827-1914)

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ABSTRACT

The present research focuses on the teaching of international law over the nineteenth-century Brazil, and its role in the universalization of this European normativity. Conventionally, the expansion of international law is taken as an imposed and unilateral phenomenon, undermining the role of the postcolonial jurists in this process. Thus, this investigation explores how the Brazilian jurists promoted and disseminated the international law, through the appropriation and adaptation of exogenous doctrines within the Brazilian context. In order to approach it, the teaching of international law in the Brazilian legal education is examined under three aspects: the discipline, the professors, and the legal literature. The first part narrates the establishment of the discipline in Brazil: from the institution of the discipline Law of Nations, in the foundation of the Brazilian law faculties, to the education reform that altered the denomination to International Law by the end of the nineteenth-century. Then, it is traced a general profile of the men who imparted the discipline, inserting them in the Brazilian legal culture. The final chapter is dedicated to the books on international law published in Brazil, where it is analysed how the national jurists appropriated and manipulated the international law doctrine to facilitate its assimilation in Brazilian soil, promoting with it the universalization of international law.

RIASSUNTO

La presente ricerca si incentra sull'insegnamento del diritto internazionale nell'Ottocento brasiliano e sul ruolo dell'educazione giuridica nell'universalizzazione del diritto internazionale. Solitamente, l'espansione di questo diritto di origine europea è considerata un fenomeno imposto ed unilaterale, interpretazione che riduce od offusca il ruolo dei giuristi postcoloniali in questo processo. La ricerca rivela come i giuristi brasiliani abbiano promosso e diffuso il diritto internazionale attraverso l'appropriazione e adattamento di dottrine esogene nel loro contesto. L'insegnamento del diritto internazionale nell' educazione giuridica brasiliana viene analizzato sotto tre aspetti: la disciplina, i professori e la letteratura giuridica. La prima parte si occupa dell'istituzione della disciplina in Brasile: dalla sua creazione come 'Diritto delle genti', precipuamente nella fondazione delle facoltà giuridiche in Brasile, fino alla trasformazione della denominazione in 'Diritto internazionale' alla fine del diciannovesimo secolo. In seguito, tenendo conto delle peculiarità della cultura giuridica brasiliana ottocentesca, viene tracciato un profilo generale di coloro che hanno impartito lezioni di diritto internazionale. Nel capitolo finale, dedicato alle opere di diritto internazionale pubblicate in Brasile, si analizza la maniera in cui i giuristi nazionali si sono appropriati e si sono serviti della dottrina del diritto internazionale per facilitare la sua assimilazione nel contesto brasiliano, favorendo così l'universalizzazione del diritto internazionale.

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Tuttavia, non solo di fonti, teorie e orientazioni è fatta una tesi di dottorato. L'isolamento ineluttabile a cui il ricercatore è sottoposto richiede che lo stesso abbia solide basi emozionali, provvedute soltanto dai legami affettivi famigliari e degli amici.

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"O curso da história é caprichoso e arisco, dependendo do olho de quem a observa, do pensar de quem a examina e dos vezos de quem a narra, fruto das humanas limitações de quem ninguém escapa."

João Ubaldo Ribeiro, O feitiço da ilha do pavão

INTRODUCTION

The growing number of publications on the history of international law that have been carried out in the last decades indicates that the discipline has been passing through a so-called *historiographical turn.* That interest in the past of the international legal phenomenon has challenged some of the conventional Eurocentric narratives, hitherto hegemonic in international law historiography. Applying a variety of perspectives – global, intellectual, cultural, postcolonial, feminist - those researches are, at the same time, unsettling some established dogmas of the discipline and opening new paths that had never been explored before.

One of the aspects of this new *historiographical turn* is the awareness of the traditional eurocentrism of the discipline, which has been distorting some stories and invisibilizing others. Thus, there are still many *histories* to be told. One of these is the history of the teaching of international law. In fact, the international law examined from the perspective of the legal education has been unheeded by this new trend.

The teaching of the discipline played an important but often unnoticed role in the process of expansion of the international legal system over the world. As a matter of fact, the conventional history of the discipline is habituated to take the universalisation of international law as a forced and unilateral process, circumscribing an inconspicuous and complaint role to the non-European people. In other words, a Eurocentric approach tends to overemphasise the centrality of the Western part, concealing the practices executed from outside the West.

Under these circumstances, the present research intends to shed light on the performance of the postcolonial jurists in the process of universalisation of international law, especially in what regards the teaching of this European origin branch of law. It is explored, thus, how these jurists of a new State, such as Brazil, taught the discipline, and by doing it, disseminated this exogenous knowledge, expanding the dominion of the international law.

In order to accomplish this task, this work is divided into four chapters. The first one is theoretical, once it deals with some historiographical premises – such as some of the issues anticipated above – that the legal historian must be aware while writing a critical history, not apologetical of the current state of things. The chapter also explains some instrumental concepts and interpretation keys employed in this research.

Subsequently, the teaching of international law in Brazil is analysed under three aspects, each one being a chapter: the discipline, the professors, and finally, the legal literature. Then, the second chapter is centred in the creation of the itinerary of the discipline of international law during the nineteenth century: from its creation as *Law of Nations*, until the final establishment of the discipline of *Public International Law*. Tracing the history of the discipline, since the foundation of law faculties, passing through several educational reforms permits to understand the importance given by the ruling elite to the discipline of international law. Indeed, among the post-independence elite, this branch of law was considered indispensable to the state-building process so that the law graduates – future politicians rather than jurists – should possess that knowledge.

Before the independence of Brazil, there was barely any legal culture relating to international law. Beyond imposing censorship on the circulation of foreign "potentially dangerous" books – reaching the field of international law then -, the Portuguese metropole purposely did not implement any superior education in the colonies, in order to maintain it dependent. Therefore, the legal education had to wait until the independence, when a national faculty turned to be highly demanded. In this case, the study of international law would effectively start only after the foundation of law faculties in 1827.

Considering this account of the discipline throughout the nineteenth-century, the main objective of the chapter is to understand and define the character that the ruling elite wanted to imprint on the curriculum of the law faculties, and within it, the profile of the discipline of international law. The Statutes of the *Viscount of Cachoeira* (1825), that had been the first official act destined to regulate the legal education, provides the first indications of the legal profile sought by the Brazilian ruling elite. There can be noticed

a paradoxical attitude: on the one hand, they tried to detach the new-born Brazilian education from the Portuguese tradition, perceived as backwards and relegated to the *Ancient Régime;* on the other hand, the University of Coimbra statutes were still being used as model.

The document also indicated which textbooks should be adopted in order to properly teach each discipline, revealing thus the main doctrinal influences. An official recommendation does not directly mean that those books were effectively used in the lessons. That is why this chapter also explores the circulation of foreign books of international law in Brazil over the nineteenth-century, through advertisements and announcements of books in the newspapers of the period. Strikingly, the information gathered in the newspapers revealed more about the textbooks indeed employed in the legal teaching than the official documents -as can be seen in the appendix.

For the whole century, the legal education in Brazil had been under the State control. Even when the government opened the legal education to the public initiative by the end of the century, the programme of disciplines was still being dictated by the State. The Brazilian legal education passed through several reforms, that attempted to update the teaching according to 'modernising' trends over the century. Nevertheless, during the existence of the law faculties in Brazil, the discipline of law of nations/international law never ceased to exist. The attention devoted to the discipline, since the very beginning of the law courses, is even more relevant when considering that the discipline, in general, did not integrate the programme of the European universities for the same period. Thus, one of the concerns in this chapter is to understand the noteworthy interest showed by the State over the legal education, and consequently, over the discipline of international law.

The professors are the theme of the third part of the thesis. The main concern is to understand who were these men responsible for the teaching activity, taking into account the peculiarities of the Brazilian legal culture. Thereby, it is traced the profile of the typical Brazilian professor of international law, interpreting the main features of that period, as well as the changes that the teaching profession had been undergone throughout the nineteenth-century. The examination of their careers, their professional activities and

bibliographic production permitted to evaluate to what extent they devoted themselves to the legal education, and specially, to the teaching of international law.

In the final chapter the attention is moved towards the legal literature produced in Brazil concerning the international law. All textbooks and manuals, that had been published in Brazil and may had been used to the teaching of the discipline, are listed and categorized, reaching the number of eleven volumes, written from 1851 to 1913. Interpreting their features and influences, the books could be divided into two successive groups.

The first three textbooks of the list that had been published during the Imperial political regime (1851, 1867, 1889) shared, in general, the same characteristics: all of them had been written by professors of the Faculty of Recife, they were all prepared to serve as textbooks to the discipline of international law, and the three books followed the *Droit des Gens Moderne de l'Europe* written by the German jurist Johann Ludwig Klüber. Actually, the present research found out that the very first textbook on international written in Brazil is an abridged translated version of the latter book. It could not be a more explicit case of appropriation of foreign doctrines. Is in that section that the assimilation of the international law doctrine by the Brazilian jurists become more evident, because it is analysed how the jurists appropriated *exogenous* doctrines of international law and adapted into the Brazilian context, to facilitate its acceptance. After an interval of ten years, the second group of books totally differentiates themselves from the previous group, abandoning the tradition of the *ius publicum europaeum* and engaging in the dominant trend at that time, the spirit of *internationalism* and *solidarism*.

Overall, those three aspects analysed – discipline, professors and literature - permits the whole comprehension of the teaching activity in Brazil, evidencing the significative role played by the teaching of international law within postcolonial States in promoting the assimilation of this legal system outside Europe. Thus, this research gives back the to the postcolonial jurists their - often-obfuscated - place in the process of universalisation of international law.

1. HISTORIOGRAPHICAL PREMISES

1.1. Inventing tradition

> *O direito internacional evolue; e basta comprehendel-o á luz dos principios philosophicos dominantes, observar sua formação, comparal-o com o dos outros ramos da arvore jurídica, para que se imponha a verdade da these que sustentamos.*[1]

It is with this statement that the Brazilian jurist João Cabral asserted his central thesis on the history of international law: the international law does evolve. To conceive the international legal system as a progressive phenomenon was by no means innovative; in fact, it just followed the late nineteenth-century Western mindset. As a result, the content of the referred dominant philosophical principles can be straightforwardly perceived.[2] Evolution, truth, progress, science, civilisation: all those words[3] were part of the lexicon of nineteenth-century international law's discourse. Moved by a keen confidence in progress[4] and engaged in a project to present international law as the most developed and legitimised normative system able to regulate international relations,

[1] João Cabral, *Evolução Do Direito Internacional. Esboço Histórico-Philosophico* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908).

[2] The constant references to Darwin, Haeckel and specially Spencer – as well jurists who followed this trend like the German Albert Hermann Post (1839-1895) and the Italian Raffaele Schiattarella (1839-1902) - also helps to recognize which were these principles. Beyond dispute, *"[…] la narración darwiniana de la evolución del género Homo se incrustó simbólicamente en el corazón mismo del imaginario burgués finisecular*.". Juan Manuel Sánchez Arteaga, *La Razón Salvaje. La Lógica Del Dominio: Tecnociencia, Racismo Y Racionalidad* (Madrid: Lengua de Trapo, 2007), p. 88.

[3] Or rather, assuming its intrinsic polysemy, it can be conceived as concepts, in the sense given by Reinhart Koselleck, *Future Past. On the Semantics of Historical Time* (New York: Columbia University Press, 2004), p. 85.

[4] Martii Koskenniemi, 'A History of International Law Histories', in *The Oxford Hadbookf of the History of International Law*, ed. by Anne Peters and Bardo Fassbender (Oxford: Oxford University Press, 2012), pp. 943–71 (p. 956). Actually, the specious belief in the progress of international law is a constant in the international legal thought, as part of the narrative pattern of international law's history, and can be traced from nineteenth century until nowadays. See also Thomas Skouteris, 'The Ideia of Progress', in *The Oxford Handbook of The Theory of International Law*, ed. by Anne Orford, Florian Hoffmann, and Martin Clarck (Oxford: Oxford University Press, 2016), pp. 939–53.

nineteenth-century European international lawyers had been ideating the history of international in a progressive and accumulative manner. Attitude effortlessly followed by Brazilian jurists, as the quoted book[5] - the very first dedicated to the history of international law in Brazilian literature – demonstrates.

Over centuries, legal history has been used to produce a discourse meant to legitimise the existing law. Which is done, mainly, by two strategies: a) an artificial continuity is traced between past legal orders and the present one, so to pretend that always it has been like that ;[6] or b) the legal history conceived as a progressive,[7] evolutional and teleological narrative, presenting the actual legal order as the most developed and needed of ever.[8] The perniciousness of those narratives, besides the apparent anachronism, sits in its subservience to the existing legal order, acritically celebrating it as an ineluctable reality.[9]

The history of international law is not exempt from this sort of apologetic history - even at the present time, once this kind of "narrative of universal progress still formed the professional mainstay".[10] Not to mention the instrumental and selective use of history by international lawyers to support legal arguments.[11] In fact, looking back to the

[5] Cabral. And also, in the same year, the first two hundred pages of the treatise of Manoel Alvares de Sá Vianna are dedicated to "the origin and evolution of international law", following the conventional path: from the roman *ius gentium*, passing through the School of Salamanca, Peace of Westphalia, Grotius, *et cetera.* Manoel Alvares de Sá Vianna, *Elementos de Direito Internacional* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908).

[6] As explains António Manuel Hespanha the strategy consists in naturalizing the law: "*Assim, essa alegada continuidade das categorias jurídicas atuais – que aprecia poder ser demonstrada pela história – acaba por não se poder comprovar. E, caída esta continuidade, cai também o ponto que ela pretendia provar, o do caráter natural dessas categorias. Afinal, o que se estava a levar a cabo era a tão comum operação intelectual de considerar como natural aquilo que nos é familiar."* António Manuel Hespanha, *Cultura Jurídica Europeia. Síntese de Um Milênio* (Coimbra: Almedina, 2012), p. 19.

[7] It is quite remarkable that the very first words of Malcolm Shaw's classic textbook on international law are: "*In the long march of mankind from the cave to the computer a central role has always been played by the idea of law […]. Progress, with its inexplicable leaps and bounds, has always been based upon the ground as men and women combine to pursue commonly accepted goals, whether these be hunting animals, growing food or simply making money."* Malcolm Shaw, *International Law*, 7th edn (Cambridge: Cambridge University Press, 2014), p. 1.

[8] Hespanha, *Cultura Jurídica Europeia. Síntese de Um Milênio*, pp. 19–20.

[9] Ricardo Marcelo Fonseca, *Introducción Teórica a La Historia Del Derecho* (Madrid: Universidad Carlos III de Madrid, 2012), p. 38.

[10] Martti Koskenniemi, 'Expanding Histories of International Law', *American Journal of Legal History*, 56.1 (2016), 104–12 (p. 105).

[11] In fact, since international law's normativity resides in historical past, international lawyers often resort to historical evidence for arguing and proving rules, above all in the case of customary law; therefore, they

narratives that have been telling the history of international law over the last two centuries several examples of those two strategies show up.[12]

This type of narrative presents itself as professedly neutral, taken from an objective standpoint, as the past was an evident and undisputed fact. However, far from being impartial, dispassionate, or value-free, these stories performed a deliberate ideological role: the invention of a tradition[13] for the discipline. An operation done by celebrating some selected authors[14] - to become the discipline's *canon*[15] -, and by selecting some historical events[16] - acknowledged as the *turning points* in the development of international law.[17] Inventing and establishing a tradition is an arbitrary process, yet very useful. Particularly for an emerging discipline, since it provides cohesion and identification amongst jurists despite their own locations and histories – just

use history, instrumental and selectively. Cf. David J Bederman, 'Foreign Office International Legal History', in *Time, History and International Law.*, ed. by Matthew Craven, Malgosia Fitzmaurice, and Maria Vogiatzi (Leiden, Boston: Martinus Nijhoff, 2007), pp. 43–64 (p. 16).

[12] Galindo classifies those strategies, respectively, as static and dynamic ways to face the past, and finds examples in the history of international for both. George Rodrigo Bandeira Galindo, 'Para Que Serve a História Do Direito Internacional?', *Revista de Direito Internacional*, 12.1 (2015), 339–54.

[13] In the sense given by Hobsbawm: "*Invented tradition is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past*." Eric Hobsbawm, 'Introduction: Inventing Traditions', in *The Invention of Tradition*, ed. by Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1983), pp. 1–14 (p. 1).

[14] Scheme that even the recent 'The Oxford Handbook of the History of International Law' could not escape, in the section 'People in portrait', "*di cui non non si sarebbe sentita la mancanza e di cui non si capisce il criterio selettivo",* as pointed by Luigi Nuzzo, 'La Storia Del Diritto Internazionale E Le Sfide Del Presente', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, 42 (2013), 681–99 (p. 687). In addition, as Anne-Charlotte Martineau noticed, from 21 people, 19 are white European men. Anne Charlotte Martineau, 'Overcoming Eurocentrism? Global History and the Oxford Handbook of the History of International Law', *European Journal of International Law*, 25.1 (2014), 329–36 (p. 330).

[15] "*The traditional idea of a legal canon rests on the assumption that there is a rule-governed process for identifying authoritative texts, determining their meaning, and evaluating their worth. This assumption, in turn, appears to be grounded in the belief that law is a univocal, hierarchically ordered system*.". Francis R. Mootz III, 'Legal Classics: After Deconstructing the Legal Canon', *North Carolina Law Review*, 72 (1994), 977–1038 (p. 981).

[16] Like the conventional 'foundation stone' of the discipline: Peace of Westphalia, 1648. For a perspective challenging this, cf. Stéphane Beulac, *The Power of Language in the Making of International Law. The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia* (Leiden, Boston: Martinus Nijhoff, 2004); Benno Teschke, *The Myth of 1648. Class, Geopolitics and the Making of Modern International Relations* (London, New York: Verso, 2003).

[17] In this sense, "*International law became a 'science' not only through the renewal of method, concepts, purposes but also through the invention of traditions, centred around precursors, founders and followers* […].". Luigi Lacchè, 'Monuments of International Law: Albericus Gentilis and Hugo Grotius in Constructing a Discipline (1875-1886)', in *Constructing International Law. The Birth of a Discipline*, ed. by Luigi Nuzzo and Miloš Vec (Frankfurt am Main: Vittorio Klostermann, 2012), pp. 147–208 (p. 147).

by mentioning, for instance, a treaty shared in the collective imagination, one can easily evoke the legal rules and concepts associated with it.[18] Therefore, since the emergence of the modern international law in the nineteenth century, there has been an ongoing process of a steady and continuous work on a basic narrative pattern, almost in a mythological sense, carried out by jurists to devise the discipline's self-image based on a particular account of the past.

Being contingent, this standard narrative of the discipline's past embodies some specific values since it is taken from a biased perspective: a Eurocentric standpoint.[19] This narrow - though mainstream - account of the international law's past promotes some distortions, mainly through concealment of uncomfortable themes,[20] inasmuch as these topics challenge axiomatic features of the discipline - like its inherent universalism, the cosmopolitan tone, or its neutral purpose. Whence histories dealing with colonialism and imperialism[21] of international law are presented as "peripheral, an unfortunate episode that has long since been overcome […].".[22]

[18] Martti Koskenniemi, 'Histories of International Law: Dealing with Eurocentrism', *Rechtsgeschichte - Legal History*, 2011.19 (2011), 152–76 (p. 154).

[19] " *Until late-19th century, histories of international law were unthinkingly Eurocentric. Europe served as the origin, engine and telos of historical knowledge*." Martti Koskenniemi, 'Histories of International Law: Dealing with Eurocentrism', p. 153. Also, James Thuo Gathii, 'International Law and Eurocentricity', *European Journal of International Law*, 9 (1998), 184–211; Arnulf Becker Lorca, 'Eurocentrism in the History of International Law', in *The Oxford Hadbookf of the History of International Law*, ed. by Anne Peters and Bardo Fassbender (Oxford: Oxford University Press, 2012), pp. 1034–57.

[20] In the same direction, Anghie argues that "[…] *the extension and universalization of this European experience, which is achieved by transmuting it into the major theoretical problem of the discipline, has the effect of suppressing and subordinating other histories of international law and the peoples to whom it has applied.*". Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, *Cambridge University Press* (Cambridge: Cambridge University Press, 2004), p. 5.

[21] A gap that is gradually being filled. First, as a 'founder of discursivity', the already cited Antony Anghie. But also, Luigi Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo.* (Frankfurt am Main: Vittorio Klostermann, 2012); Matthew Craven, 'Colonialism and Domination', in *The Oxford Hadbookf of the History of International Law*, ed. by Anne Peters and Bardo Fassbender (Oxford: Oxford University Press, 2012), pp. 862–89; Edward Keene, *Beyond the Anarchical Society : Grotius, Colonialism and Order in World Politics* (Oxford: Oxford University Press, 2004); Brett Bowden, *The Empire of Civilization. The Evolution of an Imperial Idea.* (Chicago: University of Chicago Press, 2009); Liliana Obregón, 'The Civilized and the Unicivilized', in *The Oxford Hadbookf of the History of International Law*, ed. by Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2013), pp. 917–39; Jörn Axel Kämmerer and Paulina Starski, 'Imperial Colonialism in the Genesis of International Law – Anomaly or Time of Transition?', *Journal of the History of International Law / Revue D'histoire Du Droit International*, 19.1 (2017), 50–69.

[22] Antony Anghie, p. 3.

By the same token, few narratives have been written regarding the emergence of the discipline inside postcolonial new states in a non-Eurocentric perspective, this is, an account of the international law seen from an extra-European standpoint.[23] As remembered by Arnulf Becker Lorca, "[…] the ignorance of our non-Western past is not accidental.".[24] After all, for the conventional history of the discipline, the expansion of international law until universalization has been conceived as a unilateral and imposed process, where postcolonial states had only a submissively role: to adhere to an established set of rules *in toto*. Under these circumstances, the centrality of Western contexts of practice is always overemphasized, whereas it minimises the practices of international law outside the West.[25]

Accounting these systematic bias and suppressions that international law's history has been presenting, there is a severe demand to refresh this hegemonic, self-legitimising and celebratory version of the international law's past. Hence, there is a need for divergent narratives capable of defying the centrality of Western point of view and that reveal the ethnocentric character of a supposedly universal tradition. Nevertheless, it is not a matter of reviewing those mainstream narratives with a proper historical method, but of privileging histories that have been intentionally set aside of the disciplinary *canon*, in order to provide a more complex - and not so 'pure' and self-confident – panorama of international law's past. In essence, the task consists in moving from *a history* to *histories* of international law.

Reflecting on the experience of history within contemporary academy of international law, John Haskell punctuates that "to engage history is to reflect not simply on the past, but upon the consciousness of the discipline itself and how it creates and manages its conditions of reproduction.".[26] In other words, the legal historian must be

[23] Arnulf Becker Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933* (Cambridge: Cambridge University Press, 2014), pp. 9–24.
[24] Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933,* p. 16.
[25] Lorca, 'Eurocentrism in the History of International Law', p. 1035.
[26] John D. Haskell, 'The Choice of the Subject in Writing Histories of International Law', in *International Law as a Profession*, ed. by Jean D'Aspremont and others (Cambridge: Cambridge University Press, 2017), pp. 244–67 (p. 246).

aware of the function of tradition within the discipline, and how history has been used to reinforce it.

As stated above, the tradition of the discipline is established and supported by grand narratives,[27] through the *historicisation*.[28] Those narratives conceive international law development as a linear, progressive, inexorable march until the current state of the legal system, through an evolutive succession of phases, epochs, or paradigms, and in parallel with its expansion from Europe to the whole world. Behind this narrative sits a specious line of continuity, that traces back in the past only what apparently has correspondence with some existing institution or rules of present international law. Therefore, any past fact or story not necessarily related to that line, or even, contradicting this discourse of tradition, is just ignored or intentionally suppressed.[29] In this sense, the disciplinary tradition forms a discursive pattern that continuously reinforces some distinctive features; and, when those aspired characteristics become axiomatic beliefs, they become undisputed.

[27] A major recent example of this kind of narrative is Stephen C. Neff, *Justice among Nations : A History of International Law* (Cambridge: Harvard University Press, 2014). According to Jennifer Pitts, "[…] *it can be seen instead as the impressive apogee of the conventional history of international law. It accepts as given certain key features of that history as it has been told by European authors since they first began narrating it about two hundred years ago: the rise of a world of legally equal and independent states, initially in Europe and then extending outward; the productive tension between naturalism and positivism in the development of international legal thought; and a doctrinal orientation, with contending doctrines and their main exponents as the main characters, and in which there is an ongoing and perhaps unresolvable contest for title to the father of this or that idea*.". Jennifer Pitts, 'The Critical History of International Law', *Political Theory*, 43.4 (2015), 541–52 (p. 543).

[28] Matthew Craven, 'The Invention of a Tradition: Westlake, The Berlin Conference and the Historicisation of International Law', in *Constructing International Law. The Birth of a Discipline* (Frankfurt am Main: Vittorio Klostermann, 2012), pp. 363–402.

[29] In the same sense, Pio Caroni warns that when the jurists use history,"*può rievocare solo quel passato che serve allo scopo, quello nel quale il vigentista può serenamente rispecchiarsi senza paura di perdersi. Un passato fatto di cose familiari, popolato perciò di precursori, dispensatori di prefigurazioni e artefatti, dal quale viene preliminarmente rimosso tutto quanto potrebbe disturbare o comunque non serve, poiché non anticipa nulla. Ne nascono quelle storie addomesticate, che tutti conosciamo. Elaborate in sequela ad un approccio longitudinale-diacronico, grazie alla radicale decontestualizzazione dei dati normativi. Il che permette prima di depurarli, poi di allinearli nel tempo, per farne risplendere la costanza*.". Pio Caroni, 'Quando Lo Storico Incrocia Il Vigentista', in *Storia E Diritto. Esperienze a Confronto. Atti dell'Incontro Internazionale Di Studi in Occasione Dei 40 Anni Dei Quadernin Fiorentini. Firenze, 18-19 Ottobre 2012.*, ed. by Bernardo Sordi (Milano: Giuffrè, 2013), pp. 367–74 (pp. 371–72).

The task of legal history is to relativise those certainties, problematize supposed commonplaces, and deconstruct the so-long reiterated myths of the discipline.[30] One way to accomplish this task is by shedding some light – and critical lenses withal - on themes typically forgotten or ignored by the standard legal history, since the diversity of international law *histories* challenges the dominant historical narratives of the discipline. Additionally, the attention to unwritten histories gives voice to a multiplicity of subaltern actors, whose stories are equally worthy to be told.[31]

Since the so-called *turn to history*[32] - associated with a *postcolonial turn*[33] - within contemporary international law scholarship, more narratives aware of the Eurocentrism of the discipline have been written, denouncing how particularistic are some supposedly universal categories of international law. However, even if those narratives dealt with this problem and intended to overcome it, they discussed only Western themes[34] - events, doctrines, or authors, all European.[35] Thus, despite not being necessarily Eurocentric, they still are parochial. Indeed, few historical narratives have been written taking non-European sources as an object of research and assuming a point of view from outside Europe, especially when regards to Latin American practices of international law;[36] and it is precisely this hiatus in international legal history that this research attempts to help fulfill.

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[30] Paolo Grossi, 'Il Punto E La Linea (L'impatto Degli Studi Storici Nella Formazione Del Giurista)', in *Paolo Grossi*, ed. by Guido Alpa (Roma, Bari, 2011), pp. 9–18.
[31] Angela P. Harris, 'Turning the Angel: The Uses of Critical Legal History', *The Freedom Center Journal*, 1.2 (2009), 45–59 (p. 52).
[32] George Rodrigo Bandeira Galindo, 'Martti Koskenniemi and the Historiographical Turn in International Law', *European Journal of International Law*, 16.3 (2005), 539–59.
[33] Represented by the new trend in international law called Third World Approaches to International Law.
[34] Clara Kemme pointed that "*While at present international law is accepted as a universal order, the study of its history is often geographically limited to Europe and thus strongly regionalized*.". Clara Kemme, 'The History of European International Law from a Global Perspective: Entanglements in Eighteen and Nineteenth Century India', in *Entanglements in Legal History: Conceptual Approaches*, ed. by Thomas Duve (Frankfurt am Main: Max Placnk Institute for European Legal History, 2014), pp. 489–542 (p. 490).
[35] Taking two founders of discursivity as example, Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960* (Cambridge: Cambridge University Press, 2004). and Antony Anghie. albeit dealing with themes like colonialism and imperialism, they both remained discussing Western authors and doctrines.
[36] The number of studies specifically dealing with this region is much lesser in comparison with the Arab and Asian worlds; but it can be cited, for instance, the relevant works of Liliana Obregón, 'Construyendo La Región Americana: Andrés Bello Y El Derecho Internacional', *Revista de Derecho Público de La Universidad de Los Andes*, 24 (2010), 1–22; Liliana Obregón, 'Creole Consciousness and International

The critique potential of legal history resides in the methodological awareness[37] precisely to avoid those pitfalls of conventional history mentioned above, and therefore, to be able to produce a history beyond the sameness and distorted history concentrated in the European past that have been written over the last centuries. It follows that this current claim to overcome epistemic Eurocentrism within the history of international law can be usefully connected to the *global turn* that the field of history is passing through over the last decades. Besides a shared anti-Eurocentric position - that is one of the essential elements of this historical approach[38] -, international law, as an object of historical research,[39] fits effortlessly into global approach due to its characteristic of being a global normative order. Moreover, since this narrative, to some extent, deals with a comparative perspective of two hierarchically different legal cultures, some insights of the approach of *global intellectual history* are also useful.[40]

Law in Nineteenth Century Latin America', in *International Law and Its Others*, ed. by Anne Orford (Cambridge: Cambridge University Press, 2006), pp. 247–64; Liliana Obregón, 'Carlos Calvo Y La Profesionalización Del Derecho Internacional', *Revista Latinoamericana de Derecho Internacional*, 2016, 1–23; Arnulf Becker Lorca, 'International Law in Latin America or Latin American International Law? Rise, Fall, and Retrieval of a Tradition of Legal Thinking and Political Imagination', *Harvard International Law Journal*, 47.1 (2006), 283–305; Arnulf Becker Lorca, *Alejandro Alvarez Situated: Subaltern Modernities and Modernisms That Subvert*, *Leiden Journal of International Law*, 2006, XIX; Juan Pablo Scarfi, *El Imperio de La Ley. James Brown Scott Y La Construcción de Un Orden Jurídico Interamericano* (Buenos Aires: Fondo de Cultura Económica, 2014).

[37] António Manuel Hespanha, *A História Do Direito Na História Social* (Lisboa: Livros Horizonte, 1978), pp. 16–17. And, within history of international law, Kate Purcell, *Faltering at the Critical Turn to History: 'Juridical Thinking' in International Law and Genealogy as History, Critique, and Therapy*, 2015 (New York, 2015).

[38] According to Sebastian Conrad: "[…] *da un lato la storia globale mira a un'analisi del passato, che non si lasci limitare da confini esistenti, ad esempio quelli dello Stato nazionale. A ciò si aggiunga, dall'altro, una direzione d'urto esplicitamente antieurocentrica.".* Sebastian Conrad, *Storia Globale. Un'introduzione* (Roma: Carocci, 2015), p. 25. In the same way, Laura di Fiore and Marco Meriggi affirm that one of the features is "*il desiderio di trascendere la dominante categoria d'analisi dello stato-nazione nonché l'etnocentrismo propri della tradizione storiografica occidentale."* Marco Meriggi and Laura Di Fiori, *World History. Le Nuove Rotte Della Storia* (Roma, Bari: Laterza, 2011), p. 26.

[39] Indeed, the adequacy of global history as a perspective to analyse the past of international law had already been noted by the editors of the Oxford Handbook of the History of International Law, whose introduction title is 'Towards A Global History of International Law'. For a criticism of this project, see Martineau.

[40] *"[…] a global intellectual history might compare intellectuals or intellectual practices or ideas and concepts geographically or chronologically. In such enterprise, the point might be to elaborate on processes or tendencies that developed in different parts of the world or in different eras. Indeed, in a minimal conception the idea of a 'global intellectual history' might be seen as merely a call to create a more inclusive intellectual history that respects the diversity of intellectual traditions and broadens the parameters of thought beyond the narrow limits defined by the traditions institutionalized in the Western or Eurocentric academy. In other words, this would be a call to attend to non-Western intellectual histories with a rigor commensurate with the scholarship on western intellectual histories*". Samuel Moyn and

As it has been stressed the necessity of methodological awareness in the labour of legal historian in order to produce a critique of the standardised history of international law, next, it will be elucidated some historical methods and categories used in this investigation.

1.2. Methodological issues for a history of Brazilian international legal thought

The present research intends to deal with the history of international law in XIX century Brazil. Dismembering this statement is convenient to understand what it precisely means. The history of international law can be understood here as a history of international legal thought, since the research is concerned about the development of the discipline and doctrine of international law in Brazil. It means that legal institutions, judicial practices, rules or diplomatic arrangements are not part of the narrative, unless if in relation to the main interest, which is the Brazilian doctrine of international law.

Most historical sources used in the investigation are books that expressly declare being of international law, written by Brazilians jurists in the nineteenth century; varying from textbooks and manuals for legal education - which are the majority - to articles and monographs on specific topics of international law.[41] For instance, books dealing with

Andrew Sartori, 'Approaches to Global Intellectual History', in *Global Intellectual History*, ed. by Samuel Moyn and Andrew Sartori (New York: Columbia University Press, 2013), pp. 3–30 (p. 7).

[41] About the criterion for the selection of texts (sources): "*Il diritto è una congerie di testi molteplici, riconducibili alle diverse funzioni che è chiamato a svolgere: sono testi giuridici un codice, un regolamento amministrativo, una raccolta di consuetudine, un atto notarile, la sentenza di un giudice, una decisione arbitrale, l'arringa di un avvocato. Non sarebbe facile delineare una rigorosa tipologia dei testi definibile come 'giuridici'. Nella classe dei testi 'giuridici' occorre comunque iscrivere una peculiare sottoclasse, relativamente unitaria, pur nelle sue molteplici articolazione: una classe di testi che sono 'giuridici' in quanto assumono il diritto come loro oggetto, riflettono su di esso illustrandone le caratteristiche generali o le più minute determinazioni e si presentano come luoghi di elaborazione e di trasmissione di uno specifico sapere. Sono questi i testi che si offrono come specchio (più o meno fedele) di quell'esperienza tanto familiare quanto sfuggente che chiamiamo diritto.*" Paolo Cappellini and others, 'Introduzione', in *Il Pensiero Giuridico Italiano. Dal Medioevo all'Età Contemporanea*, ed. by Paolo Cappellini and others (Roma: Treccani, 2015), pp. XIX–XXVI (p. XX). See also Pietro Costa, 'In Search of Legal Texts: Which

Brazil foreign relations, especially those written by diplomats, whose interests are more strategic and political than normative, in general, were avoided.

As a result, the bibliographic tableau was filled with a group of nearly unknown Brazilian jurists, who were in its majority professors of the discipline; and surely, all of them members of a lettered white male elite. At least until the end of the nineteenth century, there were no prominent names like the Argentinian Carlos Calvo (1822-1906) or the Venezuelan Andrés Bello (1781-1865), both who had an international projection. It could be objected the importance of those figures to the history of international law. However, if this lack of knowledge about them is not enough to justify this narrative, precisely this understanding as 'minor' figures that turn them suitable for a history beyond essentialization of disciplinary tradition. This is the kind of of neglected history that can challenge the conventional history of international law.

The resulted compilation of sources may seem to have been chosen arbitrarily. If it is somewhat arbitrary, it is not random. Following Pietro Costa, texts can be traced and related with each other within a *disciplinary tradition*, which is defined as the continuous intersection of texts that shared the same organisation of discourse (*disciplinary paradigm*) along the diachronic axis.[42] In like manner, the texts within the discipline of international law identify themselves as part of a disciplinary tradition, by following the same discourse and subjects, and by the constant references to past authors.[43]

The attention to this myriad of references of past jurists in those Brazilian books reveals the obvious: the first Brazilian jurists to write about the international law were not

Texts for Which Historian?', in *Reading Past Legal Texts*, ed. by D. Michalsen (Oslo: Unipax, 2006), pp. 158–81.

[42] Pietro Costa, 'La Giuspubblicistica dell'Italia Unita: Il Paradigma Disciplinare', in *Stato E Cultura Giuridica in Italia dall'Unità Alla Repubblica*, ed. by Aldo Schiavone (Roma, Bari: Laterza, 1990), pp. 89–145 (pp. 90–91).

[43] *"[…] i testi tendono con maggiore frequenza a richiamarsi, a collegarsi l'un l'atro, in un arco de tempo più o meno lungo, venendo a costituire, per così dire, i punti di una linea ininterrotta. A condurre il lettore lungo questa linea sono gli stessi testi, attraverso il gioco combinato delle citazioni palesi e dei rinvii dissimulati; ma ciò che di essi colpisce è la loro 'aria di famiglia', la intuitiva riconoscibilità di tratti comuni, pur nel distinguersi degli apporti individuali, nel mutare delle mode e delle fogge.".* Costa, 'La Giuspubblicistica dell'Italia Unita: Il Paradigma Disciplinare', p. 90.

creating a tradition; they were, rather, following and assimilating an existing one. It is quite difficult to avoid the fact that the formation of modern international law until then was of European origin. Its construction as legal science had been hegemonically forged by Europeans, even if the propellant for the development of the discipline can be easily attributed to the encounter of Europe with other regions of the world, the determination to rule them and justify it.[44] Therefore, Brazilian jurists were translating – in a broad sense -, recreating, and publicising an already established disciplinary tradition, as an effort to become part of it.

Bearing that in mind, the history of the development of the discipline of international law in Brazil cannot be told[45] without constant reference to European legal thought. On the other hand, a history of international law that does not take into account the role of extra-European regions in the development of international law is, at least, distorted. Under those circumstances, the statement made by Dipesh Chakrabarty is fully valid and applied to the task of telling a Brazilian history of international law:

> European thought is at once both indispensable and inadequate in helping us to think through the experiences of political modernity in non-Western nations, and provincializing Europe becomes the task of exploring how this thought—which is now everybody's heritage and which affect us all—may be renewed from and for the margins.[46]

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[44] Jörg Fisch, 'The Role of Intertional Law in the Territorial Expasion of Europe, 16th - 20th Centuries', *ICCLP Review*, 3.1 (2000), 4–13 (p. 4). A very similar phenomenon happened when, with the Italian rule of Libya (1934-194), the *ad hoc* discipline of colonial law suddenly showed up within Italian legal scholarship, justifying and legitimizing the colonization. Pietro Costa, 'Il Fardello Della Civilizzazione. Metamorfosi Della Sovranità Nella Giusconolonialistica Italiana.', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, 33/34.L'Europa e gli 'Altri'. Il diritto coloniale fra Otto e Novecento. (2005), 169–257.

[45] As Dispesh Chakrabarty had already realized: *"That Europe works as a silent referent in historical knowledge becomes obvious in a very ordinary way. There are at least two everyday symptoms of the subalternity of non-Western, third-world histories. Third-world historians feel a need to refer to works in European history; historians of Europe do not feel any need to reciprocate. Whether it is an Edward Thompson, a Le Roy Ladurie, a George Duby, a Carlo Ginzburg, a Lawrence Stone, a Robert Darnton, or a Natalie Davis—to take but a few names at random from our contemporary world—the "greats" and the models of the historian's enterprise are always at least culturally "European." "They" produce their work in relative ignorance of non-Western histories, and this does not seem to affect the quality of their work. This is a gesture, however, that "we" cannot return. We cannot even afford an equality or symmetry of ignorance at this level without taking the risk of appearing "old-fashioned" or "outdated."."* Dipesh Chakrabarty, *Provincializing Europe. Postcolonial Thought and Historical Difference* (Princenton, Oxford: Princenton University Press, 2000), p. 29.

[46] Chakrabarty, p. 16.

It is unavoidable the fact that the postcolonial States inherited the vocabulary of international law from Europe. The turning point to the legal historian, thus, is to explore how those jurists from newly independent States appropriated and manipulated that vocabulary, often disputing its concepts. In this sense, it is important to realise that all this happened within a hierarchical epistemological system, where the Western model was considered the pattern to be followed by the 'backwards' others. By and large, extra-European knowledge - including any form of normativeness - was reputed subaltern,[47] since exotic, mystic or irrational, and therefore, could be disregarded or suppressed.

All this framing of hierarchical epistemologies, supported and fostered by a discourse of civilisation,[48] dovetailed with the universalising aspirations of international law. Its spreading throughout the world occurred within a system of hierarchic categories, or rather, stages of development and civilisation, that in accord with each degree, it would result in a different level of application of international law.[49] Equality in international relations was restricted in between the members of the so-called 'family of civilised nations', composed by States of European origin that were bound by international law in a parity relation.[50] The full admission to that exclusive group relied on the fulfilment of a

[47] Of course, as stated by Edward Said, who emphasized that "*neither the term Orient nor the concept of the West has any ontological stability; each is made up of human effort, partly affirmation, partly identification of the Other"*, so this supposed 'subalternity'of extra-European knowledge is pure ethnocentric prejudice. Edward Said, *Orientalism.* (London: Penguin Books, 2003). The depreciation of extra-European cultures was, rather, the effect of an imperial ethos, than the cause for the civilizing mission. Peter Fitzpatrick, '"The Desperate Vacuum": Imperialism and Law in the Experience of Enlightenment', in *Post-Modern Law: Enlightenment, Revolution and the Death of Man*, ed. by Anthony Carty (Edinburgh: Edinburgh University Press, 1990), pp. 90–106 (pp. 23–24).

[48] In general, cf. Bowden; *Civilizados Y Salvajes. La Mirada de Los Ilustrados Sobre El Mundo No Europeo*, ed. by María José Villaverde Rico and Gerardo López Sastre (Madrid: Centro de Estudios Políticos y Constitucionales, 2015); Bruce Mazlish, *Civilization and Its Contents* (Stanford: Stanford University Press, 2004).

[49] As Gerrit Gong explains: *"In the minds of the nineteenth-century international lawyers, 'civilization' became a scale by which the countries of the world were categorized into 'civilized', barbarous and savage spheres. The legal rights and duties of the stages in each sphere were based on legal capacity their degree of 'civilization' supposedly entitled them to possess. Not surprisingly, by definition, the full rights and duties of international law were restricted to those 'civilized' states could abide its principles and precepts*.". Gerrit Gong, *The Standard of 'Civilization' in International Society* (Oxford: Clarendon Press, 1984), pp. 55–56.

[50] Just to illustrate, see the definition of international law by Lassa Oppenheim (1858-1919): "*Law of Nations or International Law (Droit des gens, Völkrrecht) is the name for the body of customary and conventional rules which are considered legally binding by civilised States in their intercourse with each other*." Lassa Oppenheim, *International Law: A Treatise* (London: Longmans, Green and Co., 1905), p. 2.

standard of civilisation, which, in brief, meant 'to seemed like European';[51] following a strategy of exclusion, then assimilation. Meanwhile, those States considered 'barbarous' or 'savages' through the Europeans lenses, were bound by international law, but in an asymmetric and discriminatory relationship where they could be subdued[52] – by legally mechanisms justified and provided by international law, as an entitlement over 'uninhabited' territories, capitulations, consular interventions, extraterritorial jurisdiction, compulsory protectorates, unequal treaties, system of mandates, and so on.

The universal validity of international law, for the highly ethnocentric -and often racist[53] - mindset of nineteenth-century Europeans international lawyers, was based on the Illuminist principle of progress and the conception of civilisation, both supposedly applicable to any people. It permitted them to conceive international law as the most developed normative system of an evolutionary line that all peoples would inexorably pass. In other words, sooner or later, those 'barbarians' would reach the level of civilisation that Europeans were at the moment. Consequently, the standard of civilisation turned to be a protagonist in the universal expansion of international law, shaping the international community according to the European model of state.

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[51] As can be seen in the words of the Italian jurist Pasquale Fiore (1837-1914): "*Uno Stato il quale, o per mancanza di cultura e di civiltà; o per pregiudizi tradizionali cagionati delle credenze religiose, dagli usi e dalla sua costituzione politica; o per altre ragioni, non sia attualmente in condizione da garantire il rispetto e l'osservanza del Diritto internazionale, non potrà esigerne l'applicazione con perfetta eguaglianza, fino a tanto che non abbia mutato l'ordinamento interno in maniera da essere in certo modo reputato alla pari degli altri.*". Pasquale Fiore, *Il Diritto Internazionale Codificato E La Sua Sanzione Giuridica*, 5th edn (Torino: Unione Tipografico-Editrice, 1915), pp. 122–23. The mention of religion points out that the criterion up until then was Christianity and gradually, as remarked by Luigi Nuzzo, turned to be 'civilisation', a more laic standard along the lines of Enlightenment. Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo.*, p. 53.

[52] Strategy already identified in Francisco de Vitoria's thoughts: "I 'barbari' non sono esclusi, espulsi, gettati, fuori dall'ordine, ma devono per Vitoria essere inclusi in esso. La percezione dell'alterità passa attraverso il dominio, ma il dominio a sua volta, per il tomista Vitoria, si esercita per mezzo di una strategia di inclusione gerarchizzata.". Pietro Costa, 'L'Europa E Gli "Altri". A Proposito Di Cittadinanza E Di Colonialismo.', in Politica, Consenso, Legittimazione. Transformazione E Prospettive, ed. by Raffaela Gherardi (Roma: Carocci, 2002), pp. 101–6 (p. 103).

[53] See, for example, the Scottish James Lorimer (1818–1890), that condemned slavery, except for 'inferior races': "*Those which are bad essentially, on the ground that they violate permanent natural laws – the slaughter of enslavement of prisoners of war; and slavery itself, indeed, in all its forms, except perhaps when it is employed, under very stringent regulations, as an educational institution for the benefit of the inferior races of mankind."* James Lorimer, *The Institutes of the Law of Nations. A Treatise of the Jural Relations of Separate Political Communities* (Edinburgh, London: Blackwell, 1883), p. 32.

It is precisely within this context – that lasts throughout the nineteenth-century[54] - that the study of international law began and was established in Brazil. As a result, this epistemic hierarchy was internalised by the Brazilian legal culture, reflecting in all legal literature, in an incessant attempt to satisfy the European standard. In general, this was the case for all Latin American states.[55] As pointed by Liliana Obregón, in the first quarter of nineteenth-century, "the new American states sought recognition of their independence to participate in the 'community of civilised nations'.".[56] By struggling for recognition, Latin American lawyers tried to justify and show how 'civilised' they were, frequently resorting to comparison with indigenous tribes or the African continent, and by doing that, they ended up replicating Eurocentric prejudices. As many writings of the time indicated, the lettered elites embodied the dynamic civilised-barbarian.[57]

By now, it is appropriate to point some remarks on the concept of *legal culture*. Despite being regularly used on legal historiography,[58] it presents some problems and ambiguities, due to its resistance to being defined in a precise manner.[59] As mentioned above, this narrative is concerned with the international legal thought in nineteenth-

[54] Hierarchy currently maintained by the rhetoric of development that substituted the discourse of civilization. In general, see Arturo Escobar, *Encountering Development. The Making and Unmaking of the Thrid World*, *The Making and Unmaking of the Third World* (Princenton: Princenton University Press, 1995). Also, more focused in international law, Siba N'Zatioula Grovogui, *Sovereigns, Quasi Sovereigns, and Africans. Race and Self-Determination in International Law* (Minneapolis: University of Minnesota Press, 1996); Balakrishnan Rajagopal, *International Law from Below. Development, Social Movements and Third World Resistence* (Cambridge: Cambridge University Press, 2003); Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), LXII.

[55] Certainly, the legal culture of each Latin American state had its own peculiarities. However, as pointed by Rogelio Pérez-Perdomo, some general aspects, like the fact that all of them *"had been shaped by two absolute Catholic monarchies*", all adopted the civil law tradition, and had similar intellectual influences, permit to talk about a cultural unity among lawyers. Rogelio Pérez-Perdomo, *Latin American Lawyers. A Historical Introduction* (Stanford: Stanford University Press, 2006), pp. 50–51.

[56] Obregón, 'The Civilized and the Unicivilized', p. 922.

[57] For the use of the civilization discourse in Brazil and Argentina: Maria Elisa Noronha de Sá, *Civilização E Barbárie. A Construção Da Ideia de Nação: Brasil E Argentina* (Rio de Janeiro: Garamond, 2012). For the uses of the concept in nineteenth-century Brazil: João Feres Júnior and Maria Elisa Noronha de Sá, 'Civilização', in *Léxico Da História Dos Conceitos Políticos Do Brasil*, ed. by João Feres Júnior (Belo Horizonte: Editora UFMG, 2014), pp. 209–31.

[58] In the Gentle Civilizer of Nations, Martti Koskenniemi expressly avoided the term 'cultural', using what he called 'sensibilities': "*If instead of "ideas," the essays choose to speak of "sensibility," this is because the fluidity of the latter enables connoting closure and openness at the same time, as does the more familiar but slightly overburdened notion of "culture*." Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 2.

[59] Roger Coterell, 'The Concept of Legal Culture', in *Comparing Legal Cultures*, ed. by David Nelken (Adelshot: Darthmouth, 1997), pp. 13–31.

century Brazil, leading to focus on legal doctrine. Nonetheless, all this legal discourse is produced within a context; ideas come indeed from a cultural background, where its authors are inserted. In this way, the movement from legal thought to legal culture implies the consideration not only of ideas but who produce it: the caste of legal professionals,[60] and in this case, especially those professionals occupied with the task of producing legal discourse and introduce it to the newcomers.

The consideration of a Brazilian legal culture within the background exposed leads to an idea of culture constructed primarily on mimicry, where any original legal theories emerged.[61] This syncretism, however, as argued by Fonseca,[62] should not be judged as better or worse, but taken precisely as a feature of the nineteenth-century Brazilian legal culture. A legal culture must be interpreted in a dynamic approach and in its own terms. If postcolonial jurists assimilated European legal models, then the task of the legal historian is to understand how this appropriation has taken place, how those exogenous theories were adapted, arranged or instrumentalised according to their political interests.

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[60] *"La 'cultura giuridica' (in senso stretto) è la rappresentazione* more iudico *che un ceto professionale offre di una determinata società […]. La cultura giuridica (il diritto 'riflesso' nel sapere specialistico dei giuristi) appare dunque un momento importante del discorso pubblico nel quale una determinata società si esprime e si riconosce."* Cappellini and others, p. XX.

[61] In a similar way:"*Appare costante, e ancora resistente, l'idea per cui quel diritto – latinoamericano – appartiene alla tradizione giuridica occidentale, dove occupa però una posizione periferica, quella riservata ai cattivi imitatori del modello arbitrariamente eletto a parametro e misura della centralità*." Alessandro Somma, *Introduzione Al Diritto Comparato* (Roma, Bari: Laterza, 2014), p. 114.

[62] *"[…] a reconstrução da idéia de uma cultura do direito não significa, portanto, a busca da 'melhor cultura jurídica', no sentido de um uso competente das reflexões dos juristas mais autorizados na Europa ou nos Estados Unidos (seja lá como isso puder ser avaliado), mas sim o conjunto de significados (Standards doutrinários, padrões de interpretação, marcos de autoridade doutrinária nacionais e estrangeiras, influências e usos particulares de concepções jusfilosóficas) que efetivamente circulavam na produção do direito e eram aceitos nesta época no Brasil. Assim, a 'cultura jurídica brasileira', aqui, não pode ser aferida consoante critérios de 'melhor ou 'pior', de 'mais' ou 'menos' refinamento intelectual, mas sim como o conjunto de padrões e significados que circulavam e prevaleciam nas instituições jurídicas brasileiras do Império (faculdades, institutos profissionais de advogados e magistrados, o foro, e, em alguns casos, no parlamento), e que atribuíam uma tipicidade ao direito brasileiro. A cultura jurídica brasileiras é um fato histórico antropológico que se dá a partir os elementos (humanos, doutrinais, sociais, econômicos, etc.) presentes na sociedade brasileira desta época dentro de aparatos institucionais localizáveis dentro das vicissitudes histórica brasileiras*.". Ricardo Marcelo Fonseca, 'Os Juristas E a Cultura Jurídica Brasileira Na Segunda Metade Do Século XIX', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, 35.1 (2006), 339–71 (p. 340).

This constant resort to the Western legal culture - including here the United States -, as the archetype of a legal system, to be followed and appropriated, or simply serve as an authoritative source, resulted in being a general characteristic of the Latin American legal culture. It follows what Sally Merry Eagle sustained: "culture is the product of historical influences rather than evolutionary change, […] marked by hybridity and creolisation rather than uniformity and consistency.".[63] Consequently, a legal culture is inevitably a coalescence of different understandings and practices of law arranged and juxtaposed. This is the case especially in a postcolonial context, where a paradox emerged immediately after the act of Independence: in a nationalist tone, the project of nation-building to forge a – never existing before - national identity, pushed them away from the metropolitan culture; notwithstanding the Western culture never ceased to be the parameter and reference. This paradox is destined to influence the practices and production of legal doctrine throughout the nineteen-century.

Two operational categories borrowed from the historiography of international law capture this ambivalent belonging to the West of the postcolonial legal cultures, such as the Latin American: the creole legal consciousness and the mestizo international law.

Liliana Obregón explains that "Creole legal consciousness can be understood as certain ideas about the law held by the Creole literati in the post-independence era.".[64] The lettered elite in Latin American countries was formed majorly by *criollos*, American-born Spaniards, whose ideas comprise an ambivalent attitude placed between the law inherited from the colonial period and the "will to civilisation", a rigorous and prejudicial set of premises of illuminist imprint that would guide legal choices.[65] It was a self-imposed commitment, perceived as required to "the recognition of their new nations as sovereign and as members of the so-called 'community of civilised nations', as well as

[63] Sally Merry, 'What Is Legal Culture? An Anthropological Perspective', *Journal of Comparative Law*, 5.2 (2012), 40–58 (p. 42).
[64] Obregón, 'Creole Consciousness and International Law in Nineteenth Century Latin America', p. 249.
[65] "*Broadly speaking, as part of a Creole legal consciousness, the will of civilization meant not only that choices had to be made between theories of law or forms of government according to what would improve the existing civilization, but also that through law and its application Creoles could eliminate or at least control the barbarism perceived to be unduly prevalent in their societies. The ideal of civilization would appear in the new constitutions and would justify the new laws; it would privilege certain economic practices, religious choices, educational systems and ideas about racial composition of society.".* Obregón, 'Creole Consciousness and International Law in Nineteenth Century Latin America', p. 250.

for national and regional advancements".[66] The ideal of civilisation influenced the legal culture as a whole, and not only in the international arena. The constitutionalism of nineteenth-century Latin America,[67] for instance, is full mechanisms aiming to promote civilisation through the concealment of indigenous people, who despite being the majority of the population in many Latin American countries, were completely ignored from constitutional treatment and accultured to according to Creole standards.

The mestizo character, argued by Arnulf Becker Lorca, follows the same path, but introduces to the picture the psychological dilemma of postcolonial people: "With a European father and an indigenous mother, the situation of the mestizo is riddled by questions of identity and belonging.".[68] It captures this dialectic alive in Latin American minds, between rejection and attachment to European legal culture. By doing that, Lorca sheds light on "the hybrid origins of the international law that emerged with the encounter between the Western and non-Western worlds and the globalisation of European international legal thinking.".[69]

These two categories, although not thought specifically for the Brazilian context, help to understand the peculiarities and vicissitudes of the Brazilian legal culture in the nineteenth-century, where jurists simultaneously sought its own identity and autonomy, yet always endorsing the European pattern. As Joaquim Nabuco (1849-1910), a notorious jurist, politician, and diplomat, writing in 1893, felt: "O sentimento em nós é brasileiro, a imaginação europeia.".[70]

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[66] Obregón, 'Creole Consciousness and International Law in Nineteenth Century Latin America', p. 253.
[67] For a comprehensive treatment of this point, see Bartolomé Clavero, *Geografía Jurídica de América Latina. Pueblos Indígenas Entre Constituciones Mestizas* (México: Siglo XXI, 2008); Bartolomé Clavero, *Derecho Indígena Y Cultura Constitucional En América* (Madrid: Siglo XXI, 1994).
[68] Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933*, p. 22.
[69] Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933*, p. 23.
[70] Joaquim Nabuco, *Minha Formação (1893)* (Rio de Janeiro: Nova Fronteira, 2015), p. 58. And yet: *"Nós brasileiros – o mesmo pode-se dizer dos outros povos americanos – pertencemos à América pelo sedimento novo, flutuante do nosso espírito, e à Europa, por suas camadas estratificadas. Desde que temos a menor cultura, começa o predomínio destas sobre aquele.*". Nabuco, *Minha Formação (1893)*, p. 57.

2. THE RISE OF THE DISCIPLINE OF INTERNATIONAL LAW IN BRAZILIAN LAW FACULTIES, AND ITS IMPORTANCE TO THE BRAZILIAN STATE-BUILDING PROCESS

> *Il s'en faut de beaucoup encore aujourd'hui que le droit international ait partout dans le série des études juridiques la place et le rang auxquels il doit prétendre.*[71]

In his seminal work 'The Gentle Civilizer of Nations', Martti Koskenniemi argued that the modern international law only emerged in the third part of the nineteenth century, and all writings on the 'law of nations' produced hitherto "were animated by a professional sensibility that seems distinctly different from what began as part of the European liberal retrenchment at the meetings of the *Institut de Droit international* and the pages of the *Revue de Droit international et de législation comparée* from 1869 onwards.".[72]

One of the arguments to support this interpretation of international law scholarship is the late emergence of the discipline in some European universities.[73] Indeed, it was the case for those States covered by his narrative. For example, in France, apart from an earlier course that "had been more about diplomatic history than positive law", "only in 1889 was international law introduced at French universities as a compulsory subject.".[74] Also, "when in Holland a law of 1876 prescribed the teaching of

[71] 'Aperçu de l'État Actuel de L'enseignement Du Droit International En Divers Pays', in *Annuaire de l'Institut de Droit International* (Gand: Bureau de La Revue de Droit Interntional, 1878), pp. 344–56 (p. 344).
[72] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 4.
[73] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, pp. 28–35.
[74] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 31.

international law in State universities there was still no chair for public international law in the country.".[75] The same case in England, where "was virtually no university teaching in the subject at all in the first half of the century",[76] and the first chairs of international law, properly speaking, were set up in Oxford in 1859 and Cambridge in 1866.

This sample, however, leads to a scant picture. It ignores not only non-European practices, but the European context as well. As pointed de la Rasilla del Moral,

> [...] esta influyente línea ius-historiográfica obvia el examen del desarrollo del estudio del Derecho internacional en España durante el siglo XIX y, al hacerlo, aparta de su reflexiva consideración el hecho de fue España el primer país europeo en el que se establecieron cátedras del Derecho internacional (*qua* Derecho internacional) en el siglo XIX y que la Latino-América inmediatamente post-independentista, fue el primer lugar del mundo en que éstas surgieron..[77]

In the same manner, the history of the international law discipline in Brazil is overlooked by contemporary historiography. As it is shown above, it is precisely this kind of distortion that a narrative focused solely on European sources promotes. The research of de la Rasilla del Moral, concentrated in the study of international law in Spain and its ex-colonies, indicates that the very first chair of "*Derecho internacional y de gentes*" was established at the University of Bogotá in 1827, previously than any European university.[78]

The *law of nations*, as it was usually called at the beginning of the nineteenth-century, was considered fundamental by Latin-American revolutionary elites – which was composed mostly of jurists.[79] Indeed, it provided the conceptual instruments to conceive

[75] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 31.
[76] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 33.
[77] Ignacio de la Rasilla del Moral, 'El Estudio Del Derecho Internacional En El Corto Siglo XIX Español', *Rechtsgeschichte*, 21 (2013), 48–65 (p. 48).
[78] de la Rasilla del Moral, p. 51.
[79] In Brazil, see José Murilo de Carvalho, *A Construção Da Ordem: A Elite Política Imperial. Teatro de Sombras: A Política Imperial*, 6th edn (Rio de Janeiro: Civilização Brasileira, 2014), pp. 11–246; Ruth Maria Chittó Gauer, *A Construção Do Estado-Nação No Brasil. A Contribuição Dos Egressos de Coimbra* (Curitiba: Juruá, 2001); Lúcia Maria Bastos Pereira das Neves, *Corcundas E Constitucionais. A Cultura*

as sovereign a new political community, to implement the project of nation-building and to defend its sovereignty before the European audience. For this reason, the law of nations and its concepts – such as sovereignty, nation, State - formed part of the common political lexicon[80] since the age of Latin-American independencies.[81] Under these circumstances, it is understandable the high concern by the ruling elite that the discipline of the law of nations integrated the curriculum of the law faculties from the beginning of the independent state. As pointed by Anzoátegui, the discipline became the gateway to new ideas:

> La cátedra de Derecho Natural y de Gentes, a su vez, representó en si misma una innovación, dentro de la clásica organización universitaria hispana. Aunque ya había existido durante unos años en Madrid a fines de la centuria anterior, esta cátedra estaba conectada en Hispanoamérica con la recepción de las nuevas ideas del racionalismo jurídico.[82]

Despite this common political vocabulary, Brazil has a different trajectory than its Latin-American neighbours regarding the legal education; mainly because there was no legal education prior to Brazil's independence. While the Spanish Empire had started founding universities in the American continent already in 1551[83] – with the University of San Marcos, in Peru -, the Portuguese Empire never got interested in developing a politic of high education in its colonies. The education was left to the Catholic Church, who had been controlling 85 percent of the education until the Pombaline reforms, either

Política Da Independência (1820-1822) (Rio de Janeiro: Revan, FAPERJ, 2003), pp. 85–88. And for a general of Latin America, Pérez-Perdomo, *Latin American Lawyers. A Historical Introduction*, pp. 42–48.

[80] José Carlos Chiaramonte, *Nación Y Estado Em Iberoamérica. El Lenguaje Político Em Tiempos de Las Independencias* (Buenos Aires: Sudamericana, 2004).

[81] Neves; Rogelio Pérez-Perdomo, 'Los Juristas Como Intelectuales Y El Nacimiento de Los Estados Naciones En América Latina', in *Historia de Los Intelectuales En América Latina. I. La Ciudad Letrada, de La Conquista Al Modernismo*, ed. by Jorge Myers (Madrid: Katz, 2008), pp. 168–83 (p. 172).

[82] Victor Tau Anzoátegui, *La Codificación En La Argentina (1810-1870). Mentalidad Social E Ideas Jurídicas* (Buenos Aires: Imprenta de la Universidad, 1977), p. 225.

[83] This is the Universidad Mayor de San Marcos, in Lima, Peru. There is another one, older than San Marcos. It is the Universidad Santo Tomás de Aquino, in Santo Domingo - nowadays Dominican Republic -, which was founded in 1538, by the Papal Bull *In Apostulatus Culmine*, Pope Paul III. However, that university did not have the royal recognition as *San Marcos*. Until the end of colonial period, other 23 universities had been created. Sérgio Buarque de Holanda, *Raízes Do Brasil*, *Companhia Das Letras* (São Paulo: Companhia das Letras, 1995), p. 98. It can be mentioned also the University of Cordoba, founded in 1613 and covered the south of colonial territories.

in the colonies or in Portugal.[84] This policy could give the impression of just neglect, but a response from the metropolis to a request of the teaching of philosophy in the Province of Maranhão, Brazil, reveals clearly the motive: "[…] high education could only serve to nurture the pride and to destroy the ties of legal and political subordination that must bind the colonial inhabitants to the Metropolis.".[85] To the Portuguese Empire, the colony was a place to explore, not to develop; it was, thus, part of the policy to maintain the colony in a condition of profound dependency.[86]

Whereas Spanish universities had been training lawyers in the colonies for over two centuries,[87] the Brazilian-born youth was constrained to cross the Atlantic to obtain any graduate degree, mostly from the University of Coimbra.[88] Apparently, the studies overseas were covered at the expense of the students' families, what helps to explain the reduced number of graduates in Brazil in comparison with its neighbours. To illustrate the difference: between 1775 and 1810, the University of Mexico graduated 7850 people, against 720 Brazilians graduated from University of Coimbra between 1775 and 1821.[89]

Not even the transference of the Portuguese royal family to Brazil, in 1808, that moved all government to Rio de Janeiro, had been sufficient to instigate the Lusitanian Empire to create a law school in Brazil. Thus, this situation could only change after the independence. Suddenly, a new state with all bureaucratic apparatus was to be built, demanding trained people for the administrative, legislative and judicial posts. With this new context, the dependency with the former Empire was no longer conceivable.

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[84] Manuel Ferreira Patrício, 'Apresentção', in *Compêndio Histórico Da Universidade de Coimbra [1772]*, ed. by Sebastião José de Carvalho e Melo Marquês de Pombal (Lisboa: Campo das Letras, 2008), p. 7.
[85] Alberto Venancio Filho, *Das Arcadas Ao Bacharelismo. 150 Anos de Ensino Jurídico No Brasil* (São Paulo: Editora Perspectiva, 1977), p. 8.
[86] Oliveira Lima reminded, for instance, that even the culture of vine and olive was forbidden in Brazil, so to not compete with the metropolis' products.Manuel de Oliveira Lima, *America Latina E America Ingleza. A Evolução Brazileira Comparada Com a Hispano-Americana E Com a Anglo-Americana* (Rio de Janeiro, Paris: Garnier, 1914), p. 32.
[87] M. C. Mirow, *Latin American Law. A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), pp. 34–38; Pérez-Perdomo, *Latin American Lawyers. A Historical Introduction*, pp. 23–28.
[88] Between 1577 and 1910, 3012 Brazilians graduated from the University of Coimbra; 66% of these, only 1700 and 1820. The number of graduates from other universities is inexpressive; for example, 12 Brazilian graduated in medicine from the University of Montpelier, France. Gauer, pp. 62–63, 71.
[89] Holanda, *Raízes Do Brasil*, p. 119.

2.1. Process of foundation of the Faculties of Law and the importance of the international law discipline for the post-independence elite

From the first proposal of the creation of a faculty of law at the Constitutional Assembly to the inauguration of the courses, almost five years passed. This period, marked by intense parliamentary debates, interruptions and unaccomplished projects, served to let plain the objectives and interests of the post-independence elite in creating a faculty of law. Indeed, gradually the ruling elites of all Latin America realised the importance of legal training in the project of state and nation-building, starting to take control of universities previously directed only by the Catholic Church.[90] As pointed Mirow, "Legal education, as training for the governing classes, was subject to close governmental scrutiny and to contested rivalries of liberal and conservative views that could reach into minute curricular choices.".[91] Thus, once there was no legal education before in Brazil, the long process of creation and establishment of a faculty of law from scratch provides a clearer idea of how strategic was the legal education for the ruling elites.

The very first proposal to the creation of law courses was made by José Feliciano Fernandes Pinheiro, at a session of the Constitutional Assembly, in 1823 - less than one year after the Declaration of Independence, on September 7, 1822. It was motivated by tidings that Brazilians students were suffering oppression and retaliation in the University of Coimbra, due to the new turbulent state of affairs;[92] the instauration of a law school in

[90] Victor M. Uribe-Uran, *Honorable Lives: Lawyers, Family, and Politics in Colombia, 1780-1850* (Pittsburgh: University of Pittsburgh Press, 2000), pp. 105–8.
[91] Mirow, p. 116.
[92] Barman and Barman account that: "*From 1821 to 1825 the prolonged struggle for Brazilian independence took place, a struggle which involved open warfare after 1822. Although somewhat protected by their parentelas, Brazilian students at Coimbra suffered all the isolation, alienation, and hostility that a rejected minority has to bear*.". Roderick Barman and Jean Barman, 'The Role of the Law Graduate in the Political Elite of Imperial Brazil', *Journal of Interamerican Studies and World Affairs*, 18.4 (1976), 423–50 (pp. 431–32).

Brazil would permit the returning of its brave youth without having to abandon their studies.[93]

Despite being a very brief in his pronunciation, Fernandes Pinheiro, who had graduated from University of Coimbra in 1798,[94] already anticipated that instead of many disciplines of Roman Law taught at the Portuguese university, would be better to substitute two of them for Constitutional Public Law and Political Economy. The topic was destined to be one of the most debated at the Assembly. For instance, another parliamentary Pedro d'Araújo Lima, graduated in 1818 at Coimbra as well,[95] does not recommend the excess of Roman Law imposed by that University, and indicates the introduction of disciplines that were most required those days, such as Commercial and Maritime Law, Political Economy, Public Law, and Law of Nations, none of which existed in Portugal.[96]

The specific choice of disciplines made by the parliamentarian permits to understand what was the character that the Brazilian elite wanted to imprint on the law school. In the first place, the condemnation of Roman Law indicates a certain aspiration of detachment from Portuguese legal tradition. Second, the chosen disciplines were geared to public law and external relations, which reflects a desire to 'modernise' the legal studies in a universalist trend, influenced by Enlightenment ideas. Finally, due to the focus on public law and political economy – that can be apparently useless for a lawyer -, rather than private law, the parliamentarian was aiming a legal education centred more around the formation of a political and administrative elite of the new State,[97] rather than on judicial functions, such as judges and lawyers. Altogether, these three guidelines are also in accordance with the establishment of the discipline of the law of nations.

[93] Venancio Filho, pp. 15–16; Spencer Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. I*, 2nd edn (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), p. 14; Aurélio Wander Bastos, *O Ensino Jurídico No Brasil* (Rio de Janeiro: Lumen Juris, 1998), pp. 2–3.
[94] Biblioteca Nacional, 'Estudantes Brasileiros Na Universidade de Coimbra (1772-1872)', *Anais Da Biblioteca Nacional Do Rio de Janeiro*, LXII (1940), 139–335.
[95] He even got a doctoral degree there in 1819.
[96] Venancio Filho, p. 17.
[97] Bastos, p. 14.

The urgency to install the course permitted that, in the subsequent month, August 1823, the proposal had been formally written, and the debates could be initiated. Nevertheless, the parliamentarians could not deliberate for too long. In November, the Emperor D. Pedro I dismissed the Constitutional Assembly, interrupting with it the project of a law school.

Only in 1825, an Imperial Decree resumed the project of a national faculty of law, creating a provisional course in Rio de Janeiro. The decree claimed to be accomplishing one of the benefits promised by the Constitution, which is education through public instruction; and detailed: "a educação, e publica instrucção, o conhecimento de Direito Natural, Publico e das Gentes, e das Leis do Imperio".[98] In the end, the law school instituted by this decree never got off the ground. Nevertheless, it served to order the draw up of a statute to rule the course, that would be hereafter used: the Statutes of the Viscount of Cachoeira.

Right after the Legislative Assembly was established, in 1826, the topic of public instruction returned. One more time, the legal education would be discussed. Thus, in the parliamentary session of June 16, 1826, a project came up, and planned a curriculum with eight disciplines, two per year, as follows:

> First year:
>
> 1º - Natural law and Law of nations
>
> 2º - National law, civil and criminal. History of national legislation
>
> Second year:
>
> 3º - Philosophy of law, or General principles of legislation. History of Ancient legislation and its political effects
>
> 4º - Canon law and Ecclesiastic history
>
> Third year:
>
> 5º - Public law, Statistics, Political geography.
>
> 6º - Political law, or Analysis of ancient and modern constitutions

[98] Império do Brasil. Decree January 9, 1825.

Fourth year:

7º - Political economy

8º - Philosophical and political history of nations, or Historical discussion of its reciprocal interests and negotiations. [99]

Although this project ended up not being enforced, it is very representative of the post-independence mindset. Typically, in the post-colonial context of Latin America, the absence of Roman law is accompanied by an increase of National law disciplines. Here, however, there was only one discipline of National law, and furthermore, split in civil and criminal law. Aside from that discipline, all other disciplines were conceived in an illuminist accent of a 'universal' knowledge, of a law valid everywhere and anytime.

Moreover, the considerable quantity of non-juridical disciplines, such as political economy, statistics and political geography, which were hardly useful for judicial functions, denotes the plain intention of teaching the required knowledge to a future politician, administrator or a diplomat, rather than to judges and lawyers. The words of congressman Bernardo de Vasconcellos left no room for doubt: "He na realidade de summa importancia esta Sciencia, e tal, que se torna absolutamente indispensável ao Legislador, ao homem de Estado, ao diplomático a todos os homens Publicos.".[100] He did not even mention that a faculty of law could graduate jurists.

That scheme could be observed in most Latin American newly states.[101] It is notable the resemblance of this project with the legal studies in New Granada, where a governmental decree of 1825 also ordered some reforms in legal education:

In addition to the customary courses in Roman and canon law, which suffered little transformation, law schools were required to teach 'political, constitutional and international law',

[99] 'Sessão de 16 de Junho de 1826', *Diario Da Camara Dos Deputados À Assemblea Geral Legislativa Do Imperio Do Brasil.*, 1826, pp. 416–17.
[100] 'Sessão de 7 de Agosto de 1826', *Diario Da Camara Dos Deputados À Assemblea Geral Legislativa Do Imperio Do Brasil.*, 1826, p. 1156.
[101] The same point is suggested by Mirow: *'"Latin American legal education in the nineteenth century was linked to political power. It was not confined to education for lawyers and judges, legal education was the predominant preparation for a politically active life in government and a host of other influential slots in society."*. Mirow, p. 120.

political economy, and two other innovative subjects: 'principles of universal legislation'- which was generally combined with the public law classes – and 'administrative science and principles of statistics'.[102]

In fact, this model of legal education followed the Enlightenment spirit that justified and promoted numerous education reforms in continental Europe by the end of eighteen century. In the words of Coing: "il fine della educazione giuridica non è più di formare dei docenti: è piuttosto formare degli impiegati per lo Stato. Da ciò la tendendeza che si osserva nell'insegnamento del Settecento; da ciò l'accento dato al diritto pubblico, alle conoscenze economiche e storico-politiche.".[103]

Further projects with slightly different disciplines but similar ideas came up through that year at the Brazilian Legislative Assembly. Some were advocating for at least one discipline of Roman Law, others arguing for three years of National law, and a few sustained the suppression of Canon law. Notwithstanding there was one unanimity in all projects, from the very first proposal to the every project discussed in Assembly: the discipline of the law of nations. While the inclusion of each discipline had generated much argument between the congressmen, the law of nations was practically taken for granted.

At long last, on August 11, 1827, was sanctioned by Monarch Pedro I a law, previously voted at the General Assembly, founding the legal education in Brazil. The act ordered the establishment of two faculties of law, one in São Paulo and another in Olinda, to be immediately opened with the following curriculum:

First year:

[102] Uribe-Uran, pp. 108–9.
[103] Helmut Coing, 'L'insegnamento Del Diritto nell'Europa Dell'ancien Régime', *Studi Senesi*, LXXXII.IIISerie. Fascicolo 1 (1970), 179–93 (p. 193); Helmut Coing, 'L'insegnamento Della Giurisprudenza Nell'epoca Dell'illuminismo', in *L'educazione Giuridica Da Giustiniano a Mao. Profili Storici E Comparativi. Tomo Secondo.*, ed. by Nicola Picardi and Roberto Martino (Bari: Cacucci, 2008), pp. 104–28 (p. 105).

> 1º Chair: Natural law. Public law. Analysis of the Brazilian Constitution. Law of Nations. Diplomacy.
>
> Second year:
>
> 1º Chair: Continuation of the disciplines of the previous year.
>
> 2º Chair: Eclesiastic public law.
>
> Thrid year:
>
> 1º Chair: National civil law.
>
> 2º Chair: National criminal law, and Criminal procedural law.
>
> Fourth year:
>
> 1º Chair: National civil law
>
> 2º Chair: Commercial and maritime law.
>
> Fifth year:
>
> 1º Chair: Political economy.
>
> 2º Chair: Theory and practice of legal procedure adopted by Brazilian laws.[104]

The upshot of the debates was a composition between the different views on legal education, ending in the harmonisation of public and private law. The suppression of Roman law and increase of the study of the national law, then with four disciplines, followed the general pattern of the reforms on legal education promoted by the Enlightened spirit;[105] then occurring in Latin America, where had been taking place "a shift from the colonial substance and methods of the European *Ius commune* to incorporate national law".[106]

[104] Império do Brasil, 'Lei de 11 de Agosto de 1827', 1827.
[105] Coing, 'L'insegnamento Della Giurisprudenza Nell'epoca Dell'illuminismo', p. 107.
[106] Mirow, p. 120.

2.2. The Statutes of the Viscount of Cachoeira: the foundation stone of the Brazilian Law Faculties. Between the 'colonial' *Ancien Régime* and the Modernity

Originally in the project of law discussed at Assembly, the statutes of the University of Coimbra would be used temporarily to regulate the new faculties. However, the depute Clemente Pereira remembered that already existed a statute drawn up, and so, asked his fellows why use a foreign if there was one elaborated by a Brazilian citizen.[107] Thus, the statutes of the Viscount of Cachoeira, in spite of being elaborated for another course - the one set by the Imperial Decree of 1825 -, were to be utilised then.

By the time that he redacted the statutes, Luis José de Carvalho e Melo (1764-1826), the Viscount of Cachoeira, held the position of Minister of Foreign Affairs of the Empire of Brazil. In fact, he was one of the Brazilian plenipotentiaries that signed the Treaty of Rio de Janeiro, in 1825, where Portugal recognised Brazil as an independent nation. He was known as a very illustrated man,[108] what was due to its education. The Viscount of Cachoeira graduated from the University of Coimbra, where he also studied philosophy and mathematics,[109] finishing his studies in 1786. It means that he studied exactly while educational reforms formulated earlier by the Marquis of Pombal were being implemented.[110]

From the mid-eighteenth century onwards, Portugal had started to receive influxes from foreign doctrines that would transform the political and juridical framework, promoting a rupture with the traditional scheme of the *Ancient Regime*.[111]

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[107] 'Sessão de 9 de Agosto de 1826', *Diario Da Camara Dos Deputados À Assemblea Geral Legislativa Do Imperio Do Brasil.*, 1826, p. 1180.
[108] Zília Osório de Castro, 'A "Varanda Da Europa" E O ´Cais Do Lado de Lá'', in *Tratados Do Atlântico Sul Portugal-Brasil, 1825-2000*, ed. by Zília Osório de Castro, Júlio Rodrigues da Silva, and Cristina Montalvão Sarmento (Lisboa: Ministério dos Negócios Estrangeiros. Instituto Diplomático., 2006), pp. 23–56 (p. 56).
[109] Biblioteca Nacional, p. 168.
[110] Ana Rosa Clocet da Silva, *Inventando a Nação. Intelectuais Ilustrados E Estadistas Luso-Brasileiros Na Crise Do Antigo Regime Português (1750-1820)* (São Paulo: Hucitec, FAPESP, 2006), pp. 108–9.
[111] Assuming here the traditional dichotomy between the *old* and the *modern* that the concept *ancient régime* implied since the revolutionary age of end-eighteenth century.Cf. Pietro Costa, 'L'antico Regime:

These doctrines, inspired by ideals of secularisation, rationalism, cosmopolitism and liberty, prompted and justified an age of reforms in the Portuguese society. It was the period of Enlightened Reformism, whose champion was the Marquis of Pombal, Secretary of the State from 1750 to 1777. Under his administration, for instance, was edited the *Lei da Boa Razão* (1769), which by reformulating the system of sources of law in the Portuguese juridical system, ended up being the first blow to the *ius commune* tradition. It reaffirmed the primate of the royal law over any other sources; the Roman law had been turned subsidiary; the authorities of Bartolus da Sassoferrato (1314-1357) and Accursius (1184-1263), the main doctrinal sources of *ius commune*, were banned; and the Canon law had been restricted to ecclesiastic tribunals.[112]

The spirit of reformism encompassed a belief in the power of reason and a pedagogical attitude. Hence, the concern with education within the Pombaline reforms, especially the legal studies, that were to be reorganized according to those Enlightened values. As already mentioned, the education in Portugal had been hitherto conducted by the Church, including the University of Coimbra, managed by the Jesuits then. For the committee installed by the Marquis of Pombal - and he himself was one of the members - to report the situation of the studies in University of Coimbra at that time, the decadence and backwardness of Portuguese high education was attributed to the scholastic pedagogical method implemented by the Jesuits over the last two centuries;[113] as became stated in the main document elaborated by the committee: the *Compêndio histórico do estado da Universidade de Coimbra,* 1771.

Being more an ideological anti-clerical attack than a factual description of the state of the University, the document paved the way for the reforms, justifying a reorganisation of the high education in Portugal. In the subsequent month after the publication of the *Compêndio*, the previous statutes, which were governing the University since 1599, were suspended; and in the following year, a new regiment was approved: the

Tradizione E Rinnovamento', in *Il Pensiero Giuridico Italiano. Dal Medioevo all'Età Contemporanea*, ed. by Paolo Cappellini and others (Roma: Treccani, 2015), pp. 79–85.

[112] Hespanha, *Cultura Jurídica Europeia. Síntese de Um Milênio*, pp. 350, 359–60.

[113] Flávio Rey de Carvalho, *Um Iluminismo Português? A Reforma Da Universidade de Coimbra (1772)* (São Paulo: Annablume, 2008), p. 60.

Estatutos da Universidade de Coimbra. Since the guidelines of the new juridical scheme had been already traced by the *Lei da Boa Razão* (1769) and the *Compêndio* (1771) had execrated fiercely the Jesuistic management of the University of Coimbra, it was only missing the conformation of the legal studies to those jusrationalist and secularist principles, according to the "modern use" by the "Christian and civilized nations".

All this climate of reformism and Enlightenment certainly had an indelible effect on the future Viscount of Cachoeira, once his statutes kept significant similarities with the documents mentioned above. Despite not mentioning the Marquis of Pombal specifically, he does refer that "a falta de bons estatutos, e relaxa pratica dos que havia, produziu em Portugal pessimas consequencias", and due to this, "Foi então necessario reformar de todo a antiga Universidade de Coimbra; prescrever-lhe estatutos novos, e luminosos, em que se regulam com muito saber e erudição os estudos de jurisprudencia, e se estabeleceu um plano dos estudos proprios de sciencia, e as fórmas necessarias para seu ensino, progresso, e melhoramento.".[114] In what concerns legal education, the Viscount can be considered an inheritor of the Portuguese Enlightened Reformism, advancing and adapting those ideas in Brazil. Therefore, his plans for the new law faculties are better understood within the Portuguese reformism context.

The Coimbra statutes continued the scheme initiated by the Lei da Boa Razão, of undermining Roman Law;[115] expressly proscribed its study through the "old-fashioned

[114] Visconde de Cachoeira, *Projeto de Regulamento Ou Estatuto Para O Curso Juridico Pelo Decreto de 9 de Janeiro de 1825* (Rio de Janeiro, 1825), p. Preamble.

[115] It is worth to read in its own terms: "*O Direito Romano apenas pode obter fora, e authoridade de Lei em supplemento do Patrio, onde se não extendem as providencias das Leis nacionais, e quando he fundado na boa razão, qe lhe serve de unico fundamento. Assim foi mandado observar nestes Rinos desde a Legislação do Senhor Rei D. João o I. nos sobreditos casos, que haviam omittidos nas Leis Patrias, e a que não se extendia ou a identidade da razão, ou o espirito das mesmas Leis Patrias. E neste mesmo verdadeiro sentido o Tenho ordenado, e estabelecido tambem da mesma sorte na Minha Lei de 22 de Agosto de 1769, para reprimir os intoleraveis abusos, e excessos da authoridade que nestes Reinos se dava as ditas Leis Romanas em prejuízo das Leis Patrias: fixando os justos limites, e os certos casos, em que Ellas podem ter ainda alguma authoridade, e o uso legitimo, que nos ditos casos se pode fazer ainda dellas nestes Reinos."* Junta da Providencia Literaria (Estatutos), *Estatutos Da Universidade de Coimbra* (Lisboa, 1772), sec. Livro II, Título II, Capítulo III, §4.

and barbarous" *mos italicus*,[116] allowing exclusively the *Cujacian school*.[117] Withal, it reserved the last year for the study of the national law,[118] never studied before in Coimbra. For his turn, the Viscount of Cachoeira still disapproved the profusion of Roman law, and the scarce study of national law, "crammed in just one year". In the end, though his statutes suggested a "very elementary" study of the Roman law, the law that approved the faculties disregarded the discipline.

The national law discipline was indeed enforced, covering three years of the course. It must be observed, however, that this insistence on the requirement of country law was kind of ideological, since in period right after the independence there was no law truly Brazilian, except for the Constitution. In 1823, a legislation ordered that the Portuguese legal order – the ordinations, for example – must continue to be valid in Brazilian soil; a situation not changed for a long time, particularly in private law, once the first codification came only in the twentieth century. Thus, this insistence on the laws of Brazilian Empire was partly nationalist spirit emphasising an endogenous law, and partly, a desire to 'modernise' to legal education according to the new illuminist scheme of legal order, where the sources of law were to be gradually monopolised by the Prince. As underlined by Paolo Grossi, it was the beginning of an age of *legalism* and *legal idolatry*.[119]

Another point that the Viscount of Cachoeira advanced from the Coimbra statutes is the inclusion of the of the commercial and maritime law. While the Portuguese statutes ordered its study as a subject inside another discipline,[120] the Viscount, writing almost fifty years later, saw the necessity of a proper discipline especially for it. The

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[116] *"Ordeno em primeiro lugar, pelo que toca a Escola de Jurisprudência, que nas Aulas de Coimbra não possa Professor algum daqui em diante adotar, nem seguir as antigas e barbaras Escolas, que para as lições da Jurisprudencia Romana, depois de restaurada no Occidente, abríram, e estabeleceram Irnerio, Accursio e Bartolo.".* Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo I, §7.
[117] Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo I, §13. For a synthesis of the contrast between the two schools, cf. Italo Birocchi, 'Mos Italicus E Mos Gallicus', in *Il Pensiero Giuridico Italiano. Dal Medioevo all'Età Contemporanea*, ed. by Paolo Cappellini and others (Roma: Treccani, 2015), pp. 67–75.
[118] Junta da Providencia Literaria (Estatutos), secs Livro II, Título VI, Capítulos I, II, III.
[119] Paolo Grossi, *L'Europa Del Diritto* (Roma, Bari: Laterza, 2007), p. 113; Paolo Grossi, *A History of European Law* (Chichester, UK: Wiley-Blackwell, 2010), p. 69.
[120] Junta da Providencia Literaria (Estatutos), p. Livro II, Título V, Capítulo II, §16.

professor should explain the commercial law, the maritime law, with special consideration to the rights and duties of neutral nations; in order to give the lessons, the professor should resort to the works of Domenico Alberto Azuni,[121] J. B. Boucher,[122] Giovanni Maria Lampredi,[123] Martin Hübner.[124]

Definitively, the most important discipline for both statutes[125] was the Natural law. In the University of Coimbra, it was the very first discipline, common for both courses, Civil and Canon,[126] conceived as propaedeutic, "since no law can be understood without this previous knowledge".[127] The same scheme was found in the Brazilian statutes. In the abstruse words of the Viscount: "Como o direito natural, ou da razão, e a fonte de todo o direito, porque na razão apurada, e preparada por boa e luminosa logica, se vão achar os principios geraes e universais para regularem todos os direitos, deveres, e convenções do homem, é este estudo primordial o em que mais devem de ser instruidos os que se destinam ao estudo da jurisprudencia.".[128] As pointed by Coing, "È questa scienza, allora, che si deve considerare com disciplina di *base* per gli studi giuridici, e il diritto romano è valido solo in quanto è ragionevole ed esprime (in forma storica) le verità del diritto naturale.".[129]

The tradition of natural law had been established over the seventeenth and eighteenth centuries, especially in Germany. The modern jusnaturalism distinguished from the previous notions of natural law as it is based on a scientific reason, instead of a religious order of things. The principles of law were universal and evident, educed by rational reflection. Samuel Pufendorf (1632-1694) can be considered the first to give an organic systematic and comprehensive treatment of this branch; indeed, he had been the

[121] *Droit maritime de l'Europe* par M. D. A. Azuni, Paris, Charles, 1805.
[122] Consulat de la mer ; ou, Pandectes du droit commercial et maritime. 1808.
[123] *Del commercio dei popoli neutrali in tempo di guerra* (Firenze 1788). Problably, it was read in french.
[124] *De la saisie des bâtiments neutres*,1759.
[125] The Compêndio had previously stated: "*Pois que o Direito Naural he notoriamente a Disciplina mais util, e mais necessaria, com que os Juristas se devem dispôr, e preparar par fazerem bons progressos nas Sciencias Juridicas.*". Junta de Providencia Literaria (Compêndio), *Compêndio Histórico Da Universidade de Coimbra* (Lisboa, 1771), sec. Parte II, Capítulo II, §142.
[126] Junta da Providencia Literaria (Estatutos), sec. Livro II, Título II, Capítulo V, §2.
[127] Junta da Providencia Literaria (Estatutos), sec. Livro II, Título II, Capítulo III, §6-7.
[128] Visconde de Cachoeira, sec. Capítulo III, §3.
[129] Coing, 'L'insegnamento Del Diritto nell'Europa Dell'ancien Régime', sec. 183.

professor of the very first chair of *philosophiae et iuris naturae ac gentium*, instituted in 1661 at the University of Heildelberg. Another representative author, especially in what regards the law of nations, was Christian Wolff (1679-1754), whose doctrine is destined to inspire future authors, such as Emmer de Vattel (1714-1767).[130] In fact, the latter is one of the *École Romande du Droit Naturel*, a group of Swiss-French authors, known for divulging the German Jusnaturalism across Europe. Their works realised a sort of mediation between the German culture and French ideas. Besides Vattel, it comprises Jean-Jacques Burlamaqui (1694-1794), Jean Barbeyrac (1674-1744) and Fortunato Bartolomeo de Felice (1723-1789).[131] In effect, the teaching of the law of nations in the first half of the nineteenth century in Brazil will take place through the mediation of those last authors, particularly Vattel.

The Natural law was crucial to the transition[132] promoted by the Portuguese Enlightened Reformism: from the authority of the doctrinal sources of *ius commune* to the precise and rational law of the Prince. As elucidated by Grossi: "l'illuminismo continentale, coerente con le scelte di fondo di una civiltà secolarizzata, si era trovato nella necessità di individuare nel titolare del diritto naturale, ma, così facendo, aveva particolarizzato quel messggio e lo aveva conseganto nelle mani dei singoli Stati.".[133] The condemnation of the *ius commune* tradition as confused, obscured, and arbitrary, that had been already destabilised by the humanist school (*mos gallicus*), was rhetorically confronted with the rationality, certainty and clarity of this modern Jusnaturalism. What explained the criticism of the Coimbra statutes on Medieval jurists: "introduzio por toda a parte a opinião e acabou de fazer a mesma jurisprudência arbitrária, controvertida,

[130] Emmanuelle Jouannet, 'Emer de Vattel (1714-1767)', in *The Oxford Handbook of the History of International Law*, ed. by Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), pp. 1118–21 (p. 1118).
[131] Elisabetta Fiocchi Malaspina, *L'eterno Ritorno Del Droit Des Gens Di Emer de Vattel (Scc. XVIII-XIX)* (Frankfurt am Main: Max Planck Institute for European Legal History, 2017), pp. 30–31.
[132] Yet, beyond the theoretical dimension, in the international context: "*The emergence of a set of claims that natural law governed nations coincided with the demise of the authority of the Holy Roman Empire and the subsequent rise of the modern state system around the mid sixteenth century.".* Patrick Capps, 'Natural Law and the Law of Nations', in *Research Handbook on the Theory and History of International Law*, ed. by Alexander Orakhelashvili (Chelthenham, Nothampton: Edward Elgar Publishing, 2011), pp. 61–92 (p. 61).
[133] Grossi, *L'Europa Del Diritto*, p. 110; Grossi, *A History of European Law*, p. 68.

incerta e totalmente dependente do arbitrio dos Doutores.".[134] Thus, by basing the law in a superior and evident secular rationality, a plurality of legal sources, diffused and expressed by jurists, were gradually monopolised in the hands of one sovereign, representing the modern national state. It occurred what Cappellini called a "*trasmutazione-sostituzione*",[135] as the illuminist jusnaturalism is the path for the subsequent predominance of the legal positivism. It follows that there was no contradiction between the National law emanated from the sovereign, and the transcendent dimension of Natural law,[136] as explained in the Coimbra statutes, the former was just the enforcement of the latter.[137]

Strictly linked to the Natural law and equally required was the Law of Nations. Its study was included in the discipline of the first year, following the introduction to the Natural law and Public Universal law, whether at the University of Coimbra or the Brazilian faculties. The reason for this is simple: the Law of Nations derived directly from the principles of Natural law.[138] The Viscount of Cachoeira explained succinctly that the Law of Nations is "o direito natural applicado ás nações, idéa geral e luminosa, fundada no principio de que com estes corpos moraes se verificam as mesmas regras, e justiça universal, que tem lugar de uns cidadãos para com outros. ".[139]

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[134] Junta da Providencia Literaria (Estatutos), sec. Livro II, Tìtulo III, Capítulo I, §12.

[135] Paolo Cappellini, 'Dal Diritto Romano Al Diritto Privato Modeno', in *Diritto Privato Romano. Un Profilo Storico*, ed. by Aldo Schiavone (Torino: Einaudi, 2003), pp. 453–74 (p. 471).

[136] Mário Júlio de Almeida Costa and Rui de Figueiredo Marcos, 'Reforma Pombalina Dos Estudos Jurídicos', in *O Marquês de Pombal E a Universidade*, ed. by Ana Cristina Araújo, 2nd edn (Coimbra: Imprensa da Universidade de Coimbra, 2014), pp. 109–39 (p. 121).

[137] "[...] *todas as Leis Positivas estabelecidas pelos Legisladores Humanos para o dito fim: Ou são puras repetições da Legislação Natural e ordenadas pelos Legisladores Civis, para mais se avivar na memoria dos Cidadãos a lembrança das mesmas Leis Naturais, escurecidas, e como pagadas, e extintas nos seus corações; apertando a observancia dellas por meio de competentes e sensíveis sanções. Ou são determinações mais específicas, ampliações, declarações e applicações das mesmas Leis Natuares a alguns casos, objectos e negocios Civis particulares [...]".* Junta da Providencia Literaria (Estatutos), sec. Livro II, Títutlo III, Capítulo II, §5.

[138] "*As Leis, que a Natureza dicta ás Nações pra manter entre Ellas a paz, e o socego; parra regular os seus respectivos interesses; e para decidir as suas contendas, são todas de jurisdicção do Direito Natural, e dellas se fórma, e compõe a outra parte desta importantíssima Disciplina, que goza do nome de Direito das Gentes*." Junta de Providencia Literaria (Compêndio), sec. Parte II, Capítulo II, §156. "*A Coleção destas Leis, com que a Natureza regulou as acções dos Povos livres; e o aggregado dos reciprocos Officios, com que ella os ligou para os seus interesses comuns, e para o bem universal de toda a Humanidade, continue a quarta e ultima parte do Direito Natural conhecida pelo nome de Direito das Gentes.*" Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo IV, §5.

[139] Visconde de Cachoeira, sec. Capítulo IV, §1.

Deriving, however, does not mean that those subjects were the same and one thing; otherwise, there would not have the necessity to distinguish in two different terms. Both the Coimbra statutes[140] and the Brazilian one[141] showed concern on this, which denotes a conscience of an incipient autonomy of the Law of Nations. The Viscount of Cachoeira, for example, indicated that the professor should explain that the first authors had not dealt properly with the law of nations, citing Pufendorf,[142] who, by the way, is one of the authors that not recognised an autonomous law of nations apart from the Natural law.[143]

Until the enforcement of the statutes elaborated by the Marquis of Pombal, there had never been any study of the Law of Nations at the University of Coimbra. The fact was highly criticised by the *Compêndio*,[144] in a rhetorical key of light-versus-darkness. Indeed, it was a discipline that would be hardly imparted under the auspices of the Jesuits. By the mid-eighteenth century, the Law of Nations was not only a discipline with a content substantially secular, but its doctrine had been developed mostly by Protestants.

Not by chance that most of the authors of the branch *ius naturae et gentium*, such as Barbeyrac, Albericus Gentili (1552-1608), Hugo Grotius (1583-1645), Johann Gottlieb Heineccius (1681-1741), Pufendorf, Vattel,[145] were listed on the *Index Librorum*

[140] The Professor "*exporá as grandes contendas, que tem havido, e ha ainda hoje entre os Publicistas Modernos, sobre a distinção ou identidade desde Direito com o Direito Natural*." Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo IV, §15.
[141] Visconde de Cachoeira, sec. Capítulo IV, §1.
[142] "*Mostrará que os autores antigos não trataram como convinha, havendo muitas obras em que é explicada com bastante confusão, como se vê em Grocio, Puffendorfio e outros; e bem que em Watel se encontrem mais bem organizadas e regulada a lei das nações e por isso lhe convenha o titulo de direito das gentes, que deu aos seus livros, contudo ainda nelles apparecem confundidas com estas materias as do verdadeiro direito publico; e até modernamente o escriptor da sciencia do publicista chamou ao direito natural, direito das gentes*.". Visconde de Cachoeira, sec. Capítulo IV, §1.
[143] Manfred Lachs, *The Teacher in International Law* (The Hague: Martinus Nijhoff, 1982), p. 56; Alexander Orakhelashvili, 'The Origins of Consensual Positivism - Pufendorf, Wolff and Vattel', in *Research Handbook on the Theory and History of International Law*, ed. by Alexander Orakhelashvili (Chelthenham, Nothampton: Edward Elgar Publishing, 2011), pp. 93–110 (pp. 95–96).
[144] Junta de Providencia Literaria (Compêndio), sec. Parte II, Capítulo II, §141.
[145] According to Dhondt: "*Vattel overlty affirmed his convictions as a Protestant, and ridiculed Catholic doctrine, clergy and institutions*." Frederik Dhondt, 'Vattel, The Law of Nations', in *The Formation and Transmission of Western Legal Culture. 150 Books That Made the Law in the Age of Printing*, ed. by Serge Dauchy and others (Cham: Springer, 2016), pp. 285–88 (p. 286).

Proihibitorum.[146] It is recognised that the Enlightenment – in all its nuances and origins - in Portugal,[147] Spain and Italy had been counterbalanced by the active presence of the Church. In fact, the Catholic Monarchs regarded suspicion the German chair of Natural law due to its distance from the Canon law.[148] This explains why the chair happened to appear in those countries only by the end of the eighteenth century.

In Spain, for example, the discipline of *derecho natural y de gentes* could be detained until 1770,[149] when an education reform created the discipline at the Reales Estudios de San Isidro.[150] The discipline, however, had to strive to keep existing under the inspection of the Holy Inquisition. First, it was utilized as textbook an expurgated version of the German Lutheran[151] Heineccius' *Elementa iuris naturae et gentium*. Though, it was not sufficient, so Heineccius had to be substituted by the Italian Catholic Gianbattista Almici (1717–1793)[152] *Intitutiones iuris naturae et gentium secundum*

[146] Respectively, *Indice General de Los Libros Prohibidos [Hasta 1789, Suplementos de 1805 Y 1842]* (Madrid: Imprenta de D. Jose Felix Palacios, 1844), pp. 33, 143–44, 152, 275, 346.
[147] "*O poder eclesiástico, o analfabetismo e uma burguesia sem força activa explicam, tanto em Espanha como em Portugal, uma extraordinária resistência à penetração dos novos ideiais*.". António Pedro Vicente, 'A Revolução Francesa No Contexto Da Independência Do Brasil', *Arquivos Do Centro Cultural Calouste Gulbekian*, XXXIV.Mélanges offerts à Frédéric Mauro (1995), 463–79 (p. 465).
[148] Giovanni Tarello, *Storia Della Cultura Giuridica Moderna. Vol. I Assolutismo E Codificazione Del Diritto* (Bologna: Mulino, 1976), p. 104.
[149] Consequently, the Universities based in the colonies had to wait until the independencies to include the discipline in their curriculums. The rejection of the Natural law by the Catholic Church detained also the circulation of books in the Spanish America: "*Las obras de los iusracionalistas parecen no haber circulado mayormente en las librerías indianas del siglo XVIII, quizá porque provenían, en su mayor parte, de la Europa protestante y, en algunos casos, de la Francia revolucionaria, amén de que casi todas ellas estaban incluidas en el Index, aunque esto último, bíen sabemos, no significaba necesariamente que no hubieran corrido en estas latitudes.".* Javier Barrientos Grandon, *La Cultura Jurídica En La Nueva España* (Ciudad del México: Universidad Nacional Autónoma de México, 1993), p. 83.
[150] António Álvarez de Morales, 'La Difusión Del Derecho Natural Y de Gentes Europeo En La Universidad Española de Los Siglos XVIII Y XIX', in *Doctores Y Escolares. II Congresso Internacional de Historia de Las Universidades Hispánicas. Vol. I*, ed. by Vicent Olmos (Valencia: Universitat de València, 1995), pp. 49–60.
[151] Jan Schröder, 'Heineccius, Fundamentals of Civil Law', in *The Formation and Transmission of Western Legal Culture. 150 Books That Made the Law in the Age of Printing*, ed. by Serge Dauchy and others (Cham: Springer, 2016), pp. 258–61 (p. 258).
[152] On him, see Maurizio Bazzoli, 'Giambattista Almici E La Difusione Di Pufendorf Nel Settecento Italiano', *Critica Storica*, I (1979), 3–100.

catholica.[153] The manoeuvre did not help since the discipline was suppressed in 1794 by order of the Holy Inquisition.[154]

Similarly, in the Pre-unitary Italy, the inclusion of the discipline *diritto della natura e delle genti* will happen mostly in the last third of the eighteenth-century, mostly due to the same ecclesiastic oppositions that restrained the study in Spain.[155] Beyond the surveillance in the publication and circulation of books, the Church had exercised control over university chairs, so that "siano riempite di soggetti di buona e sana dottrina, affinché non passino nelle scuole d'Italia certe opinioni oltremontane".[156]

Initially, the reforms had occurred in those universities more exposed to foreign influences, near to the frontier or in the islands.[157] It is the case, for instance, of Napoli that introduced the discipline by an educational reform in 1771, or Catania, eight years later.[158] Also, Parma, Pavia and Modena, where the chair had been instituted successively in 1769, 1771 and 1772.[159] Notwithstanding, the influence of the jusnaturalism was

[153] About this book, Panizza comments: "*In modo particolare, la conciliazione del giusnaturalismo moderno con l'ortodossia cattolica si concretava nell'eliminazione dai sistemi che gli servivano da modello, di tutto ciò che fosse riconducibile alla sensibilitä protestante o anticattolica degli autori, e nell'esaltazione della religione cattolica come fattore indispensabile dell'ordine politico.".*Diego Panizza, 'La Traudzione Italiana Del "De Iure Naturae" Di Pufendorf: Giusnturalismo Moderno E Cultura Cattolica Nel Settecento', *Studi Veneziani*, XI (1969), 483–528 (p. 522).

[154] António Álvarez de Morales, 'La Enseñanza Del Derecho Natural Y de Gentes: El Libro de Heineccio.', in *Manuales Y Textos de Enseñanza En La Universidad Liberal : VII Congreso Internacional Sobre La Historia de Las Universidades Hispánicas*, ed. by Manuel Ángel Bermejo Castrillo (Madrid: Universidad Carlos III de Madrid. Instituto Antonio de Nebrija de Estudios sobre la Universidad. Editorial Dykinson, 2004), pp. 365–82.

[155] Panizza, pp. 485–88.

[156] Letter from Rome to the nuncio in Venice telling to supervise the chair in Padova, 1735; quoted from Antonio Rotondò, 'La Censura Ecclesiastica E La Cultura', in *Storia d'Italia. Vol. V. Documenti, II.*, ed. by Ruggiero Romano and Corrado Vivanti (Torino: Einaudi, 1973), pp. 1397–1492 (p. 1485). On the censorship of legal books, see also Rodolfo Savelli, *Censori E Giuristi. Storie Di Libri, Di Idee E Di Costumi (Secoli XVI-XVII)* (Milano: Giuffrè, 2011).

[157] Maria Gigliola Di Renzo Villata, 'La Formazione Del Giurista in Italia E L'influenza Culturale Europea Tra Sette Ed Ottocento. Il Caso Della Lombardia', in *Formare Il Giurista. Esperienze Nell'area Lombarda Tra Sette E Ottocento*, ed. by Maria Gigliola Di Renzo Villata (Milano: Giuffrè, 2004), pp. 1–105 (p. 21); Tarello, p. 104.

[158] Di Renzo Villata, pp. 23–24; Vittoria Calabrò, *Istituzioni Universitarie E Insegnamento Del Diritto in Sicilia (1767-1885)* (Milano: Giuffrè, 2002), p. 213.

[159] Giorgio Zordan, 'L'insegnamento Del Diritto Naturale Nell'ateneo Patavino E I Suoi Titolari (1764-1855)', *Rivista Di Storia Del Diritto Italiano*, LXXII (1999), 5–76.

restricted: some universities remained impenetrable to the German impacts, and in the professional legal practice, it exercised none influence.[160]

By observing the educational reforms in Europe, it can be accounted that the Portuguese model had been, by far, the most influential to the Brazilian law faculties. The Portuguese, by its turn, was influenced by the rationalistic scheme of the jusnaturalism. The reorganisation of legal studies in France in 1808, designed to accommodate the legal instruction to the model of the Code Napoléon, for example, had a high influence in Italian universities.[161] However, despite being much more recent compared to the Pombaline reforms, apparently, it had no direct effects on the choices of the Viscount of Cachoeira.

2.3. The circulation of foreign books of international law in Brazil

Within this context of detachment from the traditional law, together with the typical pedagogical attitude of the Enlightened Reformism, both statutes showed concern with the contents of the discipline, and the textbooks that were to be used in each discipline, often being specific to which manuals should be followed in order to prepare the lessons. Naturally, the chosen manuals reflected the fidelity to the new doctrines that were to be implanted.[162] Coing indeed defines that this controlled education is a feature of the Enlightenment model of legal education.[163]

Regarding the law of nations, already in the *Compêndio* that analysed the conditions of the University of Coimbra, some names were mentioned to explain the necessity of the discipline,[164] those were: Karl Anton von Martini (1726-1800), Christian Wolff (1679-1754), Emmer de Vattel. Not coincidentally, they were all from that current century. There was a preference to recent authors; the Coimbra statutes referred expressly

[160] Tarello, p. 105.
[161] Di Renzo Villata, pp. 65–77.
[162] Costa and Marcos, p. 132.
[163] Coing, 'L'insegnamento Del Diritto nell'Europa Dell'ancien Régime', p. 192.
[164] Junta de Providencia Literaria (Compêndio), sec. Parte II, Capítulo II, §156.

that Grotius was confusing, and the first one who dissipated the darkness that covered the discipline had been Wolff.[165] This predilection for recent compendiums had to do with the method of exposition adopted by those authors; they were synthetic and systematic, avoiding an old-fashioned scholastic treatment.[166]

Although the statutes indicated the content of the lessons, it abstained to indicate one specific textbook - the professor could choose any if in accordance with the *good and illuminated reason*.[167] Between those names referred in the Portuguese documents, the only contemporary by the time of the elaboration of the Pombaline statutes was Martini. Coincidentally or not, his *Prelectiones de jure gentium* ended up being the main textbook for the law of nations at the University of Coimbra, from the establishment of the discipline until 1843.[168] Martini followed the doctrine generally accepted by the mid-eighteenth century, and his *Prelectiones de jure gentium* did not offer any significative or original contribution,[169] yet being a clear and concise textbook. As Vattel, he was a supporter of Wolff, distinguishing the *ius gentium* from the ius naturae; yet, differing from Vattel, he did not recognise a *jus gentium positivum*.[170]

In the Brazilian statutes, the Viscount is more precise and did indicate the textbook, that should be the manual of Joseph-Mathias Gérard de Rayneval (1736-1812),

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[165] Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo IV, § 13.

[166] In the words of Hespanha: *"[...] o método possibilitava estruturar o saber de forma axiomática, segundo uma ordem racional que dispensava longas dissertações. O saber podia ser organizado em exposições sintéticas ou compendiárias. A corporização deste ideal de saber era o compêndio, um discurso (depois, um livro) em que tudo se apresentava como conjuntamente dependente (com+pendere).*". Hespanha, *Cultura Jurídica Europeia. Síntese de Um Milênio*, p. 245. In the same sense, commenting the reforms on legal education in the South-American universities: "*La enseñanza sobre los textos legales fue reemplazada por la exposición de los principios y del sistema general del derecho, y así, paulatinamente, se sustituyó la clase comentada por la disertación doctrinaria del profesor, llegando a utilizarse y a recomendarse breves libros dedicados expresamente a la enseñanza, en los que se condensaban las nociones elementales de la materia."* Victor Tau Anzoátegui and Eduardo Martiré, *Manual de Historia de Las Instituciones Argentinas*, 7th edn (Buenos Aires: Librería Histórica, 2005), p. 279.

[167]Junta da Providencia Literaria (Estatutos), sec. Livro II, Título III, Capítulo V, §5-6.

[168] Nuno J. Espinosa Gomes da Silva, *História Do Direito Português. Fontes Do Direito* (Lisboa: Calouste Gulbekian, 1991), p. 367; Paulo Merêa, 'Esboço de Uma História Da Faculdade de Direito (Primeiro Período: 1836-1865)', *Boletim Da Faculdade de Direito. Universidade de Coimbra*, XXVIII (1952), 99–180 (p. 135).

[169] Aldo Andrea Cassi, *Il 'Bravo funzionario' Absburgico Tra Absolutismus E Aufklärung. Il Pensiero E L'opera Di Karl Anton von Martini (1726-1800)* (Milano: Giuffrè, 1999), p. 182.

[170] Cassi, p. 199.

assisted by Vattel, Heineccius, and Fortunato Felice (1723-1789).[171] The choice for Rayneval could be explained in the same terms of the Portuguese choice for Martini: the Rayneval *Institutions du Droit de la Nature et des Gens*, besides being a recent book, was a concise summary of the mid-eighteenth-century doctrine on *ius naturae et gentium*, for educational and practical purposes, without original theories.[172]

The chronological distance between the Portuguese statute (1772) and the Brazilian one (1825) permits to analyse a significant transition that the law of nations is passing at the turn of the century: the increasing consideration of treaties and customs as source of the law of nations, and the emergence of a positive law of nations. While the Coimbra statutes were silent about it, as expected, referring only to the naturalistic substratum of the law of nations, the Viscount showed awareness of the importance of the treaties and customs to a complete understanding of the international legal phenomenon, dedicating part of the discipline especially for it.

In fact, during the latter part of seventeenth-century and eighteenth-century, the law of nations scholarship had gradually increased the consideration of conventional and customary practices to construct its doctrines.[173] Wolff, for instance, despite considering the existence of a *voluntarii, pacticii et consuetudinarii ius gentium*, "the positive and [...] practical international law made up through treaties and customs remained outside Wolff's intellectual interests and ambits.".[174] Vattel, advancing the idea, puts more emphasis on the consent of States as the basis of most norms in the law of nations, as expressed in covenants and state practice. Thereby, he consolidated the sovereignty as the

[171] Visconde de Cachoeira, sec. Capítulo IV, §2.
[172] As Rayneval clarified in his preface: *"L'ouvrage que je hasard de publier, n'est ni un système nouveau, ni un traité complet du Droit de la Nature et des Gens: mon intention, en l'écrivant, a seulement été de donner un espèce de rudiment aux personnes qui veulent se livrer à l'étude de cette importante et vaste science: elles pourront achever leu instruction par la lecture et la méditation des Grotius, des Puffendorf, des Vattel, des Burlamarqui, des Montesquieu, et d'un immense nombre d'Ouvrages qui existent sur cette matière: les auteurs allemands, sur-tout, les mettront à même, dacquérir à cet égard une érudition inépuisable*." Gérard de Rayneval, *Institutions Du Droit de La Nature et Des Gens*, 2nd edn (Paris: Leblanc Imprimeur-Librarie, 1803), p. ii.
[173] Antonio Truyol y Serra, *Histoire Du Droit International Public* (Paris: Economica, 1995), pp. 91–92.
[174] Alain Wijffels, 'Early-Modern Scholarship on International Law', in *Research Handbook on the Theory and History of International Law*, ed. by Alexander Orakhelashvili (Chelthenham, Nothampton: Edward Elgar Publishing, 2011), pp. 23–60 (p. 53).

fundamental element of the modern State.[175] The natural law idiom provided a frame to conceive a universal normative system. Nevertheless, it was restricted to that transcendent and abstract dimension, failing to accommodate the factual practice of states and the increasing amount of customary rules. Briefly, the abstractionism of jusnaturalism, by conceiving an unhistorical law, ended up disregarded the customary rules already in use in international relations.

This gap that a new 'positivistic' trend intends to fill. From then on, it will raise the number of authors focusing on state practice, forming a new branch of the law of nations, known as *droit public de l'Europe*.[176] As Wijffels comments:

> Treaty practice gave rise, during the early-modern period, to comparatively new genres of works. Diplomats wrote extensively literary reports, or published original sources (such as correspondence) with regard to negotiations which they had attended. Collections of treaties, at first mostly with respect to a particular nation, but later including most European nations, grew within a few generations to multi-volume scholarly editions of such primary sources of diplomatic practice and international law. By the 18th century, when the first modern codifications appeared in the domestic legal systems of some Western European countries, these series of collected treaties were sometimes likened to the 'code' or 'statute-book' of the European law of nations.[177]

The works of Georg Friedrich von Martens (1756-1821), Gabriel Bonnot de Mably (1709-1785), Johann Ludwig Klüber (1726-1837) were circumscribed within this context. From the consideration of a significant amount of data on state practice – Martens Recueil de Traités, for example, reached 126 volumes[178] -, they extracted the principles and general rules of positive law of nations. This movement towards a systematization of the available sources at the international stage went along, by some means, with the process of codification of the law at the national level, in a similar pursuit for certainty, simplicity and systematicity for the multiplicity of scattered sources. In brief, their

[175] Fiocchi Malaspina, p. 287.
[176] H. Steiger, 'From the International Law of Christianity to the International Law of the World Citizen', *Journal of the History of International Law*, 3.2 (2001), 180–93 (p. 187).
[177] Wijffels, p. 47.
[178] Martti Koskenniemi, 'Into Positivism: Georg Friedrich von Martens (1756-1821) and Modern International Law', *Constellations: An International Journal of Critical & Democratic Theory*, 15.2 (2008), 189–207 (p. 195).

concern was practice; both as a source for their concept of law, as the audience that they were writing to. As Nuzzo summarised, that branch "nasceva dagli sforzi della diplomazia e ad essa era destinato.".[179] Although the background of those authors remained jusnaturalistic, it was the beginning of the loss of natural law's persuasive power.[180]

The Viscount of Cachoeira, attentive to this new trend, captured the both sides of the law of nations: the jusnaturalistic basis and the conventional international law. Thus, after explained the universal law of nations by the textbooks of Rayneval and Vattel, "the professor should give a general idea of what is the conventional international law, offering a summary of the main treaties that eventually constitute a second law of nations".[181] The practical character of this study prompted him to name it 'diplomatic law', as the part of the law of nations "which contain the real rules set nowadays by the nations through particular treaties".[182] In the subsequent year (1826), the inclusion of the discipline will be discussed at the parliament in similar terms, as the congressman Lino Coutinho affirmed: "Direito diplomático, que nao he outra cousa mais do que o Direito das Gentes Positivo e modificado pelos usos recebidos entre as Nações cultas da Europa e da America.".[183]

The attention of the Viscount of Cachoeira to "the real rules set nowadays by the nations through particular treaties", this time moving away from the Coimbra tradition, was up to date with the law of nations conceived by authors like Martens and Klüber. Later, from 1836 to 1865, the University of Coimbra would also adopt those authors.[184]

In general, the natural law school considered treaties as mere contracts between sovereigns, that bind parties and ought to be executed, but barely could be considered a source of general law. In contrast, the increasing considerations of treaties and state practice to deduct principles and rule, operated by this 'positivistic' trend, resulted in an elevation of the status of treaties in the general system of sources - which, by its turn,

[179] Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo.*, p. 14.
[180] Martti Koskenniemi, 'Into Positivism: Georg Friedrich von Martens (1756-1821) and Modern International Law'.
[181] Visconde de Cachoeira, sec. Capítulo IV, §2.
[182] Visconde de Cachoeira, sec. Capítulo IV, §3.
[183] 'Sessão de 7 de Agosto de 1826', p. 1160.
[184] Merêa, 'Esboço de Uma História Da Faculdade de Direito (Primeiro Período: 1836-1865)', pp. 138–39.

leads to a voluntarist approach to the law of nations, where prevails the will of the States.[185] During the nineteenth century, the treaty will enhance its importance as a source, until by the early-twentieth century it is considered the foremost source of international law.

In order to expose those contents, the Viscount indicated the collections of treaties organised by Mably, Martens and Jean Dumont (1667-1727), and for the 'diplomatic law', mainly Martens' *Précis du droit des gens modern de l'Europe fondé sur traités et l'usage* (1789).[186] The choice, as the very title annunciates, reflects the general direction of the law of nations scholarship by the turn of the century, a law of nations more voluntaristic and practical.

As the Coimbra statutes, the Viscount added a caveat, that the professors should not be slaves and subservient of the textbooks, but choose, between what is available, the most modern and conform to the principles of the enlightened reason.[187]

To summarise, the textbooks recommended by the Viscount of Cachoeira for the natural law of nations were Rayneval, Vattel, Heineccius and Felice, and for the positive law of nations, Martens. The professors ought to follow those authors or arrange one in Portuguese, depending on the approval of the General Assembly. Conversely, the Coimbra statutes showed more concern on the elaboration of compendiums; seeking to implement this, in 1786 the Portuguese Government ordered the immediate preparation of textbooks by the professors.[188] From this effort resulted, for instance, the *Institutiones*

[185] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, pp. 18–24.
[186] This referred edition, in French, was published for the first time in 1789. But, the very first edition of Martens' treatise was composed in Latin and published in 1785.P. Macalister-Smith and J. Schwietzke, 'Bibliography of the Textbooks and Comprehensive Treatises on Positive International Law of the 19th Century', *Journal of the History of International Law*, 3.1 (2001), 75–142 (pp. 90, 100–101).
[187] *"[...] não sendo todavia escravos das idéas destes autores, mas escolhendo só delles, e dos mais que modernamente tem escripto sobre o mesmo objecto, o que puder servir para dar aos seus ouvintes luzes exactas, e regras ajustadas, e conformes aos principios da razão, e justiça universal, e aos direitos, e deveres dos cidadãos, por maneira que os ouvintes fiquem convencidos de que as regras explicadas não tem outros motivos maos do que os conselhos e preceitos sãos, e exactos da razão ilustrada, e não autoridade alguma extrinseca*.". Visconde de Cachoeira, sec. Capítulo III, §5.
[188] Costa and Marcos, p. 134.

juris civilis Lusitani, cum publici tum private,[189] by Pascoal de Melo Freire (1738-1798), destined to be reference to private law until the mid-nineteenth century, either in Brazilians classrooms or in Brazilian tribunals.

As it will be described in the next chapter on Brazilian legal literature, the first Brazilian compendium on law of nations will be written only in 1851. Until then, the professors had employed foreign authors. It is over-simplistic to presume that the textbooks used in the Brazilian courses were exactly those recommended by the Viscount of Cachoeira. The historical sources to unravel this question are scarce - it is uncertain that making clear which book the professor had chosen was a concern in that time. Nevertheless, other indirect sources can provide some indications.

Spencer Vampré, in his memoirs written in 1824 about the faculty of São Paulo, mentioned that, by 1849, the discipline law of nations adopted Vattel, and for diplomacy, Martens.[190] For the years 1869 and 1871, he repeated the information, indicating that still were used the same manuals.[191] However, there is no information about the faculty of Recife, neither for the later period in São Paulo.

Clovis Bevilaqua, who wrote a history of the faculty of Recife in 1927, despite indicating the manuals adopted by 1861 for other disciplines, is silent about the law of nations.[192] He did mention that the manual of Ferrer[193] - the professor of Natural law and law of nations in the University of Coimbra, from 1835 to 1865 - was adopted for the

[189] António Manuel Hespanha, 'Melo Freire, Institutions of Portuguese Law', in *The Formation and Transmission of Western Legal Culture. 150 Books That Made the Law in the Age of Printing*, ed. by Serge Dauchy and others (Cham: Springer, 2016), pp. 310–14.
[190] Spencer Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, 2nd edn (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), p. 235.
[191] Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. I*, pp. 208–13.
[192] "*Os compêndios eram, a esse tempo: para Direito natural, FERRER; para o Direito Romano, WALDECK; para o Direito Eclesiástico, o de JERÔNIMO VILELA; para o Direito Público, o de AUTRAN; para o Direito Civil, as Instituições de LOUREIRO; para teoria e prática do processo, o livro de PAULA BATISTA; e para a economia política, as Preleções de AUTRAN. O Direito Constitucional tinha na própria Constituição o seu livro texto; assim o Direito Criminal e o comercial o tinham nos respectivos códigos. Em 1862, menciona-se RAMALHO para o processo criminal*.". Clovis Bevilaqua, *História Da Faculdade de Direito Do Recife* (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), p. 103.
[193] Vicente Ferrer Neto Paiva (1798-1886) published *Elementos de Direito das Gentes*, in 1839, and *Elementos de Direito Natural ou de Philosophia do Direito*, in 1844. Merêa, 'Esboço de Uma História Da Faculdade de Direito (Primeiro Período: 1836-1865)'; L. Cabral de Moncada, *Estudos de História Do Direito. Vol. II* (Coimbra: Por ordem da Universidade, 1949), pp. 277–389.

Natural law; what might indicate that Ferrer, who also had written a manual on the law of nations, was also adopted to the that respective discipline. By that time, Pedro Autran da Matta Albuquerque (1794-1865) had already written his *Elementos de Direito das Gentes*; thus, is plausible that, at least from 1851 onwards, this was the textbook adopted for the law of nations in the faculty of Recife.

The newspapers of that time, where can be found numerous book sale advertisements, help to fill in the blanks and to ratify some of the information mentioned above.[194] In fact, although not being official documents from the law faculties, those advertisements can provide a fair idea of the available books for the students in each period. As will be explicated, some evidences lead to the conclusion that the announced books were probably those adopted in classes. Anyway, just the information of how and when the Western authors circulated in Brazil is already significant.

The sample comprises newspapers of São Paulo and Recife, where the law faculties were located, and of Rio de Janeiro, capital of the Brazilian Empire. The timeframe comprises the foundation of law faculties, in 1827, until the seventies of the nineteenth century. The cutting is justified as by the end of the century, the book sale advertisements began to decrease. Moreover, because at that the time there were already available national books on the international law, suitable to be adopted in class.

The first conclusion is the unanimity of Vattel and Martens, which appeared in most of the advertisements, confirming the preliminary information gathered by Spencer Vampré. In fact, from 1830 to 1862, both in São Paulo and in Recife, those two authors were continuously commercialized.[195] While some other authors appeared randomly - particularly those belonging to the old-fashioned jusnatural tradition, such as Felice and

[194] Check the appendix.
[195] Recife's newspapers: Diario de Pernambuco. Nº 320. 20 February 1830; Diario de Pernambuco. Nº 34. 12 February 1831; Diário de Pernambuco. Supplement. Nº 174. 16 August 1831; Diario de Pernambuco. Nº 91. 26 April 1836; Diario de Pernambuco. Nº 101.10 May 1837; Diario Novo. Nº 69. 29 March 1845; Diario de Recife. Nº 54. 4 March 1868. São Paulo's newspapers: O Farol Paulistano. Nº 320. 16 March 1830; O Farol Paulistano. Nº 354. 17 June 1830; A Phenix. Nº 36. 30 May 1838; Correio Paulistano. Nº 250. 3 May 1855; Correio Paulistano. Nº 1823. 4 June 1862.

Rayneval in 1831,[196] Pufendorf in 1845[197] -, Vattel and Martens did not fail to be in any advertisement. Hence, it is very plausible to assume that the Brazilians students of the first half of nineteenth century learned the law of nations through the teachings of Vattel and Martens. Apparently, they formed a peculiar pair, since each belongs to different traditions of law and half a century separates them. Still, the choice was appropriate to achieve the program established by the Statues of the Viscount of Cachoeira, in which the law of nations ought to be taught in two categories, the natural basis and the practice positive law.

Another interesting evidence is an announcement published in 1831[198] - four years after founded the law course - reporting the donation of books to the library of the faculty of Recife, and its respective donors. Between several copies of legal literature, regarding the law of nations, there can be found Vattel, Rayneval and Felice. Investigating who were the donors of those books, results that they were all students of the subsequent years,[199] that probably donated their books to the library after using the copies in the discipline.

Of course, Vattel was sold even before the foundation of the law courses in 1827. His *Le Droit des Gens* acquired the status of an ideological and political guide to the new Latin-American states in the age of independencies.[200] To illustrate, here is a remarkable adverteisement, published right after the independence (1822), when the circulation of books was hitherto forbidden by the Portuguese Government:[201]

> Direito das Gentes e do Foro, ou Princípios da Lei Natural, de Vatel, por 6$400. Contrato Social, de Rousseau, por 4$000. Estas obras que outrora foram proibidas presentemente se tornam inteiramente clássicas e

[196] Diário de Pernambuco. Nº 234. 3 November 1831.
[197] Diario Novo. Nº 69. 29 March 1845.
[198] Diário de Pernambuco. Nº 234. 3 November 1831.
[199] Jeronimo Martiniano Figueira de Melo graduated in the first group, 1832. João José Espinola, second group, 1833. And Innocencio Marques de Araújo Goes, third group, 1834. Bevilaqua, *História Da Faculdade de Direito Do Recife*, pp. 33, 35, 37.
[200] Fiocchi Malaspina, p. 193; Bartolomé Clavero, *Ama Llunku, Abya Yala: Constituyencia Indígena Y Código Ladino Por América* (Madrid: Centro de Estudios Políticos y Constitucionales, 2000), pp. 344–51.
[201] Neves, p. 36.

> necessárias a toda classe de pessoas, pois estão sendo citadas em todos os escritos verdadeiramente constitucionais.[202]

Although the Vattel's *Le Droit des Gens* had not been translated to Portuguese during the nineteenth century, the importance of his treatise rendered even its publication by a Brazilian publisher in partnership with a French one. Then, in 1830, a two-volume French version[203] was published both in Rio de Janeiro and Paris.

The doubt of whether the announced books were intended for the legal instruction or for the public in general is dismissed by an advertisement published in 1830, Rio de Janeiro.[204] It announced that "the books *required for the law courses* will continue to be sold", and then cites some of the authors as Vattel, Martens, Felice, Filangieiri, Beccaria, Melo Freire, etc. In a like manner, another kind of interesting advertisement was published by a bookstore of São Paulo, in 1862.[205] The books offered for sale were divided by the years of the law course, each author appearing in the respective year that should be used (Fig. 16). So, in the second year, when it was taught the law of nations, beyond the usual pair Vattel-Martens, new names showed up in that advertisement, such as the French Laurent-Basile Hautefeuille (1805-1875), the German August Wilhelm Heffter (1796-1880)[206] and Henry Wheaton (1785-1848),[207] a diplomat from the United States.

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[202] Laurence Hallewell, *O Livro No Brasil: Sua História*, 2nd edn (São Paulo: Editora da Universidade de São Paulo, 2005), p. 117.

[203] By the Publisher Souza, Laemmert e Cia, in brazil, and by the Aillaud Librarie, in France. About this edition: "*Nel 1830 Paul Royer-Collard, titolare dal 1829 al 1865 della cattedra di diritto delle genti presso la facoltà di legge di Parigi, tradusse dall'inglese il* Discourse on the Study of the Law of Nature and Nations *di James Mackintosh e lo incluse alla nuova edizione del trattato di Vattel da lui curata (ed edita da Aillaud), redigendo anche un'appendice ai due volumi. Tale appendice è composta da una bibliografia, in cui sono stati scelti i maggiori testi di diritto della natura e delle genti.".* Fiocchi Malaspina, p. 173.

[204] Diario do Rio de Janeiro. Nº 16. 19 November 1830.

[205] Correio Paulistano. Nº 1823. 4 June 1862.

[206] The first edition of Heffter's treatise was composed in German and published in 1844: *Das europäische Völkerrecht der Gegenwart*. But the advertisement was probably referring to the French edition, published for the first time in 1857, under the title *Le droit international public de l'Europe*. Macalister-Smith and Schwietzke, p. 115.

[207] Wheaton´s *Elements of international law*: with a sketch of the history of the science was published in 1836, and received several edition and translations during the century. The French edition came up in 1848. Macalister-Smith and Schwietzke, pp. 104–7.

Actually, Wheaton was not so unheard of in Brazil. It is possibly to his *Elements of International Law* that the announcement published in 1855 was trying to refer to when wrote "*Weton, Direito por Entre Nacional*".[208] The translation of names and titles was a common practice, as it can be noticed when the ads announced the sale of the copy of Vattel "Direito das Gentes",[209] as there was no translation of Vattel to Portuguese and most all editions that arrived in Brazil were in French. The mistranslation of Wheaton's book title can indicate a certain unfamiliarity with the neologism "international law" - or simply inability of who wrote it. By the mid-nineteenth century the term in vogue still law of nations, and Wheaton only adopted the neologism because he was an inheritor of the British tradition,[210] particularly of Jeremy Bentham, who coined the expression.

Wheaton's *Elements of International Law*, published in 1836, had been "the first English-language treatise exclusively devoted to international law",[211] and garnered a worldwide recognition in the subsequent decades.[212] By 1860, his book had already been translated into French, Spanish and Italian,[213] and in 1864, became the first book on international law to be translated into Chinese.[214] As the advertisement shows, also in Brazil it had been forthwith received.

The North-American diplomat can be easily inserted in the predominant tradition in the law of nations by the mid-nineteenth century, the *ius publicum europaeum*, as he conceived the international law in a like manner than his European colleagues,[215] such as Martens and Klüber. The international law for them was restricted to those countries that share a common religion and tradition, in the footsteps of Friedrich Karl von Savigny

[208] Correio Paulistano. Nº 250. 3 May 1855.
[209] For example, Diario de Pernambuco. Nº320. Sábado, 20 February 1830; Diario de Pernambuco. Nº 34. 12 February 1831.
[210] Mark Weston Janis, *The American Tradition of International Law. Great Expectations (1789-1914)* (Oxford: Oxford University Press, 2004), pp. 1–50.
[211] Janis, p. 40.
[212] Lydia H. Liu, 'Henry Wheaton (1785-1848)', in *The Oxford Handbook of the History of International Law*, ed. by Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), pp. 1132–36 (p. 1135).
[213] Macalister-Smith and Schwietzke, p. 106.
[214] For the clumsy reception and appropriation of international law in China, see: Lydia H. Liu, *The Clash of Empires. The Invention of China Modern World Making* (Cambridge: Harvard University Press, 2004), pp. 108–39; Shin Kawashima, 'China', in *The Oxford Handbook of the History of International Law*, ed. by Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), pp. 451–74.
[215] Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo.*, pp. 18–19.

(1779-1861)[216] - who he did mention.[217] Though the innovative title of his treatise, the international law for Wheaton was not properly universal but tends to be as long as "the Mohammedan and Pagan nations of Asia and Africa indicates a disposition [...] to renounce their peculiar international usages and adopt those of Christendom.".[218] The limited scope of their international law[219] was already expressed in titles of previous authors: Martens' *Précis du Droit des Gens Moderne de l'Europe*, and Klüber's *Le droit des gens moderne de l'Europe*.[220]

The latter began appearing in Brazil by 1836,[221] thenceforward it became constantly offered in the advertisements.[222] One of them,[223] published in 1850, mentioned that the Klüber's treatise is highly sought after, and adopted in the second year of the law faculty, when the discipline of the law of nations is imparted (Fig. 7). In fact, as will be explored in the fourth chapter on the Brazilian doctrine, Klüber is destined to have a substantial effect on Brazilian authors.

Aside from the private law that used some texts in Latin and Portuguese, most of the available books were in French. In fact, the perfect knowledge of these languages was one of the requirements to enter the law courses.[224] Together with rhetoric,

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[216] Savigny, as pointed by Venâncio Filho, had been highly influential in Brazil, especially in the second half of the nineteenth century. Venancio Filho, p. 151.
[217] Henry Wheaton, *Elements of International Law*, 6th edn (Boston: Little, Brown and Company, 1855), pp. 20–21.
[218] Wheaton, p. 20.
[219] Miloš Vec summarizes: "*Thus the denomination of the scope of international law changed systematically according to some formula that displayed these historical and geographical references: droit des gens européen indicated a culturally founded self-understanding with reference to the continent of its origin t which others explicitly added civilization and Christendom, claiming that their subject could also be named 'Christian law of nations' (*christliches Völkerrecht*). Europe with its customs and political and cultural relations were at the theoretical centre of the emergence of international law*.". Miloš Vec, 'From the Congress of Vienna to the Paris Peace Treaties of 1919', in *The Oxford Handbook of the History of International Law2or*, ed. by Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), pp. 654–78 (p. 668).
[220] The first edition of Klüber's treatise was published in 1819. It was probably this version that arrived in Brazil, since the second edition will be published only in 1874. Macalister-Smith and Schwietzke, p. 114.
[221] Diario de Pernambuco. Nº 91. 26 April 1836.
[222] Diario de Pernambuco. Nº 101.10 May 1837. Diario Novo. Nº 69. 29 March 1845. Diario de Recife. Nº 54. 4 March 1868. Correio Paulistano. Nº 250. 3 May 1855
[223] Diario de Pernambuco. Nº 169. 31 July 1850.
[224] "*O conhecimento perfeito das linguas latina e franceza, sobre dever entrar no plano de uma boa instrucção litteraria, para conhecimento dos livros classicos de toda litteratura, é peculiarmente necessario para os estudantes jurista. Na primeira está escripto o digesto, o codigo, novellas, as institutas, e os bons livros de direito romano, o qual, posto que só há de ser elementarmente ensinado neste Curso*

philosophy, geometry, the candidates should pass proficiency exams of Latin and French languages in order to enroll in the law course.[225]

The predominance of French-language books was by no means different regarding the law of nations. Considering the assortment of books available in Brazil, as expounded above, even if the authors were not of French nationality, neither Belgium, their treatises were read in French.[226] Actually, French was the most used idiom at the embassies and consulates, the official language of diplomacy by the beginning of the nineteenth century. Martens[227] and Klüber,[228] for instance, even if they were German, wrote their treatises directly in French. In the same way, the presence of four copies of the French version – against one in English - of Wheaton's treatise in the library of the law faculty of São Paulo can indicate that even he was read in French.

Moreover, for the first half of the nineteenth century, the French-language had a more significant penetration in the intellectual elite in Brazil than any other language. In brief, the French was the main vehicle for the transmission of European legal culture in general. It is occasionally mentioned that Brazilian intellectual culture was attained to the Portuguese and French ones.[229] However, if it applies to the literature in general, for the

Juridico, deve de força ser estudado, bem como as instituições e Pessoal José de Mello, e algumas outras obras juridicas de autores de grande nota, que andam escriptas na mesma lingua. E na segunda se acham tambem escriptos os melhores livros de direito natural publico, e das gentes, maritimo, e commercial, que convem consultar, maiormente entrando estas doutrinas no plano de estudos de Curso Juridico, e sendo escriptos em francez muitos dos livros, que devem por ora servir de compendios.". Visconde de Cachoeira, sec. Cap. I, §3.

[225] Visconde de Cachoeira, sec. Cap. II, §2.

[226] To illustrate, the same had occurred regarding other fields, as medicine: "*A língua francesa tinha mais penetração nos círculos intelectuais brasileiros, mas esta característica não colocava os teóricos ingleses em desvantagem com relação aos teóricos franceses, sendo constante a alusão a esses estudiosos nas teses produzidas durante esse período, mesmo porque muitos desses trabalhos tinham versões na língua francesa*.". Monique de Siqueira Gonçalves, 'Livros, Teses E Periódicos Médicos Na Construção Do Conhecimento Médico Sobre as Doenças Nervosas Na Corte Imperial (1850-1880)', in *O Oitocentos Entre Livros, Livreiros, Impressos, Missivas E Biliotecas*, ed. by Tânia Bessone a Cruz Ferreira, Gladys Sabina Ribeiro, and Monique de Siqueira Gonçalves (São Paulo: Alameda, 2013), pp. 65–95 (p. 76).

[227] About the Martens' choice for French-language, Gaurier comments: "[...] *son ouvrage principal reste, 1789, son Précis du droit des gens modern de l'Europe fondé sur traités et l'usage, œuvre qui fut rédigée en français – langue qui lui paraissait plus élégante et plus précise que l'allemand*.". Dominique Gaurier, *Histoire Du Droit International. Auteurs, Doctrines et Développement de lAntiquité À Láube de La Période Contemporaine* (Rennes: Presses Universitaires de Rennes, 2005), p. 190.

[228] A German edition came up only in 1821, three year after the publication of the French edition. Gaurier, p. 195; Macalister-Smith and Schwietzke, p. 114.

[229] Venancio Filho, p. 95.

law of nations it was not the case. The assortment of available books shows that in general, all European culture was well received, even if through the French-language.

As mentioned, from 1851 onwards began to appear national textbooks, mostly written by professors especially to serve as a compendium for the teaching of international law. Thus, it can be assumed that the use of foreign books for educational purposes became less needed.

For the last two decades of the century, the programmes of the discipline of international law of the faculties of São Paulo and Recife provide the final information to complete the frame of compendiums used to teach the discipline. The discipline plans found in both of the faculties libraries are from 1891 (São Paulo) and 1885 (Recife) - there is no notice of discipline plans for the previous period. In general, those documents expose only the contents of each discipline, but there is one that also indicates the bibliography suggested for the discipline.

The list of books indicated in the programme of the international law course for the year 1891 at the Faculty of Recife, confirms the assumption that Brazilian treatises were employed for teaching. Indeed, the first two suggested books were written by former professors of the same faculty: Antonio de Vasconcellos Menezes de Drummond (1794-1865)[230] and João Silveira de Souza (1824-1906).[231] Another significant indication was the four-volume collection of treaties celebrated by Brazil, gathered by the Director of the Brazilian Empire Archive, Antonio Pereira Pinto (1819-1880).[232]

They were followed by the authors predominant in the first half of the century: the traditional pair Vattel-Martens, and authors from the *droit public de l'Europe* tradition, such as Wheaton and Klüber. By then, the end of the nineteenth century, those

[230] Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867).
[231] João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889).
[232] Antonio Pereira Pinto, *Apontamentos Para O Direito Internacional* (Rio de Janeiro: F. L. Pinto & Cia, 1864).

later authors were considered an *old-fashioned* tradition[233] by the new generation of jurists, who were moved by a more cosmopolitan sensibility, conscious of the increasing interdependence between states, and highly liberal.[234] Attached to this new scholarship, the discipline plan proposed the treatises of the Argentinian, based in Paris, Carlos Calvo (1824-1906)[235], the Italian Pasquale Fiore (1837-1914),[236] and the Swiss-German Johann Caspar Bluntschli (1808-1881).[237] Not surprisingly, aside the Brazilian authors, all suggested books were in French-language.

On the whole, following the statutes of the Viscount of Cachoeira, the discipline of the law of nations had been taught mainly through the treatises of Vattel and Martens, as the former could provide a general account of the law, while the latter served for the practical dimension. Occasionally, the ordinary pair was assisted by other authors from *the Droit public de l'Europe* tradition, like Klüber, that appeared in the newspapers in 1835 and remained over the century. Following the evidence exposed, this scheme persisted for the first half of the century, when Brazilian professors began to write their own textbooks. From then, national manuals on international law were to be used in class, assisted by the current trend in Europe.

The relatively short chronological distance between the edition of the books and its arrival in Brazilian bookstores, indicates that the teaching of international law followed promptly the development of the doctrine in Europe and North America. Regarding the

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[233] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 19; Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo.*, p. 19.
[234] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, pp. 12–15.
[235] Calvo composed his four-volume treatise directly in French, publishing it in 1868, under the tilte *Le droit international theórique et pratique, précédé d'un exposé historique des progrés del ascience du droit des gens.* Macalister-Smith and Schwietzke, p. 129.
[236] There are two books by Pasquale Fiore mentioned in the plan of the discipline. The first allusion is the *Traité de droit international publique*, published in three volumes between 1885 and 1886. The original version, in Italian was published between 1879 and 1884. Giorgio Conetti, 'Pasquale Fiore', in *Dizionario Biografico Dei Giuristi Italiani (XII-XX Secolo). Vol. I*, ed. by Italo Birocchi and others (Milano: Giuffrè, 2013), pp. 874–76 (p. 874). The second is a French translation, entitled *Le droit international codifié et sa sanction juridique*, published in 1890, the same year of the original *Il Diritto internazionale codificato e la sua sanzione giuridica*. Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 54.
[237] The bibliography of the discipline mentioned the French version of Bluntschi's treatise, published in 1870, under the title *Le droit international codifié*. The first edition was composed in German and published in 1868, entitled *Das moderne Völkerrecht der civilisirten Staten: als Rechtsbuch dargestelt.* Macalister-Smith and Schwietzke, pp. 115–16.

legal education, that first period, from the foundation of law faculties until the half of the century, had been more of transmission through repetition of foreign doctrines, than a period of creativity or instrumental appropriation, that will follow when national books on international law came up.

2.4. Further reforms on the discipline: from the law of nations to the international law

During the nineteenth century, many reforms were implemented in the law faculties, some of them very punctual, while others aimed a complete reform in the Brazilian high education following new ideas that were emerging towards the end of nineteenth century. The following account of these reforms will focus and explore only the modifications and developments in what regard the discipline of the Law of nations until the establishment of the new-fashioned nomenclature, *International law*. Clearly, the simple fact of renaming the discipline does not implicate in an abrupt change of paradigms; but it cannot be ignored as an evidence of an already ongoing transition.

In 1831, just three years after the foundation of the law faculties, a decree[238] was approved to institute a permanent regulation for courses, replacing the provisionally statutes of the Viscount of Cachoeira. The document was more geared towards technical issues, such as the management of the faculty, rules for the recruitment of professors, registrations of new students. Regarding the contents, these arrangements were in the opposite direction of the Statutes of Cachoeira, that was more concerned with pedagogical and teaching themes - the methods, contents of disciplines and bibliographies – than management issues. The new regulation did not alter the disposition of the disciplines, and the Law of Nations remained being taught in the second year, together with the study of diplomacy. Hence, the promulgation of the new regulation did not disallow the authority of the Statutes of the Viscount. It is not exceeding state that the Viscount's

[238] Decree November 7, 1831.

statutes laid the foundations of the law faculties, as its program had been followed at least until the last decades of the century.[239]

To put in comparison with the European situation of the discipline, by the 1850s, the chair of international law was just being implemented in Italy, with the efforts of Pasquale Mancini, who began his teachings in 1851, at the University of Torino.[240] While in Spain, the discipline of international law will be officially instituted in 1845.[241] Conversely, Portugal followed another path. Though the discipline of law of nations already existed in the first half of the century, it was not autonomous, being taught together with natural law; condition that would remain up to 1865, when an educational reform simply eliminated the discipline. The discipline of international law in Portugal, therefore, would have to wait until the beginning of the twentieth century to be instituted, when in 1901 another reform included in the law course curriculum.[242]

In Brazil, the first attempt to alter, even if very slightly, the discipline was made by a decree[243] of 1853, that ended up not being enforced due to financial issues. Aiming a more pragmatic study, it proposes, besides the law of nations and diplomacy, the explanation of the treaties celebrated by the Empire of Brazil with other nations. In the subsequent year, another reform[244] took place, this time being enforced. Nevertheless, it did not change the discipline, which remained "Law of Nations and Diplomacy", but then autonomous in relation to the disciplines of the first year.

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[239] "*Os Estatutos do Visconde de Cachoeira representam, assim, a matriz de onde se originam os textos regulamentares do nosso ensino jurídico, perdurando muitos de seus princípios até a República*.". Venancio Filho, p. 36.

[240] Claudia Storti Storchi, *Ricerche Sulla Condizione Giuridica Dello Straniero in Italia. Dal Tardo Diritto Comune all'Età Preunitaria* (Milano: Giuffrè, 1990), pp. 300–303.

[241] Del Moral comments: "*Sin embargo, aunque el término Derecho internacional entra en el currículo oficial en Septiembre de 1845, año en el que también se establece la primera cátedra oficial de Derecho internacional, habían existido tres precedentes del estudio del Derecho internacional en España en los años 1842, 1844 y en enero de 1845*.". de la Rasilla del Moral, p. 53.

[242] Merêa, 'Esboço de Uma História Da Faculdade de Direito (Primeiro Período: 1836-1865)'; Paulo Merêa, 'Esboço de Uma História Da Faculdade de Direito (Segundo Período: 1865-1905)', *Boletim Da Faculdade de Direito. Universidade de Coimbra*, XXIX (1953), 23–197.

[243] Decree nº 1.134, March 30,1853.

[244] Decree nº 1.386, April 28, 1854.

The attempted reform[245] of 1865 had great signficance to the discipline: it was the first official effort to rename the discipline according to the new term *international law*. Consulting the newspapers of Rio de Janeiro, the expression *international law* first shows up in the forties,[246] even if much less than *law of nations*.[247] From then, it gradually became more used, replacing the old name by the end of the century, as the titles of Brazilian treatises also indicates. By the sixties, when the decree is approved, the term was already in common use, but competing in parity with the old term. In fact, in that decade, two books were published in Brazil adopting the new nomenclature: in 1864, '*Apontamentos para o Direito Internacional'*, a four-volume commented collection of treaties celebrated by Brazil with other nations, gathered by Antonio Pereira Pinto;[248] and, in 1867, '*Preleções de Direito Internacional'*, written by the professor of the discipline at the Faculty of Recife, Antonio de Vasconcellos Menezes de Drummond.[249]

Although the normative resulted in being, once more, ineffective, it had laid the basis for a future division of the law course: a four-years course of jurisprudence and a three-year course of social sciences. Three bachelor degrees could be conceded in this new structure: one of each course separated, and both together.[250] The latter was requested, in fact, for those who desire to apply for the position of professor – submitting also to an exam.[251] The division would alter the former scope of the law faculties, that were generally geared to the training of State officials. With this new structure of courses,

[245] Decree nº 3.454, april 26, 1865.
[246] Among the gathered information on the use of the expression international law in the forties, two occurrences are quite interesting. One referring to a *International law of Europe* - Direito internacional da Europa- (Diário do Rio de Janeiro, nº 6673, 26 July 1844), and other, similarly, to an *European International law* -Direito Internacional Europeu- (Diario do Rio de Janeiro, nº 7566, 5 August 1847). As already remarked, the predominant doctrine by the first half of nineteenth century was the *Droit des gens de l'Europe*, as exposed in the treatises of Martens and Klüber, where they restricted the law to those countries that shared a common cultural and religious heritage. Afterwards the use of the expression international law will become identified with a universal conception of the law – despite the use made by Henry Wheaton. Thus, the peculiar use of *international law* followed by the particularization, as stated by the two occurrences in Brazilian newspapers, captures the conceptual transition in course.
[247] Just to provide a more comprehensive account: in the minutes of the Council of State, that dealt frequently with international issues, the first occurrence found is dated of 1850, where one of the members referred to a *modern International law*.
[248] Pinto.
[249] Drummond.
[250] Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, p. 147.
[251] Bastos, pp. 58–59.

the jurisprudence course would prepare exclusively to judicial functions, and the social sciences course, for political and diplomatic functions.[252]

Liberal ideas pervaded the reforms of the seventies and eighties, and the watchword of those days was 'free education'.[253] Following experiences of United States and some European countries, the project highly discussed at the Congress, believed in an education relatively liberated from the State control, opening it for the private initiative for all levels, from the primary to superior instruction.[254] Competition and the market rules that would spontaneously regulate the quality of any teaching institution; and the same logic of competition was expected at the individual level. In fact, the regulation that would be approved in 1879 settled that the control over students during the classes should be loosen.[255] Nevertheless, the State was still dictating which curriculim the law courses should adopt.

Thus, the decree that was finally approved and enforced established a divided curriculum, for the juridical course should be taught: Natural law, Roman law, Constitutional law, Ecclesiastic law, Civil law, Criminal law, Legal Medicine, Commercial Law and Legal procedures; and for the social sciences course: Natural Law, Public Universal Law, Ecclesiastic law, Law of Nations, Diplomacy and History of Treaties, Administrative law, Science of Public Administration and Public Hygiene, Political economy, Science of finance and Public Accounting.

The choice of the disciplines assigned for each course suggests the purpose aimed for the different courses, that of training different functions – and the decree made it clear.[256] As can be noticed, the discipline of Natural law is common for both courses,

[252] Venancio Filho, pp. 87, 180–81.
[253] Venancio Filho, pp. 75–91.
[254] The very first statement of the normative act was straight: "*Art. 1º É completamente livre o ensino primario e secundario no municipio da Côrte e o superior em todo o Imperio, salvo a inspecção necessaria para garantir as condições de moralidade e hygiene.*". Decree nº 7.247, April 19, 1879.
[255] For example, the dispensantion of frequency, as stated by the sixth paragraph of article 20: "*Não serão marcadas faltas aos alumnos nem serão elles chamados a lições e sabbatinas. Os exames, tanto dos alumnos como dos que o não forem, serão prestados por materias e constarão de uma prova oral e outra escripta, as quaes durarão o tempo que fôr marcado nos estatutos de cada Escola ou Faculdade.*".
[256] "*Art. 23 § 8º O gráo de bacharel em sciencias sociaes habilita, independentemente de exame, para os logares de Addidos de Legações, bem como para os de Praticantes e Amanuenses das Secretarias de Estado*

indicating that it still being the foundation of the law – remembering, though, of its secular and reason-based content. In fact, the process of gradual secularization of law can be noticed when, for the first time, the discipline of Ecclesiastic law is turned facultative[257] - some years later it had been suppressed.

The Law of nations, besides preserving the old nomenclature, is included only in the Social science course curriculum. The motive can be easily figured out: the discipline could serve only for diplomats and State officials, being of little or null use for municipal judges and lawyers. On the other hand, it is finally separated from the diplomacy and the history of treaties; nevertheless, this would remain for a short period, as in 1891, another reform had been enforced.

Not only liberal and secular ideas permeated the elite's minds of that age, the emergence of a scientific discourse can be easily noticed by the seventies. Generally, those new ideas were influenced by the *Comtism*,[258] and in some cases, by the Darwinism or even social evolutionism.[259] In fact, no matter the underlying theory, a scientism tone could be detected in manifold speeches, such as the report on public instruction elaborated in 1882 by the eminent jurist and politician Rui Barbosa (1849-1923).[260]

The document concerned the public instruction at large, but dedicated a chapter of ten pages particularly on legal education; this is, mostly criticizing the reform of 1879. First, he praised the distinction finally made between the diplomacy and the law of nations, creating two autonomous disciplines for those contents that were usually confounded.[261] Then, his attention falls upon the discipline of Ecclesiastical law. Indeed,

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e mais Repartições publicas. § 9º O gráo de bacharel em sciencias juridicas habilita para a advocacia e a magistratura.".

[257] *"§ 6º Para a collação do gráo em qualquer das secções não se exigirá dos acatholicos o exame do direito ecclesiastico."*

[258] "[...] *la dotttrina del comtismo incontrò un consenso molto più esteso che nel continente europeo: línfluenza politica esercitata dal comtismo in America meridionale é forse paragonabile soltando all'influenza del marxismo nell'Europa orientale*." Mario G. Losano, *I Grandi Sistemi Giuridici. Introduzione Ai Diritti Europei Ed Extrauropei* (Roma, Bari: Laterza, 2000), p. 245.

[259] Lilia Moritz Schwarcz, *O Espetáculo Das Raças. Cientistas, Instituições E Questão Racial No Brasil (1870-1930)*, 12th edn (São Paulo: Companhia das Letras, 1993).

[260] About it, Venâncio Filho stated: "*Os pareceres de Rui Barbosa podem ser considerados como um dos marcos mais importantes da literatura pedagógica brasileira*." Venancio Filho, p. 155.

[261] Rui Barbosa, *Obras Completas de Rui Barbosa. Vol. IX (1882) Tomo I. Reforma Do Ensino Secundário E Superior* (Rio de Janeiro: Ministério da Educação e Saúde, 1942), p. 102.

its maintenance in the curriculum had already being highly discussed in the Parliament.[262] For Barbosa, there was no usefulness nor necessity for the discipline, whose study should be relegated, at most, to the discipline of legal history - in a clear reference that the canon law belonged to the past. In order to strengthen his argument, he resorted on the comparison with law faculties abroad, arguing that the discipline simply did not exist in Belgium, Netherlands or France.[263]

The most interesting part, because it left evident the aspiration of providing a scientific tone for the study of law, is when Barbosa dealt with the discipline of Natural law. Plainly carried by the Comtism trend, he bluntly proposed the replacement of Natural law for Sociology.[264] It should be remembered that the former discipline was not any discipline; indeed, its placement as the first discipline of the law faculty found justification as it provided the basis and meaning for the whole conception of law. Its substitution, therefore, can be surely understood as paradigmatic change.

Barbosa argued that, by replacing the discipline, the idea was "substituir a ideologia, isto é, o culto da abstração, da frase e da hipótese, pelos resultados da investigação experimental, do método científico.".[265] The express reference to empiricism and scientific method let no room for doubt.[266] Indeed, from then onwards the law had begun to resort to scientific arguments, at least discursively, rather than transcendental or metaphysic ones.

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[262] Bastos, p. 60.
[263] Barbosa, pp. 103–4.
[264] Barbosa, p. 105.
[265] Barbosa.
[266] Rui Barbosa even cited Comte. It is worth to read his own words: "*De onde se nos revela, porém, essa lei, essa fórmula civilizadora? Quer o direito natural que do seio da natureza; mas não da natureza que a ciência estuda com a precisão dos seus cálculos e os austeros processos do seu método: sim, de uma que a escolástica engenha de idéias a priori, e assenta em deduções sutis, eloquentes, mas inverificáveis. Cientificamente, porém, isto é, averiguavelmente, demonstravelmente, a noção dos deveres individuais e sociais, assim como a dos direitos sociais e individuais não se extraem desses puros entes de razão; sim dos dados científicos e mesológicos, das influências do tempo e da seleção, dessas leis que só o método histórico, severamente empregado, será capaz de firmar. Esse princípio da progressão social, que Comte enunciou é a determinante de todos os deveres pelo único meio de aferição de que a ciência dispõe: o da relação visível das coisas; o da observação real dos fatos; o da sucessão natural das causas e efeitos. Eis a base da sociologia, enquanto o direito natural se procura firmar numa natureza que a história não descobre em época nenhuma, em nenhum ajuntamento de criaturas pensantes.".* Barbosa, p. 106.

Finally, Rui Barbosa added to his proposition one more discipline. Since the interpretation of the rules and norms derived from the observation of the society, through the collection of scientific data and consideration of society *progression* – which can be traced to some inspirations from Savigny –, it was highly required a discipline of Legal history.[267]

The emblematic report – as many documents written by Barbosa's pen – was destined to influence the subsequent reform. Thus, in 1891 some of his proposition had been finally applied. The new reform maintained the structure of divided courses, yet introduced substantial changes for the law faculties. The program of disciplines[268] of each course was structured as it follows:

Course of Legal sciences

First year:

First chair: Philosophy and Legal history

Second chair. Public and Constitutional law

Second year

First chair: Roman law

Second chair: Civil law

Third chair: Commercial law

Fourth chair: Criminal law

Third year

First chair: Legal medicine

Second chair: Civil law II

[267] Barbosa, p. 108. Venâncio Filho was mistaken when affirmed that Rui Barbosa claimed a discipline of National law; Rui Barbosa was referring, instead, to the inclusion of the discipline of National Legal History. Venancio Filho, p. 159.
[268] The new curriculum would be adopted only one year after. Venancio Filho, p. 184.

Third chair: Commercial law II

Fourth year:

First chair: History of National law

Second chair: Procedure (criminal, civil and commercial)

Third chair: Legal practice

Course of Social science

First year

First chair: Philosophy and Legal history

Second chair: Public and Constitutional law

Second year:

First chair: Law of Nations, Diplomacy and History of treaties

Second chair: Political economy

Third chair: Public hygiene

Third year:

First chair: Science of public administration and Administrative law

Second chair: Science of finance and public accounting

Third: Notions on private law[269]

On the whole, the three mentioned propositions made by Rui Barbosa were implemented. First, the ultimate withdrawal of the Ecclesiastical law from the curriculum.

[269] Decree Nº 1232-H, January 2, 1891.

Second, the replacement of Natural law, even if it was not for Sociology, as Barbosa wished, but for *Philosophy and Legal history*, as the main propaedeutic discipline, mandatory for either courses. And third, the inclusion, for the first time, of an autonomous discipline of National legal history. Those modifications together point to an ongoing transition, that would soon reach the discipline of the Law of Nations, or rather, International law.

Aside the curriculum, the reform also instituted the publication of an academic journal of annual periodicity; the creation of the journal was considered by Clovis Bevilaqua as the most commendable improvement of the reform.[270] In fact, it helped to promote a more academic approach on the legal education.

Conversely, regarding the study of the international law, the old-fashioned name remained unaltered; in addition, once more, the diplomacy and the history of treaties were merged together with the law of nations. This scheme would finally be altered, four years later. Thus, in 1895, another decree was approved aiming the reorganization of the legal studies in Brazil. It was the end for the previous division of courses in social and legal sciences and the beginning for the novel label of *Public International law*. The five years-course was then organized as the following programme:

First year

First chair: Philosophy of law

Second chair: Roman law

Third chair: Public Constitutional law

Second year

First chair: Civil law

Second chair: Criminal law

Third chair: Public International law and Diplomacy

[270] Bevilaqua, *História Da Faculdade de Direito Do Recife*, p. 212.

Fourth chair: Political economy

Third year

First chair: Civil law II

Second chair: Criminal law II (especially Military law and Prison system)

Third chair: Science of finance and public accounting

Fourth chair: Commercial law

Fourth year

First chair: Civil law III

Second chair: Commercial law II (especially Maritime law and Bankruptcy law)

Third chair: Theory of legal procedures (Civil, Commercial and Criminal)

Fourth chair: Public Medicine

Fifth year

First chair: Legal practice

Second chair: Science of public administration and Administrative law

Third chair: Legal history, especially of National law

Fourth chair: Comparative law[271]

With this new reorganization, the discipline not only adopted the new nomenclature of international law, but already operated the differentiation between a public and a private international law. The latter, in fact, was already being taught within other disciplines, as stated by Pimenta Bueno (1803-1878), author of the first manual of private international law in Brazil, published in 1863, especially to serve as textbook to

[271] Law nº 314, 30 October 1895.

the teaching of this theme.[272] The private international law would be only recognized as an autonomous discipline able to figure in the curriculum of the faculties of law in 1915;[273] until then, however, it had been taught as a content inside other disciplines, such as civil law and commercial law.

Furthermore, the decree consolidated the discipline of philosophy of law as the first propaedeutic discipline, eventually taking the place of natural law as the foundation of the juridical system. It is interesting that the burying of natural law in Brazil occurred at the same period of the replacement of the term *law of nations* by *international law*. Nevertheless, it should not be given excessive importance for the simple change in the name of the discipline, or took it as a sudden paradigmatic change. In fact, that was a time of transition; in the second half of nineteenth century both terms were used interchangeably, either in the titles of books or as the name of the discipline – as can be noted in the report on the teaching of international law in 1878, elaborated by the *Institut du Droit International*.[274]

Regarding the international law, the further reforms of 1901,[275] 1911[276] and 1915[277] did not promoted significative changes. From then on, the discipline of international law would remain as a constant in the curriculum, as Public International Law, being compulsory to obtain the bachelor degree. The former reform referred, however, innovated in one thing that it is worth to mention: it authorized expressly the

[272] "*Em nossas faculdades jurídica ensina-se o direito internacional privado, e ainda não ha um compendio, nem consultor nacional para esse estudo; este servirá de primeiro ensaio: e a mocidade brazileira, a quem já temos offerecido alguns outros pequenos trabalhos, que aceite mais este como uma prova sincera do desejo que temos de auxiliar os seus esforços*.". José Antonio Pimenta Bueno, *Direito Internacional Privado E Applicação de Seus Princípios* (Rio de Janeiro: Typographia Imp. e Const. de J. Villeneuve, 1868), p. 9.
[273] By the Decree nº 11.530, 18 March 1915. The reform operated by the Decree nº 8.659, 5 April 1911, had already included the discipline in the curriculum, but within the Public International Law
[274] 'Aperçu de l'État Actuel de L'enseignement Du Droit International En Divers Pays'.
[275] Decree nº 3.890, January 1, 1901.
[276] Decree nº 8.659, April 5, 1911.
[277] Decree nº 11.530, March 18, 1915.

enrollment for women in the law faculties,[278] what indicates that previously it was forbidden.[279]

Ultimately, the discipline of law of nations, instituted within the foundation of the law courses, branched from the Natural law by the fifities, turning into an autonomous discipline. By the end of the century, along with the scientification of the legal discourse, the nomenclature is finally altered to international law – although the new expression had been already in use during all the second half of the century. The perennial charater of the discipline of law of nations/international law in Brazilian faculties indicated its importance among the ruling elite who used to decide the curriculum.

[278] Art. 121. *E' facultada a matricula aos individuos de sexo feminino, para os quaes haverá nas aulas logar separado*. Decree nº 3.890, January 1, 1901.
[279] Bastos, p. 147.

3. TEACHING INTERNATIONAL LAW WITHIN THE BRAZILIAN LEGAL CULTURE: FROM THE ELOQUENCE TO THE ACADEMIC PARADIGM

The history of the teaching of international law in many countries outside Europe remains to be written.[280]

Friedrich Carl von Savigny, after traveling through the Italian peninsula from 1825 to 1827, published a quite captiously critical article on the state of the legal education at Italian faculties, regretting that a place that had provided so much for the legal science in the past centuries, was then in such a neglected situation.[281] For Savigny, the major problem was the cumulation of the teaching job with other functions, preventing the professor to dedicate fully to the development of the legal science. In Napoli, as he commented, there was only one professor who did not work simultaneously as lawyer, an occupation that usually took time and attention; and this professor was a priest. "Da ciò si può dedurre, quanto energicamente debba lavorarsi, ed ancor quanto poco tempo possa avanzare per la scienza e per l'insegamento.".[282] The professors were constricted to have another income, he concluded, since that of professor was not enough:

> Una delle più generali (ad eccezioni delle province Austriache) è la povertà dei soldi: e perchè niuno dei professori può trarre da questi il suo sostentamento, quando per caso non fosse abbiente, è per lui necessità volgersi ad altre occupazioni, sicchè il ministero dell'insegnamento ne diviene al tutto acessorio, e scade da quell'importanza, che gli sarebbe propria. Certo non si è questa la sola causa, e col solo incremento dei soldi molto poco sarebbe fatto.[283]

[280] Lachs, p. 146.
[281] F.C. Savigny, 'Sull'insegnamento Del Diritto in Italia', in *Ragionamenti Storici Di Diritto. Translated by A. Turchiarulo*, ed. by F. C. Savigny (Napoli: Tipografia all-Insegna del Diogene, 1852), pp. 67–84.
[282] Savigny, p. 81.
[283] Savigny, p. 84.

Naturally, Savigny was judging according to his parameters, having the German university as reference, and choosing a narrow perspective, not always well informed.[284] Nevertheless, if Savigny had an opportunity to cross the ocean and visit the Brazilian law faculties in the first half of the nineteenth century, he probably would have made similar comments on the dedication of Brazilian professors.

In fact, some authors, interpreting the Brazilian legal education in the nineteenth century, concluded that the profession of professor was treated as subsidiary in comparison with other juridical or public office and, accordingly, it was often neglected.[285] One of those authors, Sergio Adorno, went so far in his assumptions as to conclude that, due to these characteristics, during the Imperial Age, there was no legal education at all.[286]

This chapter is focused in the people who oversaw the transmission of knowledge about international law in Brazil until the consolidation of the discipline in the country, and notedly, the legal culture where these professors were inserted. The consideration of the legal culture, and its historicity, is what lacked in the analysis of Sergio Adorno, as pointed by Fonseca, and prevented him from understanding that what he was indicating as glitches of the legal education were, in fact, the very characteristics of the Brazilian legal culture during the nineteenth-century.[287]

In order to capture the peculiarities of the Brazilian legal culture, the present analysis will resort to two works of legal historiography, whose merits sits in interpreting the legal cultures by its own terms, understanding and capturing the idiosyncrasies of the jurist's profile - without condemning it. They are '*Discurso sobre el discurso. Oralidad y escritura en la cultura jurídica de la España liberal'*, by Carlos Petit,[288] and '*ll corpo*

[284] Aldo Mazzacane, 'Pratica E Insegnamento: L'istruzione Giuridica a Napoli Nel Primo Ottocento', in *Università E Professioni Giuridiche in Europa Nell'età Liberale*, ed. by Aldo Mazzacane and Cristina Vano (Napoli: Jovene Editore, 1994), pp. 77–113 (pp. 84–85).
[285] Venancio Filho; Bastos.
[286] *"[...] o papel ideológico do ensino superior, na Academia de são Paulo, foi o de justamente nada ensinar a respeito de Direito*." Sérgio Adorno, *Os Aprendizes Do Poder: O Bacharelismo Liberal Na Política Brasileira*, 1988, p. 145.
[287] Fonseca, 'Os Juristas E a Cultura Jurídica Brasileira Na Segunda Metade Do Século XIX', pp. 366–69.
[288] Carlos Petit, *Discurso Sobre El Discurso. Oralidad Y Escritura En La Cultura Jurídica de La España Liberal. Lección Inaugural Del Curso Adadémico 2000-2001* (Huelva: Universidade de Huelva, 2000).

eloquente. Identificazione del giurista nell'Italia liberale', by Pasquale Beneduce.[289] Briefly, the former focused on the importance of the eloquence, and how oral had been the Spanish legal culture by the mid-nineteenth century; while the latter, approaches the conversion from a practical jurist, embodied in the figure of the lawyer, in the period before the Italian unification, to a scientist-jurist, personified in the academic professor. Logically, neither interpretations can be simply applied to the context of Brazil without generating considerable misinterpretations; still, both books provide useful concepts and categories that help to understand the specificities of a legal culture.

One of these concepts is the *eloquent-forensic paradigm*,[290] that had been in force during the nineteenth century, as a cultural framework that oriented and constrained the practices and ideas of the jurists at large. The archetype of jurist within this paradigm was the practical jurist, who privileged the spoken word over the written.[291] Educated and skilled in giving eloquent speeches, the jurist, a lettered man, monopolized the pulpit at different instances, either in the tribunal, in the parliament or the classroom.

The importance of orality and eloquence in Brazilian culture, as a whole, had been stressed by many historians.[292] Sergio Buarque de Holanda, for instance, distinguished the rhetoric as an important element of distinction in the Brazilian society, once assumed as a show of intellectuality, even if misleading.[293] Nevertheless, the way how this feature influenced and constrained the practices and the general profile of the Brazilian jurist – properly the legal culture - has not been emphasized. Hence, the of use of the two works mentioned above, that have already focused in the interaction of the

[289] Pasquale Beneduce, *Il Corpo Eloquente. Identificazione Del Giurista nell'Italia Liberale* (Bologna: il Mulino, 1996).
[290] Petit, p. 58.
[291] "[...] el jurista perfecto de la España isabelina es un experto que habla y que diserta, y sólo secundariamente se produce por escrito." Petit, p. 11.
[292] José Murilo De Carvalho, 'História Intelectual No Brasil: A Retórica Como Chave de Leitura', *Topoi*, 2.1 (2000), 123–52.
[293] "*Não significa forçosamente, neste caso, amor ao pensamento especulativo — a verdade e que, embora presumindo o contrário, dedicamos, de modo geral, pouca estima as especulações intelectuais — mas amor a frase sonora, ao verbo espontâneo e abundante, a erudição ostentosa, a expressão rara. E que para bem corresponder ao papel que, mesmo sem o saber, lhe conferimos, inteligência há de ser ornamento e prenda, não instrumento de conhecimento e de ação.".* Sérgio Buarque de Holanda, *Raízes Do Brasil*, 26th edn (São Paulo: Companhia das Letras, 1995), p. 83.

eloquence and rhetoric with the legal culture, as reference to trace the path of the Brazilian legal culture.

During the first half of the century, up to the seventies, the predominant character of the political and juridical scene was the figure of the *bacharel*. The definition of bacharel is simple: the one who graduated from the law school. Altough, his role in the Brazilian legal culture of the period is of high importance; as Buarque de Holanda pointed, to have a diploma in Brazilian society was equivalent to an authentic nobility coat of arms.[294] The analogy also reveals the aspect of social ascension that the university degree provided, without requiring nobility or royalty.

Possessing a law degree in that era meant almost automatically to have access to a position in public office[295] – naturally, for those well-connected, it was even easier.[296] Therefore, as it is already consolidated in Brazilian historiography, the law graduates predominated in the apparatus of the State: from minor buereaucratic functions to the reduced group of the rulling elite.[297] As Barman and Barman realized, "the dominance of the law graduates gradually increased so that in the middle years of the Empire fully seven out of every ten ministers and senators were law school graduates.".[298] Once most of public sector jobs were filled by law graduates, it is easy to understand the centrality of the bacharel within the political structure of Imperial Brazil, and, hence, the privilege and importance of the Faculties of Law.

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[294] "*Numa sociedade como a nossa, em que certas virtudes senhoriais ainda merecem largo credito, as qualidades do espirito substituem, não raro, os títulos honoríficos, e alguns dos seus distintivos materiais, como o anel de grau e a carta de bacharel, podem equivaler a autênticos brasoes de nobreza*" Holanda, *Raízes Do Brasil*, p. 83.

[295] Unquestionably this was not a particularity exclusive of the Brazilian society. As Halperin and Audren comment : "*Les études juridiques présentent deux avantages considérables sur les autres formations académiques : elles ouvrent un accès à presque toutes les professions bourgeoises (de la magistrature au barreau, en passant par le notariat, la fonction publique, etc), elles demeurent « suffisamment [spécifiques] pour créer un domaine réservé face aux profanes et conférer un prestige social lié à la compétence et à la rereté ».*" Frédéric Audren and Jean-Louis Halpérin, *La Culture Juridique Française. Entre Mythes et Réalités. XIXe-XXe Siècles* (Paris: CNRS Éditions, 2013), pp. 61–62.

[296] Almeida Nogueira traced the careers of significative quantity of law graduates from the Faculty of São Paulo. It is quite remarkable that, even before concluding the course, some students already had the position granted. José Luis de Almeida Nogueira, *A Academia de São Paulo. Tradições E Reminiscencias. Vol. 1-9* (São Paulo: Typographia A Editora Limitada, 1907), p. passim.

[297] José Murilo de Carvalho.

[298] Barman and Barman, p. 426.

While in the surveys of Petit[299] and Beneduce,[300] it was the lawyer that embodied the eloquent jurist *par excellence*, in Brazil, it would be restrictive to attribute this character exclusively to lawyers. The bacharel, in general, privileged career at the public service, either judicial or administrative, while frequently also exercising representative positions, such as deputy and senator.

Advocating was rather considered a second option. A brief look in the careers of the law graduates, as compiled by Almeida Nogueira, confirms that. For instance, the first group of law graduates – they had initiated their studies at the University of Coimbra, then transferred to São Paulo, graduating in 1831 - from six students, all six passed through magistrate positions, five had been deputy for at least one mandate, and four were appointed to high administrative jobs, such as governor of province.[301] Barman and Barman explain the causes for this particular situation:

> In the years after independence, Brazil slowly created the apparatus of a modern state but did not at first possess the men to staff it, particularly since many high officials had returned to Portugal in 1821. Every new law graduate could virtually pick and -choose his first job, and advancement was not blocked by an entrenched older generation monopolizing the best positions. Even in 1831, a year before a considerable expansion of the judiciary, there apparently existed some 60 vacant judicial posts.[302]

The massive dominance of law degree holders indicates that the ruling elite that idealized and founded the law faculty, as emphasized in the previous chapter, indeed succeed in what they aimed for: an educational institution to train and provide skilled administrators and officials. It cannot be ignored - as Sergio Adorno (over)emphasized - that, beyond the dogmatic and technical knowledge, the faculty had also an ideological

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[299] "*Desde el punto de vista que ahora se adopta el paradigma oratorio-forense implica además elevar a la vieja abogacía desde su actual condición de mera profesión jurídica (entre otras no menos deseables y dignas) a la categoría ontológica donde reina en solitario el jurista perfecto.". And also: "El abogado no sólo resulta así el jurista por excelencia; no sólo sería su discurso la expresión más acabada de la palabra puesta al servicio colectivo*.". Petit, pp. 58, 60.

[300] Beneduce, pp. 25–35.

[301] They were Antonio de Cerqueira Carvalho da Cunha Pinto Junior, Antonio Joaquim de Siqueira, Antonio Simões da Silva, Francisco Alves de Britto, Manuel Vieira Tosta (Viscount of Muritiba), Paulino José Soares de Souza (Viscount of Uruguay). José Luis de Almeida Nogueira, vol. II, pp. 20–24.

[302] Barman and Barman, p. 433.

and political aspect. Halperin and Audren reminded that: "Le passage par la faculté de droit n'est donc pas seulement le moment où s'acquièrent des connaissances techniques minimales, il est également, et surtout, un instrument de reproduction sociale et le lieu de parachèvement de la longue éducation au « métier » de notable.".[303]

This hegemony persisted for most part of the nineteenth century, but more intense in the first half.[304] Naturally, as the posts of the public sector were being filled,[305] and economy turned more prosperous and diversified, the number of lawyers increased – and also the number of unemployed bacharéis.[306]

By the end of the century, after the proclamation of the Republic, the bacharel, now numerous in the Brazilian society, became dispensable and his figure, once associated with the Empire, became condemned. If earlier he was recognized as noble and pompous, by the end of the century, the bacharel started to be seen in a negative way, engendering fiercely satires by the literature that ridiculed his features in a caricatural

[303] Audren and Halpérin, p. 60.

[304] "*No início, os jovens graduados podiam conseguir rapidamente cargo de promotor ou juiz municipal ou juiz de órfãos. Posteriormente, se tornou cada vez mais difícil e os jovens deputados sem emprego público e ainda não estabelecidos como advogados seriam classificados pelo secretário da Câmara, ou eles próprios se classificariam, simplesmente, como bacharéis, o que lhes dava pelo menos o prestígio do título*.". José Murilo de Carvalho, p. 106.

[305] "*By the 1850s the production of graduates began to outdistance the number of elite positions availablef, while the continued dominance of power by the original group blocked upward access. As a consequence, severe generational conflicts were created*.". Barman and Barman, p. 429.

[306] José Murilo de Carvalho, pp. 86–87. In fact, it is frequently stated the link between a mass of unemployed law graduates - and its discontents - with revolutionary movements. In the case of Brazil, the vast quantity of bacharéis that had not been absorbed by the State bureaucracy, neither could advocate, coincides with the crisis of the Empire and the proclamation of the Republic regime. Barman and Barman, pp. 423–24. It is remarkable that Marco Meriggi, commenting the relation between jurists and renovation through the Parliament, makes a similar point: "*Al tempo stesso, però quel tragito di legitimazione sul piano sociale conobbe qualche intoppo, qualche pausa, quache batutta d'arresto. Il giurista dell'Ottocento era un giurista-massa. Ameno che non fosse giè provveduto del suo, non sempre riusciva a raggiungere rapidamente quei livelli patrimoniali che potenzialmente il corso di studi gli lasciava balenare all'orizzonte. Spesso era costretto a rendersi protagonista di fenomeni di concorrenza selvaggia; affrontava lunghi e magri praticantati; tavolta si perdeva per strada. Era, potenzialmente, un insoddisfatto 'di qualità', osservato con sguardo preoccupato dai fautori della conservazione e della stabilità sociale, i quali, non a torto, individuavano in lui un efficace candidato all'eversione dell'ordine costituito, uno 'spostato' ben provvisto di quell'arte della parola e dell'argomentazione che, non meno che delle aule dei tribunali, aveva bisogno di quelle di parlamenti 'nuov'', dei parlamenti di movimento e di legiferazione*.". Marco Meriggi, 'Il Parlamento Dei Giuristi. A Proposito Di "Governo E Governati in Italia"', in *Università E Professioni Giuridiche in Europa Nell'età Liberale*, ed. by Aldo Mazzacane and Cristina Vano (Napoli: Jovene Editore, 1994), pp. 315–31 (pp. 316–17).

way, as revealed by Ricardo Sontag.[307] The persuasive arguments and rhetoric resources, typical of the practical jurist, that once caused admiration, were at that moment motive of mistrust, of the one who is trying to falsify the discourse.[308]

The fall of the practical eloquent jurist as the archetype of jurist is followed by the rise of the academic jurist as ideal, embodied in the figure of the professor and the researcher.[309] Beyond being gradual, this conversion had been hybrid, once there were either men who could possess features of both profiles, and as practical jurists still existing while the paradigm had changed .[310] Therefore, it is conceived as an ideal process, and occurred as matter of values and ideals.

The transition can be perceived in the Brazilian legal culture of the nineteenth century, and the professors that taught the discipline of international law, as it will be explored in this chapter, were no exception.

With a crossing of different primary and secondary sources, it was possible to elaborate the list of successive professors that imparted lessons of international law during the nineteenth century. Firstly, the charts display the years of appointment and retirement of each professor, and the period of teaching the discipline, either as *lentes* – the Brazilian equivalent of chair or full professor - or as substitutes. Due to the scarce availability of

[307] Ricardo Sontag, 'Triatoma Baccalaureatus : Sobre a Crise Do Bacharelismo Na Primeira República', *Espaço Jurídico*, 9.1 (2008), 67–78.
[308] Fonseca, 'Os Juristas E a Cultura Jurídica Brasileira Na Segunda Metade Do Século XIX', p. 326.
[309] As explained by Beneduce, *"[...] il volto del giurista nazionale nell'Italia dell'Ottocento si aprossima infatti al paradigma del corpo glorioso dell'insegnante e dello studioso del diritto, immagine dell'operosa e ascetica solitudine del dotto, detentore di un sapere professorale dai lineamenti logico-positivisti*.". Beneduce, p. 12.
[310] Often, complaining in a melancholic tone, as exposed by Beneduce. "*Accanto a queste ed altre illustrazioni viventi della potenza della parola forense, della sua funzione civile, i testi introducono tuttavia tanto l'idea di una rotttura periodizzante – lo iato profondo tra eloquenza degli antichi e dei moderni e l'imporsi strettamente connesso di una quetione della lingua forense – quanto la persuasione di uno spazio sociale dell'eloquenza sempre più ridotto sulla scena moderna. Questeo esprimono in modo più o meno esplicito i ritratti spesso melanconici e struggenti con i quali si raffigurava l'azione retorica dell'avvocato ed il gesto che contrassegnavano l'opera retorica del foro erano andate irremediabilmente perdute. Tornava così uno degli aspetti pii singolare dell'autrorappresentazione di queste cultura: ua antropologia dell'avvocato resa per progressiva sottrazione e abbandono dei suoi elementi costitutiti – simmetrici al ritrarsi dell spazio pubblico della funzione forense – che, nell'atto stesso di farsi storiograficamente visibile, denunciava il proprio statuto di anacronismo e di anomalia. Si trattava quase dell'ammissione dalla scena moderna che alla lettera dettava loro complesse condizioni di esistenza."*. Beneduce, pp. 209–10.

sources, the chart for the Faculty of São Paulo resulted in being to some extent more precise than that of Recife, presenting less gaps; albeit, it is still possible to infer valuable conclusions from both.

Besides the information on the dates of teaching, it was also a concern to ascertain the professional careers of these men in order to identify the extent of their dedication to the educational activity. To complement this framework, it is also considered the legal literature produced by each professor that passed through the discipline of international law, to understand the dedication not only to the legal education but also to the field of international law.

By means of the consideration of the profile of these men responsible for introducing the international law for the newcomers, to the future bacharéis, this chapter attempts to make a general outline of the professor career, interpreting the main features of that period, as well as the changes that the teaching profession had been undergone during the nineteenth century.

3.1. Professors: the disseminators of the legal knowledge

As it could not have been different, due to the inexistence of law schools in Brazil, the first professors of the discipline graduated from the University of Coimbra. In fact, the very first professor of the Faculty of São Paulo was indeed Portuguese-born. The topic on the lecturers for the new faculties, however, was problematic. Even if a significant part of Brazilian-born post-independence elite owned a law degree from Coimbra,[311] find available and capable professors between them was not an easy task, since most of them intensely emerged in politic functions. On the other hand, bringing professors directly from Portugal was not an option, considering the delicate political situation of between the former Metropolis and the ex-colony; without mentioning the

[311] Gauer; José Murilo de Carvalho, pp. 72–73.

desire by the ruling elite of detachment from the Portuguese tradition.[312] So, when the Brazilian Royal Court heard about a newly graduated noble Portuguese, who was fleeing from his country due to political persecution,[313] forthwith invited him to assume the position of professor at the forthcoming Faculty of Law. [314]

José Maria de Avellar Brotero (1798-1873) had graduated from Coimbra in 1819, and his only previous professional experience had been a year as a municipal judge in Portugal - position immediately extinguished when the Portuguese Counter-Revolution broke out.[315] Distinct from his colleagues of faculty, nevertheless, since the moment that he inaugurated the law course with the first lesson,[316] Brotero would dedicate his life only to teaching. His long-lasting career permitted him to teach the discipline of international law for more than forty years, until 1871, when he was at the age of 74.

As indicated in the previous chapter, at that time, the chair was named 'Natural law. Public law. Analysis of the Brazilian Constitution. Law of Nations. Diplomacy', divided in the first two years. Usually, the Natural, Public and Constitutional Law was taught in the first year, and the Law of Nations and Diplomacy, in the second year. That composite name, together with the practice by the professors of alternating the teaching each year, hinders somewhat the tracing of the professors who taught the discipline of international law, once the sources often referred to the full name of the chair for either disciplines.

From 1833 onwards, when Manuel Joaquim do Amaral Gurgel (1797-1864) was appointed as professor, Brotero had been sharing the teaching of international law with

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[312] Miguel Reale, 'Avelar Brotero, Ou Ideologia Sob as Arcadas', *Revista Da Faculdade de Direito Da Univeridade de São Paulo*, 50 (1955), 131–69 (p. 131).

[313] It was the Counter-Revolution that chased the revolutionary liberals through Portugal. Dario Abranches Viotti, 'O Conselheiro José Maria de Avelar Brotero', *Revista Da Faculdade de Direito Da Univeridade de São Paulo*, 69 (1974), 255–72 (p. 258). Even Brazilian students, considered liberals were persecuted during that period, and in 1829, 28 Brazilian students were indeed expelled from the University of Coimbra. Barman and Barman, p. 432.

[314] As suggested by Reale: "*O seu gesto, abandonando Portugal por não suportar as imposições da reação anti-liberal, representava, sem dúvida, penhor de fidelidade ao regime constitucional recém-instaurado na novem Nação americana.".* Reale, p. 133.

[315] Viotti, p. 258.

[316] On March 1, 1828. Waldemar Ferreira, 'Congregação Da Faculdade de Direito de São Paulo Na Centuria de 1827 a 1927. Os Lentes E Professores E Suas Cathedras', *Revista Da Faculdade de Direito de São Paulo*, 24 (1928), 166–75.

him, alternating the imparted lessons each year, as can be noticed in the table. Amaral Gurgel, Brazilian-born, six years earlier, was student of the first class of the new law school.[317] Not so young as his colleagues, Amaral Gurgel was already presbyter, ordained in 1816,[318] and highly involved in politics, had taken part in the independence movements, and later became deputy and vice-governor of province.

After the end of Gurgel's career, in 1858, Brotero continued the agreement of alternating the teaching of the discipline with the subsequent professors: João Theodoro Xavier de Matos (1828-1878) and Francisco Justino Gonçalves de Andrade (1828-1902). The former graduated in 1853 from São Paulo's Faculty, and obtained his doctoral degree – that was required to become professor - in 1856; the second received the bachelor degree in 1851, and the doctoral in the following year. Both had taught the discipline of international law as substitute professors, which meant that they should replace licensed professors, no matter the discipline. After teaching international law, João Theodoro, in 1870, was appointed as *lente* of Criminal Law, remaining for two years in that discipline, when he requested the permutation with Natural Law – he even published a book on Natural law.[319] Similarly, Justino also taught another discipline, being lente of Natural law from 1868 until 1870, and from then, he became responsible for the discipline of Civil law. He taught up to a compulsory exoneration from the Minister of Public Instruction, in 1890, due to an incident interpreted as disloyalty with the new regime of Republic, proclaimed one year before.[320]

As can be seen in the next page table, until the last decades of the nineteenth century, there had been a regular irregularity in the teaching of international law at the faculty of São Paulo. Surrogates frequently taught the discipline, and with no continuity of more than three years, what can indicate to some extent a disregard with the discipline. In fact, considering that the international law was pristine as an academic discipline, it could be expected. As pointed by Lachs, "even towards the close of the century,

[317] Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, p. 73.
[318] Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, p. 94.
[319] João Theodoro Xavier, *Theoria Transcendental Do Direito* (São Paulo: Imprenta, 1876).
[320] Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, pp. 339–46.

international law was not taught at a considerable number of European universities.".[321] Yet, when international law was included in the curriculum, it was frequently taught by professors from other disciplines,[322] as documented in the report on the teaching of international law elaborated by the *Institut du Droit International*: "Le droit des gens enseigné, aussi dans le semestre d'hiver, à raison de trois leçons par semaine, à Prague, par M. Rulf, professeur de droit pénal; à Insbruck, par M. Ullmann, aussi professeur du droit pénal, lequel enseigne, en outre, à raison d'une leçon par semaine, le droit international maritime".[323]

Table 1 List of the professors of the discipline of Law of Nations/International Law at the Faculty of São Paulo, and their professional activities (1827- 1918)

Name and birth/death dates	**Nomination as professor**	**Period of teaching**	**Professional activities apart from teaching**[324]
José Maria de Avellar Brotero (1798-1873)[325]	Appointed in 1827, retired in 1871.	1828-1870 (1831, 1833, 1839, 1854, 1860, 1862, 1864, 1870)	

[321] Lachs, p. 143.
[322] This is not a feature that remained in the past of the discipline, as Pierre D'Argent reminds: "*In many universities around the world, international law is sometimes taught by colleagues who do not have international law as their main field of training and research: they teach international law as part of their teaching load, which justifies their salary, while they continue to conduct research in other fields of law*.". Pierre D'argent, 'Teachers of International Law', in *International Law as a Profession*, ed. by Jean dAspremont and others (Cambridge: Cambridge University Press), pp. 412–27 (p. 413).
[323] 'Aperçu de l'État Actuel de L'enseignement Du Droit International En Divers Pays', p. 346.
[324] Sources: Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. I*; Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*; Bastos; Venancio Filho; José Luis de Almeida Nogueira; Sacramento Blake, *Diccionario Bibliographico Brazileiro. Vol. 1-7* (Rio de Janeiro: Typographia Nacional, 1883); Viotti; Julio Joaquim Gonçalves Maia, 'Lista Geral Dos Bachareis E Doutores Formados Pela Faculdade de Direito de S. Paulo E Dos Lentes E Directores Effectivos Até 1900.', *Revista Da Faculdade de Direito de São Paulo*, 8 (1900), 208–91; Ferreira; José Carlos de Ataliba Nogueira, 'Centenário de Nascimento Do Professor Dr. José Mariano Correia de Camargo Aranha', *Revista Da Faculdade de Direito Da Univeridade de São Paulo*, 63 (1968), 7–25.
[325] Sacramento Blake, *Diccionario Bibliographico Brazileiro. Vol. 1-7* (Rio de Janeiro: Typographia Nacional, 1883), vols 5, 37.

Manuel Joaquim do Amaral Gurgel (1797-1864)[326]	Appointed in 1833, retired in 1858	1834-1858 (1835, 1836, 1838, 1841-5, 1849, 1852, 1856)	Presbyter (member of the clergy) Deputy (1834-42, 1847-8), State Vice-Governor (1859-64)
Luis Pedreira do Couto Ferraz (1818-1886)[327]	Appointed in 1839, retired in 1868. (1858)		Deputy (1844-1861) Senator (1867) Vice-governor of province (RJ: 1845) Governor of province (ES: 1846, RJ: 1848-1853) Minister (Negócios do Império) (1853-1857) General inspector (1857-1877) Member of the Council of State (1866) Royal title: Visconde do Bom Retiro (1867)
João Theodoro Xavier de Matos (1828-1878)[328]	Appointed in 1860, died in 1878.	1861, 1863,1865, 1872	Tax attorney Deputy Provincial Governor (1872-75)
Francisco Justino Gonçalves de Andrade (1828-1902)	Appointed in 1859, retired in 1890.	1867-1869	
Ernesto Ferreira França (1828-1888)[329]	Appointed in 1861, retired in 1877.	1871,1876	State attorney Lawyer
José Maria Correa de Sá e Benevides (1833-1901)[330]	Appointed in 1865, retired in 1890.	1877, 1879, 1883	Municipal Judge (1855-7) Lawyer State governor (1869-70) Deputy (1872-3)

[326] Blake, vols 6, 109.
[327] Blake, vols 5, 447.
[328] Blake, vols 4, 59.
[329] Blake, vols 2, 286.
[330] Blake, vols 5, 41.

Carlos Leôncio da Silva de Carvalho (1847-1912)[331]	Appointed in 1871, retired in 1901.	1872-1875, 1881-1890	State Minister (1878) Deputy (1878-1880) Senator
Jesuino Ubaldo Cardoso de Melo (1865-1950)	Appointed in 1891, exonerated in 1894.	1891	Lawyer Journalist Police chief (1901) Deputy (1891-1893, 1903-12) Judge of the Audit Office (1914-1936)
Américo Brasiliense de Almeida Melo (1833-1896)[332]	Appointed in 1882, died in 1896.	1892- 1894	Municipal Judge (1857) Deputy (1868-89) State Minister (1879) State governor (1866-7, 1868, 1891-2) Judge of the Federal Court (1894-6)
Alfredo Moreira de Barros Oliveira Lima (-1927)	Appointed in 1891, retired in 1910.	1895-1898	
José Mariano Corrêa de Camargo Aranha (1869-1913)	Appointed in 1897, died in 1913.	1899-1902	
José Bonifácio de Oliveira Coutinho (1877-1911)	Appointed in 1901, died in 1911	1902-1911	
José Mendes (1861-1918)	Appointed in 1911, died in 1918.	1911-1918	

Ernesto Ferreira França (1828-1888), who succeed Brotero in the chair, unusually graduated from the University of Leipzig, yet applying for the doctoral degree in São Paulo, in 1860. Since the scheme of alternating the disciplines still occurring during his career as *lente*, from 1872 until 1877, he probably taught international law for no more than three years. Subsequently, José Maria Correa de Sá e Benevides (1833-1901) took over the chair. As many of the well-connected newly graduates, Sá e

[331] Blake, vols 2, 86.
[332] Blake, vols 1, 71.

Benevides right after graduating in 1854, already had a position as municipal judge – which, as the position of district prosecutor, it was the gateway to the bachelor's career. In 1858, Sá e Benevides returned to the law school to apply for the doctoral degree, and in 1865, had initiated his teachings as substitute professor. The period as full professor of the chair lasted from 1877 to 1890, when he requested retirement, together with other teachers, as a show of support for Justino, who had been exonerated by the Minister of Public Instruction due to political issues.[333]

This time of constant changing of professors in the discipline of international law would have its transition with the teaching of Carlos Leôncio da Silva de Carvalho (1847-1912), who, teaching first as a substitute (1872-1875), then as full professor (1881-1890), remained in the chair for a significative length of time. Leôncio de Carvalho finished the law course in 1868, and in the following year, received the doctoral degree, immediately applying for a position as professor, position that he would obtain in 1871 as substitute, and as chair, in 1881. His successor, Américo Brasiliense de Almeida Melo (1833-1896), still represents the type of professor not fully dedicated to academic issues. Right after graduating in 1855, worked as a lawyer, then accumulating many positions in the public office. His teachings as full professor of international law began in 1890, lasting until 1894 when he was appointed to compose the Federal Court.

From 1895 to 1918, the chair would be successively taught, without interruptions, by the following professors: Alfredo Moreira de Barros Oliveira Lima (-1927), José Mariano Corrêa de Camargo Aranha (1869-1913), José Bonifácio de Oliveira Coutinho (1877-1911), and José Mendes (1861-1918). Aside the first of them, Oliveira Lima, who graduated from the Faculty of Recife, their alma mater was the same Faculty of São Paulo.

Advancing the next topic, it can be said that none of them exercised extra-academic activities, which assuredly indicate a movement towards a more professional and academic approach, instead of the typical practical and political demeanour of the

[333] Spencer Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. II*, 2nd edn (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), p. 339.

former professors, who had been cumulating the teaching with extra-academical activities. Casually or not, the beginning of this new approach, at 1895, coincides exactly with the year that the discipline received the 'modern' nomenclature, renamed as *Public International Law*.

In what regards the Faculty of Recife, the list of its professors of international law is possibly missing information, due to the scarcity of available sources. Thus, the following table, while being correct, may presents some gaps on the exact period of teaching of each professor. Nevertheless, it is still worth to bring forward the information gathered, once it can give a fair idea of the men who oversaw the transmission of international law to the tyros.

Table 2 List of the professors of the discipline of Law of Nations/International Law in the Faculty of Olinda/Recife (1828-1920)

Name and birth/death dates	**Nomination as professor**	**Period of teaching**	**Professional activities apart from teaching**[334]
João José de Moura Magalhães (1790-1850)[335]	Appointed in 1828, exonerated in 1835.	1829-1834	Judge of the Court of Appeal Deputy (1835-) Governor of province (PB: 1838-9, MA: 1844-1846, BA: 1847-8)

[334] Clovis Bevilaqua, *História Da Faculdade de Direito Do Recife* (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977); Blake; 'Lista Dos Directores, Vice-Directores E Lente Da Faculdade de Direito Do Recife, Nomeados Desde Sua Criação', *Revista Academica Da Faculdade de Direito Do Recife*, XVI (1908), 175–88.
[335] Blake, vols 3, 464.

Pedro Autran da Matta Albuquerque (1805-1881)[336]	Appointed in 1829, retired in 1870.	1829±1854	
Brás Florentino Henrique de Sousa (1825-1870)[337]	Appointed in 1855	1856-1858	State governor (1869-70)
João Silveira de Souza (1824-1906)[338]	Appointed in 1855	1861-1864, 1882-1889	Tax Attorney (1849) Clerk at the Commercial Tribunal (1851) State secretary (1853-55) State governor (Ceará 1857-8), Maranhão 1859-1861, Pernambuco 1862-1864), Pará 1884-5) Deputy (1864-68, 1878-1881) Minister of Foreign Relations (1866-68)
Antônio de Vasconcelos Menezes de Drummond (1819-1876)[339]	Appointed 1863	1865-1876	Tax attorney Lawyer
José Joaquim Seabra (1855-1942)[340]	Appointed in 1880	1885	Prosecutor (1877-80) Federal deputy (1891-93, 1897-1902, 1909-10, 1916-24, 1935-37)

[336] Blake, vols 7, 21.
[337] Blake, vols 1, 426.
[338] Blake, vols 4, 52.
[339] Blake, vols 1, 324.
[340] Blake, vols 4, 496.

			Lawyer Positions at the Public Administration (1902-6, 1910-12) State governor (1912-14, 1920-24)
José Vicente Meira de Vasconcellos (1850-1920)[341]	Appointed in 1891	1891-1912, 1914-1920	State secretary (1872) Prosecutor (1874-1878) Journalist Lawyer Federal deputy (1881-9, 1890-93, 1912-1914)

João José de Moura Magalhães (1790-1850) would be the first responsible for the discipline in Olinda. Naturally, he graduated from University of Coimbra, and by the time of his appointment, Magalhães was serving as a judge of second instance – *Tribunal de Relação*. His career in the legal education, however, was short, since a few years later he resigned to follow a political calling. Between him and his successor in the table above, Pedro Autran da Matta Albuquerque (1805-1881), there may had been other surrogate professors, not identified in the sources.

Pedro Autran, like Avellar Brotero in São Paulo, would be the great figure in the Faculty, dedicating more than fifty years of his life to teaching. However, not all those years were dedicated to the discipline of international law; in his biography, Sacramento Blake comments that he had the opportunity to teach almost all disciplines of the law

[341] Blake, vols 5, 226.

course.[342] Indeed, the variety of manual that he wrote - covering political economy, natural law, public law, international law – corroborates to the statement. Pedro Autran da Matta Albuquerque, having a French father and graduating from the University of Aix, France, in 1827, had a deep knowledge of the French language, what allowed him to translate some books, especially for education purposes.

Brás Florentino Henrique de Sousa (1825-1870) graduated in 1850 and in the following year received his doctoral degree, both from the Faculty of Recife. Already in 1855, he initiated his teaching career, imparting lessons of international for a short period of three years (1856-1858), and in 1860, requested transference for the discipline of civil law.[343] His replacement, João Silveira de Souza (1824-1906), would teach international law in two different periods: first as substitute, from 1861 to 1864, and then as full professor, from 1881 until 1889. Coming from a province in the south of Brazil, João Silveira graduated from the Faculty of São Paulo in 1849,[344] but moved to Pernambuco, province of the Faculty of Recife, due to an appointment to a public office. There he remained, teaching since 1855, and exercising several public positions. Before leaving the teaching career, he wrote a book on international law, printed in 1889.[345]

In the interval between João Silveira's teachings, assumed the discipline Antônio de Vasconcelos Menezes de Drummond (1819-1876), who was appointed in 1863, teaching until 1876. During this time, he also wrote a book on international law with didactic purpose, published in 1867.[346]

José Joaquim Seabra (1855-1942) taught international law for a brief period, surely as a substitute; afterwards, he would dedicate to civil law and political economy.

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[342] "*Nesta faculdade, que elle por vezes dirigiu, teve occasião de professar quasi todas as disciplinas desde 1829, sempre attrahindo a mais alta consideração dos professores, sempre gozando de veneração de seus alumnos, já por sua illustração e virtudes, já pelas maneiras urbanas e delicadas com que tratava a todos.".* Blake, vols 7, 22.

[343] Bevilaqua, *História Da Faculdade de Direito Do Recife*, p. 319.

[344] José Luis de Almeida Nogueira, *A Academia de São Paulo. Tradições E Reminiscencias. Vol. 1-9* (São Paulo: Typographia A Editora Limitada, 1907), vols 1, 116.

[345] João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889).

[346] Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867).

From the same alma mater, he graduated and received the doctoral degree from the Faculty of Recife. Seabra had been highly involved in politics and during his life he had exercised many public positions. Due to his opposition against the government of Floriano Peixoto, in the new established republican regime, he had been even removed from the position of professor and exiled, in 1892 - being reinstated in 1895.

Finalizing the list, the discipline was taken over by José Vicente Meira de Vasconcellos (1850-1920), whose teaching period lasted almost thirty years.[347] José Vicente graduated from the Faculty of Recife, and, before being appointed as professor there, in 1891, exercised some public positions. He started to teach international law in 1892, remaining in the discipline until his death, in 1920 – with an interruption of three years, from 1912 to 1914, when he was elected deputy. Correspondingly to the three last professors of the Faculty of São Paulo, that represent a more academic attitude, José Vicente showed more commitment on legal education.

Roughly, to make a generalization to both courses, even if it is more evident in the Faculty of São Paulo, it can be observed a progressive shift of practices: from a situation where the professors used to change disciplines quite often, cumulating the teaching with external activities - generally representative political positions or public office - to a more constant and committed approach. The last professors in both lists taught continuously, and despite having exercised other activities, it was not simultaneous. To sum up, it can be observed a movement towards to the professionalization of the professor of international law, that would be accomplished in the twentieth century.

[347] 'Necrologia. Dr. José Vicente Meira de Vasconcellos', *Revista Academica Da Faculdade de Direito Do Recife*, XXVIII (1920), 387–89.

3.2. Bibliographic production: from the encyclopedism to the science

Despite the similitudes mentioned above, there is one aspect that the law courses differ from each other. It is frequently stated[348] and emphasised that, at large, the Faculty of São Paulo had a more *pragmatic* character,[349] while the one of Recife, was more *enlightened*. What Schwarz summarised in these words: "De Recife vinha a teoria, os novos modelos – criticados em seus excessos pelos juristas paulistas; de São Paulo partiam as práticas políticas convertidas em leis e medidas.".[350]

In fact, this is the case, at least in what regards particularly the bibliographic production of the international law professors of each faculty. Analysing what wrote each man that oversaw the discipline of international law, it can be understood, to some extent, how was their commitment to the subject, or if they, instead, had other interests. Therefore, the purpose of this subchapter is only to enroll which professor produced literature on international law; while a general analysis of the international law doctrine is let to the third chapter.

Certainly, this data represents only a trace of their profiles, and the absence of legal literature written by a certain professor cannot be taken necessarily and automatically as neglect or disregard with the discipline, especially when considering the legal culture in which they were inserted.

The professor, by the nineteenth century, was not supposed to write on law mandatorily. As a characteristic of the time, their attention was often geared towards a

[348] Gizlene Neder, *Discurso Jurídico E Ordem Burguesa No Brasil*, ed. by Sergio Antonio Fabris (Porto Alegre, 1995), pp. 99–130; Lilia Moritz Schwarcz, *O Espetáculo Das Raças. Cientistas, Instituições E Questão Racial No Brasil (1870-1930)*, 12th edn (São Paulo: Companhia das Letras, 1993), pp. 239–45.
[349] "Ao que tudo indica, a 'Academia de São Paulo', historicamente tendeu a dirigir a sua formação no sentido imediatamente relacionado aos interesses que suportavam econômica e politicamente." Neder, p. 105.
[350] Schwarcz, p. 240.

politically engaged journalist literature[351] - even if often involving legal questions - than an academic one, turned to a 'scientific' approach to the law, or just with didactical purposes. Even those who wrote on international law, also had books on other subjects.

Besides the legal culture, more geared to the production of speeches than written pieces, the regular use of imported books, as analysed in the previous chapter, together with the typical practice between the professors of preparing materials for each lesson – that after were replicated and propagated among the students -, can also have helped to prevent professors from writing textbooks.

With these considerations in mind, it can be started the analysis of the following tables. The list does not represent the entire bibliography of each author; it was given preference to legal literature, but without omitting literary works, because the taste for poetry and literature was part of the profile of the eloquent jurist.

Also, books were privileged instead of articles, especially those published in newspapers, however, analysing them when they were published in academic journals. The translations were included, particularly, when destined for pedagogical purpose. There are some blanks in the spaces correspondent to the bibliographic production of some professors, what indicates that they did not write on legal issues, their works were not published, or even that it could not be found information in the available sources. To conclude these remarks, the highlighted (in bold) books are those that concern to the international law field.

[351] Alberto Venancio Filho, *Das Arcadas Ao Bacharelismo. 150 Anos de Ensino Jurídico No Brasil* (São Paulo: Editora Perspectiva, 1977), pp. 136–39; Sérgio Adorno, *Os Aprendizes Do Poder: O Bacharelismo Liberal Na Política Brasileira*, 1988, p. 165 ff.

Table 3 Bibliographic production of International law professors of the Faculty of São Paulo

Name of the professor	**Main *legal* literature produced**
José Maria de Avellar Brotero (1798-1873)	Principios de direito natural (1829) Principios de direito publico universal (1837) **Questões sobre presas marítimas (1836, 1868)** Philosophia do direito constitucional (1842) Tumulto do Povo em Évora (play - theatre): (1835)
Manuel Joaquim do Amaral Gurgel (1797-1864)	Eliezer e Naphtaly (poetry), (1833) Editor of *O Observador* (political newspaper), (1840-1843) *Translation*: Sonho, Marco Aurelio (1856) Cathecismo histórico da doutrina christã, Abade Fleury (1840) Cathecismo, Bossuet
João Theodoro Xavier de Matos (1828-1878)	Teoria Transcendental do Direito (1876) Speeches and reports
Francisco Justino Gonçalves de Andrade (1828-1902)	Lições de Direito Civil (1875) Articles: **"**Condomínio: Divisão**"** (1904), **"**O Mandatário é Obrigado pelos Juros da Mora desde a Data em que Empregou o Dinheiro no seu Próprio Uso**"** (1906) e **"**Da Posse" (1915-1917).
Ernesto Ferreira França (1828-1888)	*Articles*: Codigo do Comercio (1870), Da instrução pública na Europa (1854), Apontamentos diplomáticos sobre limites do Brazil, Incompatibilidades das penas e prescrições dos delitos em todas as suas questões (1860) O livro de Irtilia (poetry), (1854) Lindoya (play - theatre), (1859) Moema e Paraguassù (opera), (1860)

José Maria Correa de Sá e Benevides (1833-1901)	Elementos de Filosofia do Direito Privado (1884) Filosofia elementar do direito público, interno, temporal e universal. (1887) Análise da Constituição do Império do brasil (1891) Redator of *A Ordem* (political newspaper), (1874-76) Editor-in-chief of *Revista de Jurisprudencia e Legislação* (1892-99) Speeches
Carlos Leôncio da Silva de Carvalho (1847-1912)	Speeches and reports Redator of *Palestra Acadêmica* (1866), *Tribunal Liberal* (1867), *O Academico* (1868).
Jesuino Ubaldo Cardoso de Melo (1865-1950)	
Américo Brasiliense de Almeida Melo (1833-1896)	Licções de Historia Pátria (1876)
Alfredo Moreira de Barros Oliveira Lima (-1927)	
José Mariano Corrêa de Camargo Aranha (1869-1913)	Prelecções de Direito Criminal (1906) Trabalhos forenses diversos.
José Bonifácio de Oliveira Coutinho (1877-1911)	Orçamento permanente (1897) Lei de fallencias n 859 de 16 de agosto de 1902: annotada em todos os seus artigos (1902) Phonographo e suas combinacoes nas relacoes juridicas (1903)
José Mendes (1861-1918)	Ensaios de philosophia do direito. 2 volumes. (1905) Das servidões de caminho (1906) **Direito internacional público (1913)**

The predominant literature in the table is on natural law and public law.[352] Remembering that both subjects were included in the chair 'N*atural law. Public law. Analysis of the Brazilian Constitution. Law of Nations. Diplomacy*', taught in the first and second year - at least until the educational reform of 1854, that divided the chair in autonomous disciplines. Thus, the discipline of natural law, in the first year, was often taught by the same professor of law of nations, in the second year. The preference to write on natural and public law instead of international law can be guessed: there was a necessity to 'nationalise' the doctrine of the former disciplines, that was not so required for the international law. The latter, then, had been mostly taught by using European books.

Many of the professors had written on different subjects than international law; the main reason for that is that they taught international law as substitutes, and then, turned full professors of other chairs. Francisco Justino, after teaching international law would become full professor of civil law; hence, that his production was mostly in that discipline. The same happened for Camargo Aranha, who had been the professor of Criminal law.

In this context, it can be observed the scarcity of written material on international law. Although the first book to touch on some international legal topic had been published in 1836, it was not a comprehensive treatment of the subject; actually, it was more related to the maritime law than public international law properly, as announced in the prologue.[353] It was the '*Questões sobre presas marítimas'*, by Avelar Brotero. The second edition came in 1863, very likely in order to update the treatment of maritime prizes

[352] Avelar Brotero's Principios de direito natural (1829) and Principios de direito publico universal (1837), João Theodoro's Teoria Transcendental do Direito (1876), Sá e Benevides' Filosofia elementar do direito público, interno, temporal e universal (1887).

[353] "*Este livro não é uma obra de theorias ou doutrinas especulativas; é um compendio de factos e principios do Direito Maritimo admittidos pelas nações civilizadas*.". José Maria Avellar Brotero, *Questões Sobre Presas Marítimas*, 2nd edn (São Paulo: Typographia Imparcial, 1863), p. 5.

according to the Convention of Paris 1856, - which he did mention[354] that Brazil signed in 1857.[355]

Therefore, the Faculty of São Paulo would have to wait until the twentieth century to have a compendious textbook on international law written by one of its professors. Only in 1913, the professor José Mendes would publish his *Direito internacional público*. Since it followed exactly the discipline's programme, exploring each topic according to the successive lessons, it is plausible that the book resulted from the compilation of already prepared lessons.

The absence of international law textbooks elaborated by professors from the Faculty of São Paulo does not necessarily mean that exclusively European books had been used in the lessons; above all, because, conversely, the professors of the Faculty of Recife did not remain inert. From 1851, when would be published the first Brazilian textbook on international law, national materials were already available.

Table 4 Bibliographic production of International law professors of the Faculty of Recife

Name of the professor	**Main *legal* literature produced**
João José de Moura Magalhães (1790-1850)	Discurso preliminar para servir de introdução à análisyle da Constituição do Império do Brasil (1830) Synopse de Direito Natural (1860) Translations: Goethe and Schiller.

[354] Brotero, pp. 23–24.
[355] Jan Martin Lemnitzer, *Power, Law and the End of Privateering* (Basingstoke: Palgrave Macmillan, 2014), p. 93.

Pedro Autran da Matta Albuquerque (1805-1881)	Elementos de Economia Política (1844) Elementos de direito público geral e particular (1848,1854) **Elementos de direito das gentes (1851)** Novos elementos de economia política (1851) Elementos de direito público universal (1857, 1878) Preleções de economia política (1859, 1862) O poder temporal do Papa (1862) Reflexões sobre o sistema eleitoral (1862) Filosofia do direito privado (1881) Elementos de direito natural privado (1883) *Translated*: Elementos de economia política, Stuart Mill (1832) Direito Natural Privado, Francisco Nobre Zeillen [sic] Elogio da Loucura, Erasmo de Roterdã (1832)
Brás Florentino de Sousa (1825-1870)	O casamento civil e o casamento religioso (1859) Do delito e do delinquente (1862) O poder moderador (1864) O recurso à coroa (1867) Lições de direito criminal (1872) Do delito e do delinquente (1862) Speeches *Translated*: Da abolição da escravidão, G. de Molinari, 1854.

Antônio de Vasconcelos Menezes de Drummond (1819-1876)	**Preleções de direito internacional (1867)** Preleções de diplomacia (1867) Preleções de direito pátrio, Apontamentos sobre o elemento servil do Brazil. Apontamentos sobre o processo criminal. Speeches Maps and reports Translated from French: Compendio de historia romana, (1847)
João Silveira de Souza (1824-1906)	Lições de Direito natural (1878) Preleções de direito público universal (1871, 1882) **Lições elementares de direito das gentes (1889)** Minhas canções (poetry), (1849)
José Joaquim Seabra (1855-1942)	Speeches
José Vicente Meira de Vasconcellos (1850-1920)	Noções de physica para uso de escolas primarias (1881)

The first two books on the list, written by João José de Moura Magalhães, followed the same logic stated above for the Faculty of São Paulo, in what the professors of the chair '*Natural law. Public law. Analysis of the Brazilian Constitution. Law of Nations. Diplomacy'*, tended to give preference to the natural and constitutional law when writing their manuals, rather than the law of nations. Within this context, came out *Synopse de Direito Natural*, written by Moura Magalhães and published by his son ten years after his death; due to its objectiveness, it is very likely a compilation of his

lessons.[356] The succeeding professor, however, would soon fill this gap of an international law literature.

Pedro Autran da Matta Albuquerque was a prolific writer, producing textbooks for, at least, four different disciplines and in various editions. As already referred, Pedro Autran had a profound knowledge of the French-language, what allowed him to translate a variety of books. In fact, his works started with a translation of Stuart Mill's *Principles of Political Economy*,[357] prepared in 1832 to serve as a textbook for the discipline of Political Economy – what displeased the full professor of the chair.[358] He also published Direito Natural Privado, a translation of Francisco Nobre Zeiller (sic)[359] that had been used in the chair of the first year of the law school, as he after stated in the foreword of his *Elementos de Direito Natural Privado*.[360]

In 1851, Pedro Autran would publish his *Elementos do Direito das Gentes*,[361] the first Brazilian textbook on international law. The book to some extent set a tradition in the Faculty of Recife since the following two books on the subject expressly took it as a reference and adopted the same division of contents. They are *Preleções de direito internacional*,[362] by Antônio de Vasconcelos Menezes de Drummond, published in 1867,

[356] João José de Moura Magalhães, *Synopse de Direito Natural* (Salvador: Typographia Pogetti di Catilina, 1860).
[357] Laurence Hallewell, *O Livro No Brasil: Sua História*, 2nd edn (São Paulo: Editora da Universidade de São Paulo, 2005), p. 189.
[358] Clovis Bevilaqua, *História Da Faculdade de Direito Do Recife* (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), p. 36.
[359] It is probably the translation of Franz von Zeillen's Das natürliche Privat-Recht, published in 1802. Preliminarily, it is unlikely that Pedro Autran could translate from German-language; judging by the way that he referred the author - Francisco Nobre Zeillen – and by the availability of the books, it can be assumed that he translated from an Italian version, since, by the 1830s, that were already three editions of 'Il diritto privato naturale', by the so-called Francesco Nobile de Zeiller. In fact, the library of the Faculty of Recife has a copy of the Italian edition, published in Milan, in 1830, and translated by Giovanni Silvestri. About Zeiller, cf G Kohl, 'Zeiller, Franz von (1751-1828)', in *Juristen. Ein Biographisches Lexikon. Von Der Antike Bis Zum 20. Jahrhundert*, ed. by Michael Stolleis (München: Beck, 1995), pp. 668–70.
[360] Pedro Autran da Matta Albuquerque, *Elementos de Direito Natural Privado* (Recife: Parisiense, 1883). It is also mentioned by Bevilaqua, *História Da Faculdade de Direito Do Recife*, p. 305.
[361] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851).
[362] Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867). Antonio Drummond's book had been the first to have engraved on cover a title with the nomenclature international law. Nevertheless, it is precipitated to judge a book by its cover; inside the book he uses indistinctly the terms law of nations and international law, without any remarks on the origin of the neologism.

when he assumed the discipline during the interval of the teaching of João Silveira de Souza, and *Lições Elementares de Direito das Gentes*,[363] published by the latter in 1889.

Finally, it is worth to notice that, although these professors did write on international law, they still had works on other areas. Pedro Autran's books, for instance, covered almost half of the law course programme. Likewise, Antônio Drummond, while having a textbook on international law and other on diplomacy, also wrote on criminal law. Which was not a characteristic of international law professors, but of the very nineteenth-century jurist, inserted in the *paradigm of eloquence*. Brás Florentino, who taught the discipline for very few years as surrogate and then turned full professor of civil law, had not written on international, but contributed to other disciplines, as civil, constitutional and criminal law.

Another great example that represents this feature well - who is not on the list above because he did not teach international law; nevertheless, his book will be examined in the next chapter on Brazilian doctrine - is Clovis Bevilaqua. He had been an eminent jurist, distinguished for the first approved Civil law code in Brazil (1916),[364] and did teach that discipline at the Faculty of Recife. Consequently, one could think that his expertise is exclusively private law. It was not the case. From 1906 to 1934, Clovis Bevilaqua also served as legal adviser to the Ministry of Foreign Affairs, and while there, wrote a comprehensive and technical manual on international law in two volumes,[365] in an entirely different vein from the earlier books. Bevilaqua, though not being a professor of international law, reinforces the contrast between the two law faculties in what regards the production of legal literature on international law. Thus, if São Paulo remained for the whole nineteenth century without a single volume on international law, Recife, at the same period, contributed for the discipline with four books.

[363] João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889).
[364] Anyda Marchant, 'Clovis Bevilaqua and the Brazilian Civil Code', *Michigan Law Review*, 43.5 (1945), 970–75.
[365] Clovis Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I* (Rio de Janeiro: Livraria Francisco Alves, 1910); Clovis Bevilaqua, *Direito Internacional Público. Synthese Dos Princípios E a Contribuição Do Brazil. Tomo II* (Rio de Janeiro: Livraria Francisco Alves, 1911).

Accordingly, it was indeed expected that the jurist had an encyclopaedic knowledge;[366] as commented by Beneduce, there was an "inclinazione 'naturale' del giurista eloquente verso un sapere enciclopedico.".[367] In fact, the vast knowledge, not compartmentalized in disciplines, was one of the aptitudes that should be cultivated by a clever jurist in order to succeed in the diverse instances - the parliament, the tribunal, or the classroom.[368] Thus, what Sergio Adorno criticized was considered, instead, a value for those jurists.[369]

Within this context, even when appointed to a specific discipline, the nineteenth-century professor usually wrote on other subjects, giving advice and opinions on newspapers and journals, and still, working as lawyers or in public office. The consideration of this feature - the valorisation of an encyclopaedic mind - helps also to understand the promptitude of the constant exchanges between disciplines, requested by the same professors. In fact, analysing and interpreting the character traits of the Spanish jurist during the nineteenth-century, Carlos Petit arrives at the same distinctiveness.[370] Actually, the high specialization of the legal disciplines is a feature that would appear later, by the beginning of the twentieth century, with a paradigmatic change in legal culture; then the professor would dedicate mainly to one field of study.

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[366] Ricardo Sontag, 'Triatoma Baccalaureatus : Sobre a Crise Do Bacharelismo Na Primeira República', *Espaço Jurídico*, 9.1 (2008), 67–78 (p. 70).

[367] Pasquale Beneduce, *Il Corpo Eloquente. Identificazione Del Giurista nell'Italia Liberale* (Bologna: il Mulino, 1996), p. 274.

[368] Beneduce, p. 275.

[369] "*Paradoxal, também, é o fato de não ser incomum a prática, entre os lentes, de produzir obras sobre disciplina do Direito nem sempre afins à cadeira na qual ministravam suas preleções. Exemplo disso são os comentários de Manuel Dias de Toledo, titular de Direito Criminal, sobre Código Civil. Ao que parece, a incipiente divisão de trabalho no processo de produção do conhecimento em ciências jurídicas, na Academia de São Paulo, expressava tanto o estágio de desenvolvimento da inteligência brasileira, nesse setor, quanto o desinteresse de que se revestia a atividade didático-intelectual.".* Sérgio Adorno, *Os Aprendizes Do Poder: O Bacharelismo Liberal Na Política Brasileira*, 1988, pp. 133–34.

[370] When explaining the mechanisms to tenure a professor position, Carlos Petit mentioned: " *Como nadie les pedía producirse por escrito era posible opositar, según atestigua Posada, a la primera cátedra que saliera con independencia de la materia; tampoco había problemas (se afirmó aún como un uso académico frecuente) en saltar de especialidad mediante per¬mutas y traslados, supuesta siempre una gran facilidad para la controversia verbal: valía como argumento, en los dictámenes del Consejo de Instrucción Pública sobre las instancias para cambio de cátedra, el haber obtenido algún voto en oposiciones anteriores*." Carlos Petit, *Discurso Sobre El Discurso. Oralidad Y Escritura En La Cultura Jurídica de La España Liberal. Lección Inaugural Del Curso Adadémico 2000-2001* (Huelva: Universidade de Huelva, 2000), p. 34.

In his interpretation of the Brazilian legal education, Adorno indicates that the 'small' number of juridical books and, at the same time, the devotion to literature by the professors, leads to the conclusion that there was no legal education in the Faculty of São Paulo.[371] Beyond the question on the criteria that he used to judge how much would be 'enough' - which he failed to indicate -, these circumstances were all expected in a legal culture where there was a primacy of the spoken word over the written. The presence of speeches – that the biographer Sacramento Blake made sure to include - in their intellectual production corroborates this fact. Carlos Petit reminded that many of the written works that resisted the time were, in fact, planned and made to be spoken:

> Convengamos con todo ello, en fin, que el saber de ese jurista y el derecho que de continuo le interesa, atrapados desde luego en textos que hoy constituyen las fuentes que facilitan su conocimiento, fueron en una vida anterior tan sólo palabras pensadas para ser dichas y oídas por una profesión elocuente que tuvo en el alegato forense, el discurso académico, la locuaz exposición de motivos le¬gales o la arenga parlamentaria sus mejores instantes comunicativos.[372]

And this is not only the case of the speeches; those are obvious. Some books of legal doctrine were, in reality, nothing more than a compilation of lessons, that had been prepared and given by the professors – what can be ascertained by the different registers and the absence of references.[373] That may be the case of Moura Magalhães' *Synopse do Direito Natural* (1860), a short book, almost without references, and replete of figures of speech. A brief look on the journals of that time also shows that many articles published were earlier speeches, phenomenon also present in Petit's analysis.[374] Just to illustrate, taking a volume of the journal *O Direito*, which had a section for legislation, jurisprudence and for doctrine; in this latter section - usually the smallest in comparison with the other two – of a volume of 1891, there is an article by the professor at the Faculty

[371] Adorno, p. 145.
[372] Petit, pp. 11–12.
[373] About this register: "*El resultado es el de un menor rigor teórico, ma¬yor ausencia de citas y ejemplos y frecuentes incorrecciones, compensadas por la amenidad de una exposición oral que no elude por escrito notas sobre las reacciones positivas del público asistente ante determinados pasajes. Por otra parte, el tono ensayístico y las peculiares condiciones que suelen concurrir en estos casos (sobre todo en los oradores que teorizan sin olvidar su propia ex¬periencia) favorece cierta originalidad en los planteamientos*.". Petit, p. 57.
[374] Petit, p. 126.

of São Paulo, João Pereira Monteiro, entitled '*A unidade do direito'*,[375] which had been a grandiloquent speech offered in occasion of the graduation of the law students in the previous year, then converted in article. As underlined by Petit, and became very clear in the article/speech, this kind of register had conferred an essayistic tone for the written pieces, coming loose from a scientific intention.[376]

Another typical characteristic of the eloquent jurist and either found in the Brazilian legal culture, as identified by Fonseca,[377] was the taste for literature and poetry:

> [...] el estudio académico de las letras y la asidua lectura de poesía por parte de los abogados nunca funcionó a modo de adorno erudito ni como una mera manifestación de *status*. Por el contrario, la fruición literaria suponía el cumplimiento de un deber profesional, arraigado en la tradición elocuente [...] es que la poesía es capaz de ofrecer a la gente del foro, en primer lugar, palabras y estilos hermosos que le sirven para compensar la aridez expresiva de los materiales legales.[378]

Substantially, the cultivation of literary arts was part of the legal education, as it helped the student to develop the oratory skill, while ornamenting the speech. Venancio Filho, when narrating the academic life, observes the significative quantity of journals and groups within the faculty that had been created exclusively to promote the literature.[379]

The same goes for the theatre, that was another passion of the students since the foundation of both faculties. Indeed, they used to write and stage plays on a regular basis,[380] providing a romantic interpretation of the legal phenomenon.[381]

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[375] João Monteiro, 'A Unidade Do Direito', *O Direito*, 54.Ano XIX (1891), 559372.
[376] He emphasized, however, that this is not a flaw or cause for disqualification: "*La ausencia de intenciones científicas resulta característica (pero no de¬fecto ni causa actual de descalificaciones) de los usos elocuentes de la uni¬versidad isabelina.".* Petit, pp. 31–32.
[377] Ricardo Marcelo Fonseca, 'Os Juristas E a Cultura Jurídica Brasileira Na Segunda Metade Do Século XIX', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, 35.1 (2006), 339–71 (p. 359).
[378] Petit, p. 66.
[379] Alberto Venancio Filho, *Das Arcadas Ao Bacharelismo. 150 Anos de Ensino Jurídico No Brasil* (São Paulo: Editora Perspectiva, 1977), pp. 137–39.
[380] Venancio Filho, pp. 140–41.
[381] Petit, p. 72.

It is quite remarkable the statement on the academic life made by Venancio Filho, that capture the profile of the student within the *paradigm of eloquence*: "Ser estudante de Direito era, pois, sobretudo, dedicar-se ao jornalismo, fazer literatura, especialmente a poesia, consagrar-se ao teatro, ser bom orador, participar dos grêmios literários e políticos, das sociedades secretas e das lojas maçônicas.".[382]

It is, therefore, no astonishment to find works of literature in the list of books written by the professors. Among Avelar Brotero's writings on natural law, it can be found a theatrical play; and João Silveira de Souza, while published a book on international law, had also composed sonnets. All that was to some extent part of the legal education.

Nevertheless, the cultivation of the literature and theatre became rarer towards the end of the century. It was a sign of the decadence of the *eloquent-forensic paradigm*. The pompous and rhetorical speech started to be taken as garrulous, it was being replace by the precise and scientific discourse of an *academic paradigm*. Not only the practices, but also the very legal thought indicates it.

In 1892, the legislation that reformed the legal instruction also prescribed that each faculty must had its own annual journal, that should "promote interchange with the periodicals of the same nature of Europe and America", as the decree expressly determined.[383] The decree revealed a clear intention to promote the science and the progress of education, as it also had ordained that every two years, a professor should be indicated to "make scientific investigations and practical observations, or study in the foreign countries the best teaching methods and the contents of the respective disciplines, and examine the institutions of the most 'advanced' countries of Europe and America.".[384]

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[382] Venancio Filho, p. 136.

[383] "*Art. 175. Será creada em cada um dos estabelecimentos uma Revista dos cursos da Faculdade ou Escola. Esta Revista será redigida por uma commissão de cinco lentes, nomeada pela congregação na primeira sessão de cada anno. A commissão elegerá o redactor principal e promoverá a troca da Revista com os periodicos da mesma natureza na Europa e America.".* Decree nº 1.159/1892.

[384] "*Art. 243. De dous em dous annos a congregação de cada um dos estabelecimentos indicará ao Governo um lente cathedratico ou substituto para ser encarregado de fazer investigações scientificas e observações praticas, ou para estudar nos paizes estrangeiros os melhores methodos do ensino e as materias das*

Another aspect to remark within the *eloquent-forensic paradigm* is that there was a poorly distinction between research and teaching. The professor of the law faculty was supposed to teach, without any duty on researching. The content of the books on international law written up the end of the century indicates that, as most of them were nothing more than summarised guides with pedagogical purposes, without any aim of developing the discipline, except through its dissemination.

3.3. Extra-academic activities: from the politics to the academy

As enunciated at the beginning of the chapter, the authors[385] that analysed the Brazilian legal education during the nineteenth century pointed that the professors, in general, treated the teaching activity as a subsidiary, exercising simultaneously other activities. As a consequence, absences and changing of professors had been a constant, probably affecting the quality of the classes.

Like the conclusions made by Savigny on the Italian legal education, despite the social prestige that the teaching activity enjoyed, the professor's salary in Brazilian law schools was low, preventing them from dedicating themselves fully to the faculty.[386] Therefore, the professors were somewhat constrained to resort to other activities, to raise the income. So, as commented Venancio Filho: "O ofício de professor era uma atividade auxiliar no quadro do trabalho profissional. A política, a magistratura, a advocacia, representavam para os professores, na maioria dos casos, a função principal.".[387] To these

respectivas cadeiras, e examinar os estabelecimentos e instituições das nações mais adeantadas da Europa e da America." Decree nº 1.159/1892

[385] Venancio Filho stated: *"[...] a atividade magisterial era para poucos deles uma atividade importante, e, terminado o concurso para lente subsitituto, a maioria deles se voltava para as atividades da política, da magistratura ou da advocacia, apenas um reduzido número deixando uma obra importante às gerações de estudantes no campo do ensino do Direito*.". Venancio Filho, p. 116. Also, Aurélio Wander Bastos, *O Ensino Jurídico No Brasil* (Rio de Janeiro: Lumen Juris, 1998), p. 53; Adorno, pp. 108–10.

[386] Venancio Filho, p. 119; Clovis Bevilaqua, *História Da Faculdade de Direito Do Recife* (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), pp. 44–45.

[387] Venancio Filho, p. 119.

main occupations – judicature, advocacy and politics - usually chosen by the bacharéis, must also be added the journalism.

Must be said, however, that was not only a matter of finance. Even professionals that were exercising jobs considered well-paid, such as a judge, served at the same time as deputies,[388] were involved in journalism or were even professors. Furthermore, it is not common to find in the biographies and information on bacharéis,[389] one that had had a career in only one activity for his lifetime. In effect, they usually had multiple occupations,[390] often jumping from one public office to another,[391] or exercising two activities simultaneously. Actually, within the *forensic paradigm*, the erudition, encyclopaedic knowledge and eloquence of these lettered men should serve to something, thus, an active political engagement is taken as a public duty, an incumbency of a few who had to dedicate their existences to the common good. To limit these privileged features to an ivory tower war rather considered a despair or an act of selfishness.

Therefore, to explain their practices resorting exclusively to a matter of income may reduce the complexities of a culture. Naturally, many elements corroborated to this framework beyond the finance explication, such as the quantity of available lettered men, either as the ethic and values of their specific culture. Then, this cumulation of functions, together with the constant shift of posts, can be assumed as a very feature of Brazilian elite during the nineteenth century, with effects naturally on the legal culture.

The first two tables of the chapter[392] enrolled the professors of international law and their external activities. There can be seen that, generally, these circumstances were

[388] José Murilo de Carvalho, *A Construção Da Ordem: A Elite Política Imperial. Teatro de Sombras: A Política Imperial*, 6th edn (Rio de Janeiro: Civilização Brasileira, 2014), p. 105.
[389] José Luis de Almeida Nogueira, *A Academia de São Paulo. Tradições E Reminiscencias. Vol. 1-9* (São Paulo: Typographia A Editora Limitada, 1907).
[390] Expression used by José Murilo de Carvalho, p. 95.
[391] Analysing the bacharéis' career as exposed by Almeida Nogueira, it can be seen that a usual juridical career begin with the profession of *public attorney* or *police chief*, for brief periods; then the *bacharel* could be appointed to be *municipal judge* or *judge of orphans*. After finishing the period of these posts, he could turn into lawyer, or become *judge of law* (tenured), following the judicature career up to the superior courts. Naturally, while exercising these jobs, they usually were either councilmen, regional or federal deputies, senators. José Luis de Almeida Nogueira. José Murilo de Carvalho also emphasizes that the magistrate or prosecutor were typically the gateway to a political career. José Murilo de Carvalho, pp. 121–22.
[392] PAGES

also valid for the men who were responsible for the discipline of international law, once most of the professors presented an extensive list of jobs, and those who dedicated exclusively to teaching were exceptions. As will be explored, the most recurrent occupations that the professors exerted in common with the teaching were: posts of political representation, appointed jobs in the government administration, and advocacy.

The legal profession of *municipal judge*, so as *prosecutor* (promotor público), was a temporary position, usually given to the new graduates. This is the case of José Maria Correa de Sá e Benevides and Américo Brasiliense de Almeida Melo, who had been municipal judges before being appointed as professors; similarly, José Joaquim Seabra and José Vicente Meira de Vasconcellos had worked as prosecutors ere assuming the legal education.

Whereas these activities mentioned above had not interfered in the teaching activities, most of the other ones indeed affected the education, either simply diverting the professor and occasionally pushing them to miss a class, as the advocacy, or obligating them to be temporarily removed from the position of professor, as some posts of political representation and in the public administration, that impose moving from cities.

The narration of Clovis Bevilaqua, indicates that the latter referred situation – temporary removal - was indeed a problem for the law faculty: in 1837, at the Faculty of Olinda (moved to Recife in 1854), due to the licenses given to the professors, there were only four full professors and one substitute in activity.[393]

Joaquim Nabuco, commenting on the academic instruction of his father, Nabuco de Araújo, stated: "Já então as faculdades de direito eram antesala da Câmara.";[394] this,

[393] *"Os bacharéis Francisco José Almeida e Joaquim Francisco de Faria, pretendendo defender teses para doutoramento, pediram ao direto, Lopes Gama, que lhes mandasse declarar quantos lentes se achavam em exercício. A certidão da Secretaria declara que o Dr. Manuel Maria do Amaral, desde três anos, se achava ausente do curso jurídico, por ser deputado à Assembleia Geral; que o Dr. Pedro Francisco de Paula Cavalcanti de Albuquerque estava de licença, fazia mais de um ano; que Dr. Pedro Autran da Mata e Albuquerque se achava na Bahia, licenciado; que o Drs. Francisco Joaquim das Chagas e Francisco de Paula Batista eram deputados à Assembleia provincial. Em conclusão, para os trabalhos escolares havia somente quatro lentes proprietários e um substituto.".* Bevilaqua, *História Da Faculdade de Direito Do Recife*, p. 44.

[394] Joaquim Nabuco, *Um Estadista Do Império. Nabuco de Araújo. Sua Vida, Suas Opiniões, Sua época.Tomo I (1813-1857)* (Rio de Janeiro, Paris: Garnier, 1897), p. 17.

is, from the beginning, and during all the nineteenth century, the law faculty provided the most part of the parliamentarians. And some of them were also professors of law.

Out of twenty-one professors that the discipline of international law had in both law schools, at least eleven had been at some point elected to legislatures. Usually, to act as provincial deputy did not mean necessarily to move the city since the faculties were situated at the capital of their provinces – except for the first half of the century, when the Faculty was in Olinda. Thus, the functions could be cumulated, as long as the legislature was in the same province; São Paulo for the Faculty of São Paulo, and Pernambuco, for the faculty of Olinda/Recife. Conversely, those elected to the General Assembly or chosen for the Senate by the Emperor - from a list of three previously voted - did not have the same fortune, and did had to move to the capital of Brazil, Rio de Janeiro. This is why, for example, João Silveira de Souza had an interval in his teachings, from 1864 to 1882; or why José Vicente Meira de Vasconcellos, that taught from 1891 to 1920, had a break from 1912 to 1914.

Governor of province (*Presidente de Província*) was another entirely political job that repeatedly appears on the list. The job was considered of high importance since the imperial election system depended upon it.[395] Therefore, it was usually given to already experienced politicians. João José de Moura Magalhães, the first professor at the Faculty of Olinda/Recife asked exoneration in 1835 to follow a political career, which he succeeds, governing successively the provinces of Paraíba, Maranhão and Bahia. In effect, this circulation among provinces was done on purpose in order to train the politicians, while inspiring a sentiment of unity.[396] The same can be observed in João Silveira de Souza, yet he did not quit the teaching career as the latter. So, while being professor at the Faculty of Recife - although not necessarily teaching - he governed the provinces of Ceará, Maranhão, Pernambuco and Pará. Reminding that he was one of the few who did wrote on international law.

[395] José Murilo de Carvalho, p. 123.
[396] In the words of José Murilo de Carvalho: "*Num país geograficamente tão diversificado e tão pouco integrado, onde pressões regionalistas se faziam sentir com frequência, a ampla circulação geográfica da liderança tinha um efeito unificador poderoso.".* José Murilo de Carvalho, p. 124.

Luiz Pedreira do Couto Ferraz is another professor who had been governor of provinces – Espírito Santo and Rio de Janeiro. His case, however, is emblematic. As can be seen at the table, his political career is quite long and instead the place where it should be written the period that he taught is blank. In fact, it could not be determined the exact year that he imparted lessons of international law, because, despite being appointed to the position of professor, he hardly frequented the faculty. The fact that he reached the peak of the political career in the Imperial political system, a lifelong position at the Council of State, shows how committed he had been to the political career. Spencer Vampré, writing Couto Ferraz' biographical traces, regretted that the faculty had lost another professor for the politics.[397]

In practice, any bacharel could advocate. This circumstance hinders the determination of which professor effectively practised this legal profession – the public office, instead, was officially documented. In their biographies and histories on legal education appeared that at least a third of the professors enumerated indeed worked as a lawyer concurrently to the teaching activity.

With all those professors that had exercised or still exercising other activities while at the faculty, either in the tribunal or in the parliament, together with the relatively lack of scientific purpose within the *eloquent-forensic paradigm*, one can think that the legal education could be more geared to practical issues, to train for technical and judicial professions. This, however, was not the case.[398] Unlike the legal studies developed by the mid-nineteenth century in Florence that, as described by Paolo Grossi, were thoroughly empirical and focused in the everyday practice of the tribunals[399] - even the name of the

[397] "*Como professor de direito, deixou Ferraz apenas a lembrança do seu nome. A sua vocação à política, antes que o magistério, e a confiança dos contemporâneos não lhe permitiu a tranquilidade do espírito, que é condição primária do docente. Podemos dizer, sem amargor, que a política absorveu mais um lente. Que encheria de glória a Academia. Quantas vezes não o tinha feito antes! Quão frequentemente o fez, depois e o está fazendo hoje*." Spencer Vampré, *Memórias Para a História Da Academia de São Paulo. Vol. I*, 2nd edn (Brasília: Instituto Nacional do Livro, Conselho Federal de Cultura, 1977), pp. 206–7.
[398] Bastos, p. 37.
[399] Paolo Grossi, *Stile Fiorentino. Gli Studi Giuridici Nella Firenze Italiana. 1859-1950* (Milano: Giuffrè, 1986), pp. 3–31.

disciplines makes explicit the practical purpose[400] -, the Brazilian legal education did not cultivate a vocation to the forensic practice.

On the other hand, considering that neither a scientific approach had been developed there up the end of the century, the statement made by Halperin and Audren on the French law faculties is somewhat suitable for the situation of Brazilian faculties in the first half of the century:

> Dans la France juridique du XIXe siècle, un constant s'impose : la culture universitaire ne s'appréhende ni en termes d'« excellence scientifique » ni en termes de « compétences professionnelles». En définitive, le caractère professionnel de la faculté s'entend, simplement, dans un sens particulier : la délivrance d'un diplôme d'État qui ouvre sur l'exercice d'un métier du droit.[401]

Without an academic and scientific tone, neither a focus on the legal practice, the law faculties had the significant role of inculcating an ideology on the aspirants to the restricted group of the political elite, a group whose distinctive mark was being lettered. The diploma in law enjoyed a high importance in Brazilian society, once it was the passport for the exclusive "island of lettered man in a sea of illiterates", in the expression of José Murilo de Carvalho.[402]

These features of Brazilian legal education in nineteenth century lead Sergio Adorno to infer that the law faculty in Brazil basically taught nothing about law; as consequence, the required knowledge was obtained outside the faculties.[403] To corroborate his hypothesis, Adorno suggests that the legal education was truly learned inside academic associations, founded and managed by the students - although he

[400] Such as '*Istituzioni civili accomodate all'uso del foro'.* Grossi, *Stile Fiorentino. Gli Studi Giuridici Nella Firenze Italiana. 1859-1950*, p. 26.
[401] Frédéric Audren and Jean-Louis Halpérin, *La Culture Juridique Française. Entre Mythes et Réalités. XIXe-XXe Siècles* (Paris: CNRS Éditions, 2013), p. 59.
[402] José Murilo de Carvalho, p. 65.
[403] Adorno, p. 106.

admitted that the scarcity of the historical sources does not permit a deep knowledge of what really had happened inside those groups.[404]

If the self-learning was an element of the Brazilian legal education,[405] it definitely could not replace the institutional instruction. The extra-university education evolved there, however, had nothing to do with the private education established along some Italian universities during the same period[406] - something that the elevated interest of the State in the legal education probably would not permit in Brazil. This kind of study did not have a perennial and stable character, and since the academic associations were created by students, as they graduated, it ceased to exist.

As the end of the century approached, the attitudes and practices towards the legal education began to suffer some changes. In the last section of this chapter, it was emphasized the practices and attitudes concerning the intellectual production; how the bibliographic production occurred under the *eloquent-forensic paradigm*, and the way that it started to change by the end of the century, when the esteem of the eloquent spoken word made room for the precise and scientific tone of the written word. Correspondingly, this shift of paradigms also happened within the conduct of the professors.

The frequent change of disciplines among the professors is understandable under the *paradigm of eloquence*, once an encyclopaedic knowledge was expected from the

[404] "Embora as fontes históricas somente permitam um conhecimento superficial da dinâmica e das práticas institucionais verificadas em seus interiores, as informações disponíveis sugerem que esses institutos e associações supriram a vaguidão do ensino jurídico nas salas de aula.". Adorno, p. 106.
[405] Fonseca, 'Os Juristas E a Cultura Jurídica Brasileira Na Segunda Metade Do Século XIX', p. 367.
[406] As Maria Gigliola di Renzo Villata defines: "*Funzionavano infatti attive scuole private, maestri privati o docenti dell'università tenevano nelle proprie abitazioni corsi ricavandone guadagni maggiori rispetto agli emolumenti percepiti per le lezioni accademiche, collegi professionali ed anche istituti religiosi avevano gradualmente allargato il campo dell'istruzione impartita sino ad estendersi alle discipline insegnate per tradizione nelle Università e godevano non di rado del privilegio di addottorare*.". Maria Gigliola Di Renzo Villata, 'La Formazione Del Giurista in Italia E L'influenza Culturale Europea Tra Sette Ed Ottocento. Il Caso Della Lombardia', in *Formare Il Giurista. Esperienze Nell'area Lombarda Tra Sette E Ottocento*, ed. by Maria Gigliola Di Renzo Villata (Milano: Giuffrè, 2004), pp. 1–105 (p. 6). Also, Mazzacane: "La *traidzione di sostanziale disinteresse per gli studi condotti nell'università era dunque risalente e ben radicata nel regno di Napoli, così come altrove. Benché lo Studio della capitale, l'unico Mezzogiorno continentale, godessesin dalla fondazione ad opera di Federico II di privilegi particolari e di prerrogative statuali, le scule private erano divenute una instituzione sociale consolidata*." Aldo Mazzacane, 'Pratica E Insegnamento: L'istruzione Giuridica a Napoli Nel Primo Ottocento', in *Università E Professioni Giuridiche in Europa Nell'età Liberale*, ed. by Aldo Mazzacane and Cristina Vano (Napoli: Jovene Editore, 1994), pp. 77–113 (p. 92).

jurist. As the transition of paradigms occurred, from the *eloquent* to an *academic* and *scientific* one, it can be noticed that less and less the professors exchanged chairs, instead persisting in the same discipline longer. Likewise, judging by the last three professors of the Faculty of São Paulo in the analysed period - José Mariano Corrêa de Camargo Aranha, José Bonifácio de Oliveira Coutinho, José Mendes - the common behaviour of exercising extra-activities, either simultaneously or not to the teaching activity, turned to be less frequent.

It was the rise of the scientific man, a model of professor already established in the German universities, as Pasquale Beneduce explains:

> La virtù principale dell'uomo di scienza è infatti secondo questa rappresentazione la separatezza e la solitudine intelettuale e si esprime nella distanza necessaria che la vita spirituale della vera scienza mantiene costantemente verso la 'confusione di affari' e la 'tempesta dei sensi' della vita privata, secondo nota espressioni di Humboldt. [407]

From then, the professor would dedicate more to an exclusive discipline, aspiring the progress of the field of study, which for the international law became very explicit, including in what concern the content – as will be explored in the next chapter, if the professor was only interested in the transmission of knowledge, now he would also be preoccupied with the promotion of international law,[408] putting an emphasis in the dissemination, publicization, codification and juridification of international law as the panacea for the world conflicts.

[407] Pasquale Beneduce, *Il Corpo Eloquente. Identificazione Del Giurista nell'Italia Liberale* (Bologna: il Mulino, 1996), p. 36. Also, Pierangelo Schiera, 'Università E Società Come Ndo Strutturale Della Storia Moderna', in *Università E Professioni Giuridiche in Europa Nell'età Liberale*, ed. by Aldo Mazzacane and Cristina Vano (Napoli: Jovene Editore, 1994), pp. 33–49.
[408] Pierre D'argent, 'Teachers of International Law', in *International Law as a Profession*, ed. by Jean dAspremont and others (Cambridge: Cambridge University Press), pp. 412–27.

4. THE BRAZILIAN LITERATURE ON INTERNATIONAL LAW, OR THE UNIVERSALIZATION OF EUROPEAN INTERNATIONAL LAW THROUGH APPROPRIATION

To complete the investigation on the teaching of international law in Brazil during the nineteenth-century lack only the examination of the Brazilian literature. As emphasised in the first chapter, the legal culture comprehends two aspects: in one hand, the practices of a specific group of society, responsible for the interpretation, representation and transmission of the legal discourse; and on the other hand, the intellectual product of this caste of legal professionals. In the previous chapter, it was analysed the former aspect of the Brazilian legal culture in what regards the teaching of international law: *who* taught the discipline, and *how* they made it. Now, the chapter focuses on the latter aspect: *what* was taught and *which* was the doctrine of international law predominant in Brazil.

Etymologically the word *doctrine* is derived from the latin *doctrina*, which by its turn, is derived from *docere*, meaning the act of teach. It is exactly this semantic path that is adopted here. The clarification is needed once in English the word doctrine is often used to different connotations.[409] Regarding specifically the branch of international law, it is even more crucial to distinguish from the meaning frequently used in international relations, taken as a statement of government policy or specific conduct based on a unilateral interpretation of a rule, such as the Monroe doctrine, the Drago doctrine. In

[409] The Oxford Dictionary, for example, only list the following two meanings: *"a belief or set of beliefs held and taught by a Church, political party or other group.", "a stated principle of government policy, mainly in foreign and military affairs.*" The Merriam-Webster, beyond those definitions mentioned, refer to "teaching, instruction", as an archaic use of the word.

fact, searching for the word on the *Max Planck Encyclopaedia of Public International Law* only this sense latter referred could be found.[410]

Conversely, in the romance languages – as Portuguese, Spanish, French and Italian – the word doctrine – respectively, *doutrina, doctrina, doctrine*, and *dottrina* - within the legal studies means, in general, the literature produced by jurists, and distinguished from judicial and legislative acts, as pointed by Olivier Beaud:

> Utilisé en droit, il a un sens spécifique et récent. Il ne figure pas dans le vieux dictionnaires ou répertoires juridiques d'Ancien Régime ou du début du XIXe. Selon le Dictionnaire historique de la langue française, il est employé depuis 1849 pour désigner par opposition à la législation et à la jurisprudence. [...] Selon une définition usuelle qui présente l'avantage de la simplicité, la doctrine serait « l'ensemble des études publiées par les juristes sur la création du droit et l'interprétation des lois ».[411]

The Statute of the International Court of Justice, which in its widely known Article 38 recognizes the works of scholars as a source of international law, let clear the distinction in the uses of the words, and did not use the word doctrine, preferring instead a vaguer expression, 'the teachings of the most highly qualified publicists of the various nations'. However, the French version of the statute used another word, rather than the literal translation referring to "la *doctrine* des publicistes les plus qualifiés des différentes nations.". Further, that specific translation elucidates the connexion between *doctrine* and *teachings*. In any case, the use of the word doctrine in English to refer to the legal literature, even if less frequent, still is employed.[412]

Olivier Beaud identifies three different significations for the word *doctrine* within the legal culture: a) the authoritative opinions expressed by the scholars, b) the

[410] Thomas D. Grant, 'Doctrines (Monroe, Hallstein, Brezhnev, Stimson)', in *The Max Planck Encyclopedia of Public International Law. Vol. III*, ed. by Rüdiger Wolfrum (Oxford: Oxford University Press, 2012), pp. 181–90.
[411] Olivier Beaud, 'Doctrine', in *Dictionnaire de La Culture Juridique*, ed. by Denis Alland and Stéphane Rials (Paris: Lamy Puf, 2003), pp. 384–88 (pp. 384–85).
[412] Ian Brownlie, in his treatise 'Principles of Public International Law', uses the word doctrine when explaining the topic 'writings of publicists' as a source of international law. Ian Brownlie, *Principles of Public International Law*, 6th edn (Oxford: Oxford University Press, 2003), p. 24.

legal literature in general, and, c) the legal science or legal thought,[413] as a dignified organ responsible for interpreting and reflecting on the legal phenomenon.[414] Considering these different meanings, and ascertaining the precise definition emplyed in this narrative, the most suitable for the current investigation is the second one: the doctrine as the legal literature. In other words, the connotation adopted in this chapter for the word doctrine is simply the writings that were used as materials to teach the discipline of international law, which comprehends treatises and textbooks.

As a matter of fact, the first books written in Brazil, concerning the international law, were deliberately and explicitly prepared for education purposes, as its prefaces made it clear. These books were usually short, and the explanations summarised, serving only as a general introduction to the discipline. Just by the end of the nineteenth century that some more technical and comprehensive treatises would appear when can be perceived a pursuit for scientific literature. Most of the books of the analysed period, from 1827 to 1920, had been written by professors of international law; the exception was, for example, the jurist and politician Lafayette Rodrigues Pereira, who wrote a two-volume treatise.

Bibliographic surveys could provide a fair indication of the list of books of international law produced in Brazil. However, none of the consulted surveys enrolled the complete bibliography, which only could be defined crossing the different surveys, together with *in loco* investigation at the libraries of the faculties.

Pedro Dutra gathered the assortment of legal books produced during the Imperial regime in Brazil, comprehending all branches of law. For the public international law, he

[413] In fact, the sense gave by Olivier Beaud for the pensée juridique - citting Saleilles, as "*sa plus haute expression, ce qui lui confère une sorte de dignité, de prééminence par rapport aux autres façons de faire du droit"* - resembles the definition of pensiero giuridico, conceived by Paolo Grossi : "*Parlare di 'pensiero giuridico' significa infatti credere che il livello del diritto non è quello né della mera esecuzione passiva di forze inerenti ad altri dimensioni, né quello del discorso semplicemente tecnico; testimonia la convinzione che, al contrario, il diritto nella sua essenza, fisologicamente, è espressione fedele di una civiltà*.". Paolo Grossi, 'Pensiero Giuridico. Appunti per Una "Voce" Enciclopedica', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, 17 (1988), 263–69 (p. 264).

[414] Olivier Beaud, 'Doctrine', in *Dictionnaire de La Culture Juridique*, ed. by Denis Alland and Stéphane Rials (Paris: Lamy Puf, 2003), pp. 384–88 (pp. 385–86).

identified four books:[415] the three produced within the Faculty of Recife[416] and the collection of treaties celebrated between Brazil and other countries, by Antonio Pereira Pinto.[417] Edwin Borchard, professor of law at Yale University and formerly law librarian of the Library of Congress, prepared in 1917 a 'Guide to the literature of Argentina, Brazil and Chile'.[418] For the Imperial period, he missed some books, but for the following period, closer in time for him, the guide is more reliable, naming almost all authors who published during the Republic regime.[419] Another reference is the study of the international law in elaborated in Latin America, realised by H. B. Jacobini.[420] It is not a simple survey; he actually interpreted and categorised the Latin-American authors, including most of the books produced in Brazil. Lastly, the most recent of these surveys is the geographically comprehensive bibliography prepared by Peter Macalister-Smith and Joachim Schwietzke.[421] It did miss some Brazilian books, but beyond those already mentioned, this survey added the textbook written by José Mendes, professor at the Faculty of São Paulo.[422]

Gathering the information provided by these reference works, and adding some discoveries found during the exploration of the libraries of the faculties of São Paulo and

[415] Pedro Dutra, *Literatura Jurídica No Império* (Rio de Janeiro: Padma, 2004), p. 154.
[416] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851); Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867); João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889).
[417] Antonio Pereira Pinto, *Apontamentos Para O Direito Internacional* (Rio de Janeiro: F. L. Pinto & Cia, 1864).
[418] Edwin Borchard, *Guide to the Law and Legal Literature of Argentina, Brazil and Chile* (Washington: Library of Congress - Government Printing Office, 1917), pp. 348–64.
[419] He mentioned Manoel Alvares de Sá Vianna, *Elementos de Direito Internacional* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908); João Cabral, *Evolução Do Direito Internacional. Esboço Histórico-Philosophico* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908); Clovis Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I* (Rio de Janeiro: Livraria Francisco Alves, 1910); Clovis Bevilaqua, *Direito Internacional Público. Synthese Dos Princípios E a Contribuição Do Brazil. Tomo II* (Rio de Janeiro: Livraria Francisco Alves, 1911); Lafayette Rodrigues Pereira, *Principios de Direito Internacional* (Rio de Janeiro: Jacintho Ribeiro dos Santos Editor, 1902).
[420] H.B. Jacobini, *A Study of the Philosophy of International Law as Seen in Works of Latin American Writers* (The Hague: Martinus Nijhoff, 1954).
[421] P. Macalister-Smith and J. Schwietzke, 'Bibliography of the Textbooks and Comprehensive Treatises on Positive International Law of the 19th Century', *Journal of the History of International Law*, 3.1 (2001), 75–142.
[422] José Mendes, *Prelecções de Direito Internacional Público* (São Paulo: Duprat, 1913).

Recife, the table with the complete list of the Brazilian textbooks and treatises resulted like following:

Table 5 Comprehensive list of the Brazilian textbooks on international of the nineteenth century

Political Regime	**Author**	**Profession**	**Books**[423]
Brazilian Empire (1822-1889)	Pedro Autran da Matta Albuquerque (1805-1881)	Professor at the Faculty of Olinda/Recife	Elementos do Direito das Gentes (1851)
	Antonio Pereira Pinto (1819-1880)	Member of the IHGB	Apontamentos para o Direito Internacional (1864) 4 vol.
	Antônio Menezes Vasconcelos de Drummond (1794-1865)	Professor at the Faculty of Recife	Preleções de Diplomacia (1867)
			Preleções de Direito Internacional (1867)
	João Silveira de Souza (1824-1906)	Professor at the Faculty of Recife	Lições de Direito das Gentes (1889)
First Republic (1889-1930)	Lafayette Rodrigues Pereira (1834-1917)	Diplomat	Princípios de Direito Internacional (1902) 2 vol.
	Leopoldo de Freitas (1865-1940)	Jurista	Direito internacional público (1907) **Por Eduardo Philips (?)**
	Clóvis Bevilaqua (1859-1944)	Professor at the Faculty of Recife Legal adviser of the Ministry of Foreign Relations	Direito Internacional Público. Synthese dos princípios e a contribuição do Brazil (1911) 2 vol.

[423] There is only one book that it could be found the record, but not the physical book; thus, the content of it remained inaccessible. It is the '*Noções Elementares do Direito das Gentes para uso dos alumnus da escola militar'* (1851) by Pedro Alcantara Bellegarde (1807-1864). The book is mentioned by Jacobini, p. 153. ; however, he could not see the book either. Even the National Library of Brazil did not have a copy of this book. According to the biographer Sacramento Blake, Pedro Alcantara Bellegarde had a military career, being Marshal and professor at the Military School. He wrote various books on mathematics to this school. Since he was not jurist, and his book had not been used in the law schools, the absence of the mentioned book is not a cause for concern, and can be disregarded. Sacramento Blake, *Diccionario Bibliographico Brazileiro. Vol. 1-7* (Rio de Janeiro: Typographia Nacional, 1883), vols 7, 8-11.

	Manoel Álvaro de Souza Sá Vianna (1860-1923)	Professor at the Faculty of Rio de Janeiro Diplomat	Elementos de Direito Internacional (1908)
			De la non existence d'un droit international americaine (1912)
	José Mendes (1861-1918)	Professor at the Faculty of S. Paulo	Preleções do Direito Internacional Público (1913)
	Gaspar Guimarães (1874-1938)	Juiz	Direito internacional publico e diplomacia: em vinte e quatro prelecções (1914)
	João Crisóstomo da Rocha Cabral (1870-1946)	Professor at the Faculty of Rio de Janeiro	A evolução do direito internacional (1908)

As can be seen, the table is divided into two periods: the first, from 1822 to 1889, corresponds to the Brazilian Empire, and the second, from 1889 to 1930, had been the Republic regime. The periodisation based on the political regime does not necessarily have to correspond with the development of the legal thought. Nevertheless, the shift of political regime happened to be accompanied by a gradual change in the attitude of the jurists towards the legal science; and, as a consequence, the character of the legal literature produced in Brazil also changed.

The scene of the first period was dominated by the professors of the Faculty of Recife, whose intention was to provide materials to serve in the teaching of international law. As it will be explained, the first book published in Brazil set up the scheme that the two other books would follow, what permits to put them in the same tradition. Those books - attached more to the *eloquent paradigm* - were characterised by a direct and synthetic register, with few references.

Conversely, the books published afterwards, during the Republican period, were, in general, more substantial, resorting to many authors to expose the subject. Just to

illustrate, the first book published had ninety pages, while the Clovis Bevilaqua and Lafayette Perereira's treatises had two volumes each with more than four-hundred pages each volume. Gradually, the books were becoming more detailed, comprehensive and technical; in sum, *scientific*. The tone of the legal discourse is also altered, resulting in a entirely new literature and attitude towards the international law.

The profile of the authors permits to notice another aspect: their professionalisation. Over time it becomes more accessible to find authors that dedicated their bibliographic production exclusively to international law: this is the case, for example, of the professor of the international law at the University of Rio Janeiro, Manoel Álvaro de Souza Sá Vianna and his successor, João Crisóstomo da Rocha Cabral. Additionally, whereas most of the authors of the first period had written about international law due to their teaching activities, eventually it can be found some authors involved professionally with the international law, such as Clovis Bevilaqua, who had been legal adviser of the Ministry of Foreign Affairs, or Lafayette Pereira, who had been member of the Permanent Court of Arbitration at The Hague.

4.1. A *Klüber* tradition: the Law of Nations during the Imperial Regime

It has been recurrently stated in this narrative that the '*Elementos do Direito das Gentes'* written by the professor at the Faculty of Recife, Pedro Autran da Matta Albuquerque, had been the first book about international law published in Brazil. It was one more for the fertile intellectual production of the professor, who had written other four textbooks for other disciplines, beyond other intellectual productions and translations.[424] Pedro Albuquerque, as mentioned in the last chapter, graduated from the University of Aix-en-Provence, mastering the French-language; skill that, together with

[424] Dutra, pp. 45–46.

his dedication to the teaching activity, allowed him to translate a few books from this language.

Surely, Pedro Albuquerque was committed to accomplish the assignment commanded by the statute that the professors should choose the appropriate textbook or compose one if inexistent.[425] Considering that there was no book on international law in Portuguese, Pedro Albuquerque arranged his own. However, that book published in 1851 by Pedro Autran Albuquerque was, in fact, an *abridged translated version* of a well-known book at the time - even in Brazil – published thirty years earlier: the '*Droit des gens moderne de l'Europe'* by the German jurist and diplomat Johann Ludwig Klüber.

The first resemblance between the two books is the disposition and organisation of the topics. Pedro Albuquerque followed the same scheme established by Klüber, dividing the contents according to the rights of the States. The first part of both books was an introduction with preliminary notions, such as the concept of state, law of nations and sovereignty. Then, in the second part of Klübler´s textbook, it came the rights of the States: a) *Droit absolus des états de l'Europe entr'eux,* b) *Droits hypothétiques des états de l'Europe entr'eux,* subdivided in b.1) *Droits des états dans leurs rapports pacifiques,* and b.2) *Droits des états dans l'état de guerre.*[426] By its turn, in the Albuquerque's book, the content was divided into the three following sections: a) *Direito absolutos dos Estados,*[427] b) *Direitos condicionais dos Estados em suas relações pacíficas,*[428] c) *Direitos dos Estados em suas relações hostis.*[429] The similarity between the two tables of contents is straightforwardly noticed; the only difference is that Pedro Albuquerque suppressed the references to Europe in his titles – by the way, he also did it within the text, eliminating almost all reference to States, wars and any other reference that could contextualise the law.

[425] Decree, November 7, 1831.
[426] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 9–10.
[427] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851), p. 6.
[428] Albuquerque, *Elementos Do Direito Das Gentes*, p. 16.
[429] Albuquerque, *Elementos Do Direito Das Gentes*, p. 52.

As already mentioned, Klüber was part of a 'positivist' tradition, responsible for a particularisation of the international law, from the universal i*us gentium* to a regional *ius publicum europaeum,* as the titles of their books let clear.[430] Miloš Vec pointed that "for the most of these authors the claim of Europeanism was so explicit and self-evident that they did not bother with many words of justification"; and it was the case of Klüber's textbook.[431] Thus, Pedro Albuquerque had only to omit the explicit references to Europe. The strategy may seem simple, but is symbolically remarkable, once with it, he was extending the validity of the international law beyond the particularised region theorised by Klüber, to include Brazil, and, as a consequence, universalising the international law. The facts that there was a Monarchical regime in Brazil[432] - with a European royal lineage -, and – besides the intricated relation between the Church and the new State – the Catholicism was conceived as the main religion, bonded the new Brazilian State to the European culture, facilitating its link to a legal system that was based on a common heritage and shared values.[433] The Brazilian elite felt as inheritors of that culture.

The first part of Klüber's treatise was dedicated to the history of European States, narrating its development and classifications.[434] The Brazilian professor, though, skipped these chapters, going directly to the principles and rules of the law of nations.

From then onwards, Pedro Albuquerque followed precisely the contents as exposed by Klüber, each chapter and paragraph in the same order. As it will be exposed, he summarised the book of the German author, suppressing all the footnotes, simplifying more detailed explanations, and skipping some additional classifications. The footnotes played an important role on the '*Droit des gens moderne de l'Europe',* because while in the text he explained objectively the rights and rules of the law of nations, in the footnotes he used to make references to other works, and - most important - he contextualized the

[430] Miloš Vec, 'Universalization , Particularization , and Discrimination . European Perspectives on a Cultural History of 19th Century International Law', *InterDisciplines*, 2 (2012), 79–102 (pp. 84–86).
[431] Miloš Vec, 'Universalization , Particularization , and Discrimination . European Perspectives on a Cultural History of 19th Century International Law', *InterDisciplines*, 2 (2012), 79–102 (p. 86).
[432] Luís Cláudio Villafañe G. Santos, *O Brasil Entre a América E a Europa* (São Paulo: UNESP, 2004), pp. 35–38.
[433] Luigi Nuzzo, *Origini Di Una Scienza. Diritto Internazionale E Colonialismo Nel XIX Secolo*. (Frankfurt am Main: Vittorio Klostermann, 2012), pp. 9–23.
[434] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 24–68.

rules with real historical cases. Thus, by suppressing these notes, the book was turned in an objective and decontextualised exposition of norms.

The most appropriate - and necessary - method to evidentiate the similarities between the two texts is simply to compare them. Hence, for the next pages, it will be quoted some passages from both texts. For example, when Pedro Albuquerque, in the chapter about the treaties, explains the essential conditions to the validity of a treaty, he used these words:

> O consentimento reciproco e livre das partes contractantes he huma condição essencial a validade de todo o tratado. Não ha verdadeiro consentimento, se elle foi dado por erro, ou por dolo. Para haver consentimento he necessario que a promessa feita por huma das partes seja acita pela outra. O consentimento he livre, se não foi extorquido por huma violencia injusta. A violência em defeza de hum direito, quando não passa dos limites que o exercício do direito exige, não vicia o consentimento.[435]

Whereas Klüber, for the same topic, wrote the following:

> Le consentement libre et réciproque, expresse ou tacite, des différentes parties contractantes, eu aussi une condition essentielle pour la validité d'un traité public. En conséquence, de simples négociations, des communications purement préparatoires, ne sont, d'après leur nature même, nullement obligatoires. Il n'y a point de vrai consentement non plus, s'il a été donné par erreur, ou si la partie a été surprise par dol, pourvu que dans ce dernier cas elle ait été uniquement déterminée par les manœuvres pratiquées; la lésion de l'une des parties en cas d'échange, résultante de la différence de valeur en argent des objets échangés, ne vient point en considérations.[436]

It can be noticed that, in the case above, Pedro Albuquerque followed the same reasoning, although without using exactly the same words. Nevertheless, other passages, such as the following, that apparently are a literal translation of Klüber's text:

> He tambem necessario, para que hum tratado obrigue huma nação, que a *promessa por ella feita se possa cumprir*, isto he, que não haja impossibilidade *physica*, ou *moral* de a cumprir. A impossibilidade he

[435] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851), p. 22.
[436] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), p. 226.

> physica, quando, hum dos pactuantes se obriga ao que não pode satisfazer, por lhe faltarem meios physicos dependentes da sua vontade. Haveria impossibilidade moral se o cumprimento da promessa offendesse direitos de terceiro.[437]

While in Klüber's 'Droit des gens moderne de l'Europe':

> Il faut encore pour qu'un traité oblige les parties contractantes, que *les promesses données de part et d'autre puissent être remplies*. a) Il ne doit y avoir impossibilité de l'exécution, ni physique ni morale. Une clause physiquement impossible à exécuter serait celle, à laquelle celui qui s'y serait engagé ne pourrait nullement satisfaire, faute de moyens physiques dépendans de lui. Il y aurait impossibilité morale, si l'accomplissement de la promesse devait entraîner la lésion des droits d'un tiers.[438]

Beyond the undeniable likeness among the two quotes, what is most remarkable is that Pedro Albuquerque even highlighted the phrase identically as Klüber did: '*promessa por ella feita se possa cumprir'* and '*les promesses données de part et d'autre puissent être remplies'.*

In other cases, the Brazilian author chose to summarize the idea instead of simply translating Klüber's narrative. So, Pedro Albuquerque initiated in a similar way, then avoided the detailed explanation from the original; like the next quotation:

> O tratado de garantia he hum dos contractos internacionaes mais usuaes. He o contracto pelo qual hum Estado promette ajudar outro, se for interrompido, ou ameaçado de ser perturbado por outra potencia no gozo pacifico de tal ou tal direito. A garantia he applicavel a toda a especie do direito: á posse e aos limites dos territorios, á soberania do Estado, á constituição do seu governo, aos direitos de sucessão, etc., porém mais commummente aos tratados de paz. Pode tambem conter-se em huma convenção distincta e separada, ou ser comprehendida no mesmo tratado principal.[439]

As can be seen, the wording of Klüber for the same topic was more extensive :

[437] Albuquerque, *Elementos Do Direito Das Gentes*, p. 23.
[438] Klüber, p. 228.
[439] Albuquerque, *Elementos Do Direito Das Gentes*, p. 28.

> L'une des plus usitées des conventions dont nous nous occupons, est la garantie a) proprement dite, par laquelle un état promet de prêter secours à un autre état, dans le cas que celui-ce serait lésé ou menacé d'un préjudice dans l'exercice de certains droits b), par le fait d'une tierce puissance. La garantie est toujours promise par rapport à une tierce puissance, de la part de laquelle il pourrait être porté préjudice à des droits acquis. Elle peut donc être admise, comme moyen de sûreté, dans toute obligation existante entre deux ou plusieurs états c), hors le garant; nommément dans celles résultantes du voisinage et de la situation ou possessions des territoires, de la souveraineté, de la constitution de l'état, du droit de succession au trône, etc. d) Elle est la plus usitée cependant dan les traités de paix. e) La formation du contrat de garantie dépend de la libre volonté du garant, et de la puissance à qui elle est promise. La promesse peut être fait non-seulement à la puissance dont elle garantit les droits mais aussi, en faveur de celle-ci à une tierce puissance. f) De même, l'obligation de conclure le traité de garantie avec une puissance, peut être établie par un traité avec un autre. Le consentement de celui contre lequel la garantie est stipulée, n'est point requis pour sa validité; cependant il peut être utile qu'il en ait connaissance.[440]

The same strategy can be seen in the next passage, where Pedro Albuquerque suppressed some phrases, without changing the general idea :

> Quando hum tratado publico apresenta hum sentido dubio, a *interpretação authentica* não pode ser dada senão pelas mesmas partes contractantes, ou por aquelle em quem ellas se louvão. O terceiro escolhido para interpretar o tratado deve firmar-se nas regras geraes da interpretação.[441]

> Lorsqu'un traité public présente un sens douteux, il ne peut recevoir *d'interprétation authentique* que par une déclaration des parties contractantes, ou de ceux, à l'arbitrage desquels elles en ont appelé. La question préalable même, de savoir si le sens est douteux, ne peut être décidée que par une pareille convention. L'interprétation faite immédiatement par les parties contractantes, peut être revêtue de toute forme qui constitue en général la validité d'un traité public; elle peut se faire particulièrement dans un recez supplémentaire ou traité explicatif. a) Le tiers, au jugement duquel l'interprétation est soumise, doit s'appuyer des règles générales de l'interprétation grammaticale et logique.[442]

[440] Klüber, p. 247.
[441] Albuquerque, *Elementos Do Direito Das Gentes*, p. 33.
[442] Klüber, p. 258.

Conversely, some other topics were fully and simply translated, without adaptations, even a large passage as can be observed here:

> Os ministros publicos gozão de certas *prerrogativas* derivadas do direito das gentes, tanto natural como positivo. Huma das mais importantes he a *inviolabilidade*. Desde que hum governo reconhece-o publicamente hum ministro estrangeiro como representante immediato do seu soberano, toda a violação dos direitos ineherentes a essa qualidade, commetida no seu territorio, deve considerar-se como offensa ao soberano do ministro. He por conseguinte muito do interesse do governo, não só prevenir, quanto puder, toda a violação desta especie, como tambem punil-a severamente, se ella se der. O estado de maior segurança, que daqui resulta para o ministro, constitue a sua *inviolabilidade*, ou também considerar esse estado de segurança como cousa sagrada. Esta inviolabilidade, ou protecção particular, he devida aos ministros das tres classes. Ella estende-se a todos os actos do ministro em razão do seu officio; e, segundo o direito das gentes moderno, he respeitada até em caso de rompimento com o seu governo, e depois de já começadas as hostilidades.[443]

Just like Klüber wrote:

> Les ministres publics jouissent de certaines *prérogatives* dérivées du droit des gens, tant naturel que positif. a) L'une des plus importantes c'est leur *inviolabilité*. Dès qu'un gouvernement a publiquement reconnu un ministre étranger en sa qualité de représentant immédiat de son souverain, toute violation des droits attachés à cette qualité b), qui est commise dans son territoire, doit être considérée comme une offense faite au souverain du ministre même. Il est par conséquent fort l'intérêt du gouvernement, non seulement de prévenir, autant que possible, toute violation de cette espèce, mais aussi de la punir sévèrement comme délit contre l'état, si néanmoins elle aurait eu lieu. L'état de plus grande sûrete que en résulte pour le ministre, s'appelle son *inviolabilité*, dans le sens éminent ou du droit des gens c) ou bien aussi la *sainteté* du ministre, parce qu'il est de l'intérêt commun des nations d'envisager cet état de sûrete comme une chose sacrée. Cette inviolabilité ou protection particulière, est due aux ministres des trois classes. d) Elle s'étend sur toute l'activité officielle du ministre, et principalement sur ses fonctions diplomatiques, e) un entier sauf-conduit lui est dù pendant tout son voyage, passage, et séjour officiels dans le territoire de l'état f), même lorsque la guerre entre les deux états aurait éclaté.[444]

[443] Albuquerque, *Elementos Do Direito Das Gentes*, p. 42.
[444] Klüber, p. 320.

This considerable quantity of quotations makes clear that examples of very similar writing can be found over the entire book; the following passage, for example, is almost in the end of Pedro Alquerque's textbook:

> Huma clausula essencial aos tratados de paz, e que por conseguinte está subentendida, quando não he expressa, he a amnistia. Entende-se por aministia a declaração de ambas as partes, pela qual considerão suas inimisades como completamente terminadas e abolidas, e promettem reciprocamente esquecer-se do que motivou a guerra, e dos males que esta lhes causou, para nunca mais servirem de causa, nem pretexto para huma nova guerra.[445]

> Une clause essentielle dans tout traité de paix, et par conséquent supposée tacite, si elle n'est point exprimée et que le traité n'en dispose autrement, c'est l'amnistie a) (lex oblivionis). On entend par-là la déclaration de deux parties d'après laquelle elles regardent leurs inimitiés comme entièrement terminées et abolies, et se promettent réciproquement qu'elles ne serviront jamais de cause ni de prétexte à une nouvelle guerre. Ce qui n'a point été cause, ni objet de la guerre, n'est point compris dans l'amnistie.[446]

Once it was not a declared translation, Pedro Albuquerque was free to manipulate the text and choose which part he would use and which he would skip. In this path, he could suppress all the footnotes and some depth explanations, turning a book with more than five-hundred pages in a less than hundred pages book. Whereas a genuine translation requires to some extent an adherence to the original text,[447] the work implemented by Pedro Albuquerque liberated him from the mandatory loyalty to the translated book.

The *Droit des gens moderne de l'Europe,* in fact, is deeply based on previous works and cases, either to support his arguments, as to show contrary opinions. Conversely, in the *Elementos do Direitos das Gentes*, Pedro Albuquerque barely

[445] Albuquerque, *Elementos Do Direito Das Gentes*, p. 86.
[446] Klüber, p. 500.
[447] Elisabetta Fiocchi Malaspina and Nina Keller-Kemmerer, 'International Law and Translation in the 19th Century', *Rechtsgeschichte*, 22 (2014), 214–26 (p. 216).

mentioned other works; there are only some references to Schmalz,[448] Vattel,[449] Bynkershoek.[450] However, even those few can be just copied from Klüber, due to the similarity between the footnotes:

> Quanto á questão de saber se a terceira potencia adquire *ipso facto* direito convencionais, veja-se Grócio liv. II, cap. 11, §18; Pufendor, J N et G, liv. III, cap. 9, §8; Mably, direito pub. Da Europa, tomo III, pag. 367.[451]

> Question de savoir, si la tierce puissance acquiert par-là des droits conventionnels? De même, si et jusqu'à quel point l'une des parties contractantes, ou toutes les deux, peuvent, à l'égard de la tirce puissance, se retracter de leur office? Voy. Grotius, lib. II, c. 11, §18. Pufendorf de J N et G, lib. III, c. 9, §8. De Mably droit public de l'Europe, T. III, p. 367.[452]

In the back cover of the book, the full title was *'Elementos do Direitos das Gentes,* according to the writings of modern authors, composed by Dr. P. Autran da Matta Albuquerque'. The title could indicate that the book was a *compilation* or *compendium*, a widespread type of book at that time in Brazil, in which the author assembles and digests a considerable quantity of other authors in order to compose a synthetic panorama of the discipline and its doctrines. In fact, this kind of literary genre caused some controversies in Brazil, where some books on the history of Brazil were accused of plagiarism due to some resemblances to other author, without the proper reference to the original texts.[453] In fact, the very first – published in 1832 – and the most known book of international law in the Latin America for the nineteenth century, the '*Principios de derecho de jentes'* by Andrés Bello, was an elegant and declared compilation of European authors, still being original, as Liliana Obregón stated.[454]Apparently, this was not the case of Pedro

[448] Theodor Anton Heinrich Schmalz (1760-1831). Albuquerque, *Elementos Do Direito Das Gentes*, pp. 19, 35.
[449] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851), p. 30.
[450] Cornelius van Bynkershoek (1673-1743). Albuquerque, *Elementos Do Direito Das Gentes*, p. 76.
[451] Albuquerque, *Elementos Do Direito Das Gentes*, p. 32.
[452] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 257–58.
[453] Pedro Afonso Cristovão dos Santos, 'Compilação E Plágio: Abreu Lima E Melo Morais Lidos No Instituto Histórico E Geográfico Brasileiro', *Revista Da História Da Historiografia*, 13 (2013), 45–62.
[454] "*Desde el inicio, Bello informa a sus lectores que su obra no es original, sino un repertorio bien organizado de las obras de muchos autores. Se presenta como un editor ilustrado y selectivo que, según su propia descripción, adopta, revisa, discute, cita, prueba, presenta, contradice y reescribe las obras de los autores que ha consultado. Podríamos decir que Bello conversa con estos autores a lo largo del libro y mediante la edición cuidadosa, la homogenización del lenguaje y estilo, y la adición de múltiples pies de*

Albuquerque, since he did not resort to other authors but Klüber, and also, as it would be expected from a compilation, he did not mention the German author in any part of his book.

Nevertheless, it should be reminded, as it is pointed in the second chapter - when it was described the circulation of foreign books in Brazil during the nineteenth-century - , that Klüber's *Droit des Gens Moderne de l'Europe* was a marketed book in Brazil, and above all, it was adopted for the teaching of the discipline in the law faculties. One remarkable announcement, issued in 1850 in a newspaper of Recife – that is, the same city where it was published Pedro Albuquerque's book, and just one year before its publication – did enunciate: "For sale, the much-sought out book *Droit des gens* by Klüber, in two new volumes, for the second year of the law faculty. Fair price.".[455]

Under these circumstances, one can not assume that it was not widely known that the *Elementos do Direitos das Gentes* was indeed a shortened translation of Klüber. Aditionally, the books written by his fellow professors Antonio Drummond and João Silveira de Souza mentioned both Klüber and Pedro Albuquerque; it is very unlikely that they had not noticed the resemblance between them. In this context, one hypothesis is that, facing a great demand of Klüber's book, Pedro Albuquerque tried to help his students translating and summazing the German author; however, since the result was not a literal translation, and he modified several passages, he could not attribute the authorship to Klüber.

An aspect that draws attention in this peculiar case - in which the very first Brazilian book on international law is, in fact, a summarized translation of Klüber's treatise – is the method, and easiness withal, that Pedro Albuquerque, a non-European

página, nos proporciona, de hecho, una voz autorizada sobre sus ideas. Incluso, la selección de textos que resume o reescribe (a menudo sin citarlos) hace difícil distinguir si se encuentra editando más de lo que reconoce en su prólogo o si realmente lo que está escribiendo es un texto original[14]*. Bello, como parte de su conciencia criolla, ve los textos extranjeros como un legado intelectual del que él (y los demás criollos) es heredero legítimo y del que puede apropiarse con toda libertad, como nuevo miembro de la comunidad de ciudadanos de las naciones independientes*." Liliana Obregón, 'Construyendo La Región Americana: Andrés Bello Y El Derecho Internacional', in *La Idea de América En El Pensamiento Ius Internacionalista Del Siglo XXI*, ed. by Yolanda Gamarra Chopo (Zaragoza: Institución Fernando El Católico, 2010), pp. 65–86 (pp. 69–70).

[455] As shown in the appendix.

jurist from a newly independent State, appropriated a European discourse and made it as his own. It seems paradoxical that precisely the most particularised conception of international law – that one of Klüber, Martens, Schmalz[456] - happened to be appropriated by a post-colonial jurist, who by doing it, was spreading and disseminating the international law.

As shown, the Brazilian author extensively and without reluctance manipulated the original text to his interest: to elaborate a short textbook with a concept of international law that could be accepted in Brazil. Thus, the work of Pedro Albuquerque was beyond a mere translation as turning a text from one language to another, he was somewhat promoting a *cultural translation,* by adapting and accommodating exogenous ideas to his context.[457] In other words, it was not just a matter of different *lexicon,* as a mechanical and passive process, instead, Pedro Albuquerque acted as a mediator[458] between diverse *cultures* in an intricate process of appropriation and assimilation. As Lena Foljanty explains:

> In legal historical analysis, the concept of cultural translation invites us to look at the processes of adopting foreign ideas and norms not from a bird's eye perspective, but rather from within. Translation means to develop an idea of the other and to reformulate these ideas in order to make them

[456] Miloš Vec, 'Universalization , Particularization , and Discrimination . European Perspectives on a Cultural History of 19th Century International Law', *InterDisciplines*, 2 (2012), 79–102.

[457] "*La traduzione, intesa nel suo significato più ampio, non solo di formulare in una altra lingua il testo originale, ma anche di « portare al di là » (« trans » – « oltre », e « ducere » – « portare »), ha senz'altro giocato un importante ruolo. Tradizionalmente rilegata ad essere semplicemente oggetto di prefazioni, introduzioni, note del traduttore, è invece stata l'anello di congiungimento nel processo di professionalizzazione del diritto internazionale. I traduttori, esattamente come i giuristi, possono essere dipinti come mediatori e diplomatici perché erano chiamati in prima persona a gestire problemi di enorme distanza culturale, linguistica, di tempo, di spazio ed erano gli agenti centrali delle idee e dei valori europei*." Elisabetta Fiocchi Malaspina, *L'eterno Ritorno Del Droit Des Gens Di Emer de Vattel (Scc. XVIII-XIX)* (Frankfurt am Main: Max Planck Institute for European Legal History, 2017), p. 255.

[458] "*Così la costruzione identitaria degli stati europei e non europei genera una esigenza di traduzione come forma di appropriazione, ma anche di identità, bilanciata con quelle che sono le interazioni derivanti dalle diversità culturali e sociali. La figura delmediatore (giuridico) venne svolta concretamente da coloro che si occupavano di diritto internazionale. I giuristi presero attivamente parte al processo di costruzione del diritto (internazionale) e ne favorirono l'espansione. Il risultato fu sostanzialmente qualcosa di profondamente diverso dalla classica e statica rappresentazione del diritto internazionale come sapere a dimensione universale, ma al contrario provvide a esaltarne la specificità, svelando, attraverso le sovrapposizioni tra piano statale e interstatale e il dinamico intreccio tra culture, società, diritti, e linguaggi, il suo carattere ibrido.*" Fiocchi Malaspina, p. 256.

> accessible in the new context. It is a process in which meaning shifts, decisions are taken and negotiations take place.[459]

Lydia Liu resorts to the image of the translator as a *diplomat,* in the sense that he negotiates in multiple directions, producing considerable changes in the original text.[460] In fact, the analogy is useful to understand the work implemented by the Brazilian author, who *negotiated* with the text in order to be well received in the Brazilian context. For example, although he generally followed each chapter and in the same order as the Klüber's treatise, he completely and deliberately ignored the paragraph that dealt with the abolition of the slave trade, where Klüber condemned it.[461] The theme, in fact, was extremely delicate in Brazil, and it was one the main diplomatic issues, causing severe contentions with the Great Britain for the first half of the century.[462] The most critical period was precisely by the time that Pedro Albuquerque was publishing the book, after the Bill Aberdeen Act. The British diplomatic policy against the slave trade, strict, unilateral and intervening, was frequently interpreted as a way to undermine the Brazilian economy, affecting the national pride directly, as indicated another author of that period, Antonio Pereira Pinto.[463] Thus, it was doubtful that Pedro Albuquerque would reproduce that the slave trade was forbidden by the international law because it would inevitably generate commotion in Brazil, and as a consequence, discredit of his book.

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[459] Lena Foljanty, 'Translators: Mediators of Legal Transfers', *Rechtsgeschichte*, 24 (2016), 120–21 (p. 120).

[460] Lydia H. Liu, *The Clash of Empires. The Invention of China Modern World Making* (Cambridge: Harvard University Press, 2004), p. 113.

[461] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 115–17.

[462] Amado Luiz Cervo and Clodoaldo Bueno, *História Da Política Exterior Do Brasil*, 5th edn (Brasília: Editora Universidade de Brasília, 2015), pp. 89–93; Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question (1807-1869)* (Cambridge: Cambridge University Press, 1970).

[463] "*As violencias do cruzeiro inglez plantárão no Brasil uma reacção inversa da que se devêra desejar: o espirito publico, resentido dos ataques à independencia da nação, presuppunha o governo do paiz sob a pressão da Grã-Bretanha, e a esssa pressão atriuibuia as medidas que tomava para a repressão do trafego, conjecturando, além disso, que os esforços da Inglaterra para acabar com o commercio de escravos tendião a fazer definhar a nossa lavora, em vantagem das colonias britannicas; por outro lado, os rapaces contrabandistas, explorando estas erradas apprehensões dos lavradores brasileiros, demandavão, ousados, as costas do Imperio, e nellas despejavão unnumeros carregamentos de Africanos boçaes, aos quaes achavão prompta, e lucrativ sahida."* Antonio Pereira Pinto, *Apontamentos Para O Direito Internacional* (Rio de Janeiro: F. L. Pinto & Cia, 1864), vol. 1, pp. 365–66.

Apart from these suppressions, the apparent easiness that occurred the mediation – between a particularised and often discriminatory notion of international law, and the Brazilian context - was due to the condition of *lettered criollo* held by Pedro Albuquerque. As pointed by Liliana Obregón, the *creole consciousness* permitted that the Latin American jurists conceived the European law as something appropriable, since they recognised themselves as legitimate inheritors of the Western culture.[464] This means that, in Pedro Albuquerque's mind, the expansion of the European law to include Brazil, that he was implementing with his work, was not something forced and contrived; it was rather just a claim of an evident and natural flow. As already indicated, he only had to eliminate the specific references to Europe and rectify the particularisation that could exclude Brazil, and then present the text as written by himself - which without doubts played an important role to promote the assimilation of the European normativity as something universally valid.

The project of *mediation* was continued and propelled by Antônio Menezes Vasconcelos de Drummond, the author of the second textbook on international law published in Brazil, and a professor at the Faculty of Recife also. His book had been published in 1867 under the title '*Preleções de Direito Internacional'.* Already in the preface, he anticipated to the reader that he aimed to bring Pedro Albuquerque's book up-to-date – since it had been published fourteen years earlier – according to the new developments of this 'science', "in constant progress, so as the civilisation".[465] His announcement is needless though; as it becomes evident at first glance in the structure of the book, that he adopted the very same chapter division as Pedro Albuquerque's book,

[464] Liliana Obregón, 'Construyendo La Región Americana: Andrés Bello Y El Derecho Internacional', in *La Idea de América En El Pensamiento Ius Internacionalista Del Siglo XXI*, ed. by Yolanda Gamarra Chopo (Zaragoza: Institución Fernando El Católico, 2010), pp. 65–86 (p. 67).

[465] "*Quando em 1865 tive de substituit o illustrado Lente Cathedratico da Faculdade de Direito o Sr. João Silveira de Souza, encontrei seus Alumnos nas primeiras lições dos Elementos de Direitos das Gentes – compostos, e publicados em 1851, pelo Sr. Conselheiro Dr. Pedro Autran da Matta Albuquerque, Venerando Decáno da mesma Faculdade. E pois para texto, e ordem das minhas Prelecções sobre essa materia continuei à adoptar aquelle Compendio. Reconheci porém, que esse recommendavel trabalho (seja-me licito dizê-lo com franqueza) já ressentia-se de algumas lacunas inherentes ao longo período de 14 annos, que havia decorrido desde a sua publicação, e necessariamente muito deveria ter influido sobre as doutrinas d'essa sciencia de tão rápido desinvolvimento, e constante progresso, como a propria civilisação*." Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867), p. 5.

and so, the same as Klüber. It beins with an introduction of preliminary notions and concepts,[466] followed by these sections: a) Dos *Direitos absolutos dos Estados,*[467] b) *Dos Direitos Hypotheticos, ou condicionais dos Estados em sus relações pacíficas,*[468] c) *Dos Direitos dos Estados em suas relações hostis,*[469] - until here, he followed exactly the book of his colleague; however, as Drummond wanted to explore more some themes, he created the following autonomous sections,[470] which were all part of the last section in Pedro Albuquerque's book -, d) *Dos Meios empregados no mar durante a guerra,*[471] e) *Dos meios empregados na guerra continental*,[472] and finally, f) *Dos meios tendentes a manutenção das boas relações.*[473]

Even though Antonio Drummond had adhered to the same structure of Pedro Albuquerque's book, he did elaborate his own text, often developing more a particular topic, or just by varying the wording used by his colleague, yet passing the same idea.[474]

Thus, a somewhat similarity can be ascertained between his '*Preleções de Direito Internacional'* and the '*Elementos do Direitos das Gentes'* by Pedro

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[466] Drummond, pp. 9–14.
[467] Drummond, pp. 15–42.
[468] Drummond, pp. 43–104.
[469] Drummond, pp. 105–44.
[470] "*Procurei portanto supprir essas involuntarias omissões, lançando os primeiros traços da obra, que se segue, para o que não poupei aturada paciencia, exforços, e vigilias – comtanto maior difficuldade, quando me era imposto o dever de seguir o methodo elementar*." Drummond, p. 5.
[471] Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867), pp. 145–88.
[472] Drummond, pp. 189–200.
[473] Drummond, pp. 201–19.
[474] As it can be noticed in the following example; in the §6º of Pedro Albuquerque's textbook: "*Os direitos das nações e dos individuos fundão-se nos mesmos principios; e como fundamentos de huns e de outros se podem estabelecer as seguintes verdades morais: 1. Todo ente moral quer seja indivduo, quer nação, tem o direito de se conservar, aperfeiçoar e promover a sua felicidade; 2. Ninguem pode locupletar-se, nem avantajar-se com lesão do direito do outro; 3. Quem lesa o direito alheio está obrigado a reparação; 4. As convenções livremente feitas entre pessoas capazes de contractar, e sobre objeto lícito, ligão as partes contractantes."* Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851), p. 4. While Drummond wrote like this: "*Sendo as nações verdadeiras pessoas moraes, ou associações de individuos – gosam, como estes, dos mesmos direitos baseados em idênticos princpipios de severa justiça, e pura moral – a saber. 1. Todo o ente moral, quer seja individuo, quer nação, tem o direito de se conservar, aperfeiçoar e promover sua felicidades; 2. Ninguém pode locupletar-se, nem avantajar-se com a jactura alheia; 3. A reparação é sempre devida e cabe effetua-la pelo modo mais prompot – áquelle que offende ou prejudica o direito alheio; 4. As convenções celebradas por pessôas habeis, ou capazes de contractar e sobre o objetcto lícito tem entre essas mesmas partes toda força obrigatória."* Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867), p. 12.

Albuquerque; as a consequence, Klüber's treatise still being the main inspiration for the Brazilian professors. This time, however, Drummond went beyond the reference of Klüber, resorting to a variety of other foreign authors to draw up his conclusions. Unlike his predecessor, Drummond did mention Klüber[475] in his book – including the most recent edition of 1861 – and other contemporary authors, such as Georg Friedrich von Martens,[476] Henry Wheaton,[477] Theodor Schmalz,[478] August Wilhelm Heffter,[479] Silvestre Pinheiro Ferreira,[480] Laurent-Basile Hautefeuille.[481] Indeed, the bibliography consulted indicates that Antonio Drummond revised Pedro Albuquerque's book updating with the most recent doctrine on international law.[482]

Besides that, the originality of Drummond's textbook resides in his intention to nationalise the teaching of international law,[483] which meant contextualise the rules and principles of international law according to the Brazilian experience and legislation. Thus, he accomplished the task, either by referring to the specific Brazilian legislation related

[475] Drummond, pp. 10, 30.
[476] Drummond, pp. 30, 139.
[477] Drummond, pp. 30, 61, 64, 72, 160, 210.
[478] Drummond, p. 30.
[479] Drummond, pp. 30, 41, 55, 61, 160, 194.
[480] Drummond, pp. 30, 50, 91, 121, 126.
[481] Drummond, pp. 72, 176, 209.
[482] "*Julguei ainda conveniente prescindir de frequentes citações dos Escriptores que consultei para confecção deste meu trabalho, não só paa não distrahir aos laumnos (para quem principalmente emprehendi-o) com extranhas considerações, em pura perda do estudo das proposições geraes, e poupar a mim mesmo essa ardua tarefa, senão também por parecer-me, que o verdadeiro merito dessas respeitaveis autoridades não póde por certo depender do testemunho dado á cada passo, e á cada instante. Por isso preferi menciona-las no fim desta Obra, como mais uma garantia para ella. Quando por ventura não bastar esta satisfação, que entendi ser devida pedirei, que se leve tambem em conta o penoso trabalho, que tive de compulsar, numerosa Obras e dellas deduzir o que me pareceu mais racional, e ajustado, procurando com acurado emprenho coôrdenar as doutrinas, de que me apropriei, e as reflexões com que as revesti – para torna-las mais adaptadas ao ensino, a que as applico, sm alias sacrificar a clareza e precisão necessarias."* Drummond, p. 6.
[483] "*Tendo sempre considerado ser de indeclinavel necessidade nacionalisar o mais possível o ensino do direito nas nossas Faculdades, já confornтando os seus principios com a Legislação Brazileira, já comparando as suas disposições com as das Nações cultas, já emfim commentando-as; methodo seguido com maxima proficuidade nas Faculdades Juridicas da Europa – especialmente recommendado pelo art. 3 – Do Decreto n .1.333 de 23 de março de 1853 (os anteriores Estatutos), producrei addicionar ao ensino d'essa sciencia a referencia e applicação dos seus principios á nossa Legislação patrica."* Drummond, pp. 5–6.

to the topic, or by mentioning the treaties signed by Brazil and also the diplomatic cases that exemplified the rule.[484]

Whereas Pedro Albuquerque decontextualised the European international law in order to eliminate the particularisations and then permit the inclusion of Brazil in the international legal community, Antonio Drummond, advancing the project of appropriation and dissemination of the European normativity, tried to relate it to the Brazilian experience. With this, Drummond was taking a significant step towards the assimilation of the international law in Brazil, thereby promoting the universalisation of this legal system.

Antonio Drummond also used the footnotes to express his opinions on diplomatic issues, occasionally being quite critical – which was also another novelty for textbooks. For example, when he relates briefly all treaties that had been signed by Brazil until then,[485] he did not avoid to censure the British policy, and, naturally, the Bill Aberdeen Act.[486] With the '*Prelecções de Direito Internacional'* the students were provided with a more complete and substantial textbook than the previous one.

The subsequent work on international law would come twenty-two years later, in 1889, the last year of the Imperial regime. '*Lições de Direito das Gentes'* had been written by another professor of Recife, João Silveira de Souza. In the same pattern, it was a book designed to teach the discipline[487] and inspired in *'Elementos do Direito das Gentes'* by Pedro Albuquerque as well:

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[484] "*Occupei-me – ainda que rapidamente – da apreciação de todos os Tratados e Convenções, que o Brazil tem celebrado com as diversas Nações até a actualidade. Para melhor ordem – consagrei no texto da obra as doutrinas ou preceitos geraes da sciencia, collocando anotações convenientes a designação da Lei, do Tratado, da Convenção ou a ommemoração emfim do facto historico, que devia autorisar as mesmas doutrinas.".* Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867), p. 6.

[485] Drummond, pp. 72–85.

[486] Drummond, pp. 108, 180.

[487] "*O movel principal que nos determinou a esta publicação não foi, portanto, outro senão o desejo d ser útil á mocidade esperançosa, que cursa o 2˚anno academico, procurando preaparal-a por meio de noções claras,e methodica, embora sucintamente expendidas, para o estudo accurado e completo desta sciencia tão deleitavel quanto util, e indispensavel, sobre tudo áquelles dentre a mesma a quem pode vir a ser no futuro confiado o iportante encargo de dirigir as relações exteriores de sua patria.".* João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889), p. II.

> Tendo adoptado para texto de nossas licções de Direito das Gentes o compendio desta materia do Conselheiro Autran (edicção de 1851), vamos expor, analysar, e desenvolver as doutrinas, que elle ahiexpende, seguindo a mesma ordem dos seos capitulos e paragraphos.[488]

In fact, his book could be entitled *Comments on Pedro Albuquerque' s 'Elementos do Direito das Gentes',* once it is exactly what João Souza did. The scheme is the same for the whole book: he mentions what Pedro Albuquerque wrote, then comments on it. In general, '*Lições de Direito das Gentes'* is a setback in relation to Drummond's book - which, curiously, he is utterly silent about. Besides the fact of it being a commentary on a book written almost forty years earlier, João Silveira de Souza barely mentioned other authors; only referring to Klüber,[489] Wheaton,[490] Vattel.[491] The only, yet significative, unprecedent is a reference to the Argentinian jurist Carlos Calvo (1824-1906)[492]; not just because Calvo was the only contemporary author mentioned, but for being the first time that a South-American author was cited in a Brazilian textbook on international law. The works of Andrés Bello (1832, 1844, 1847), for instance, had been entirely ignored by the Brazilian jurists, whose eyes were facing overseas, rather than to their close neighbours. The attitude of the Brazilian jurists was in keeping with the policy of Brazilian Empire towards Latin-America; indeed, due to the divergence between political regimes – the *convulsive* and *unstable* Latin-American republics in contrast to the legitimate and stable monarchy – the Brazilian state identified itself more with Europe than to its neighbours.[493]

In addition, different from Antonio Drummond, João Silveira de Souza was not concerned about the nationalisation of the teaching of international law; in his book, it could not be found references to the Brazilian context or legislation, whilst the usual European events were still there to illustrate the cases.

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[488] Souza, p. 1.
[489] Souza, pp. 65, 82, 95.
[490] Souza, pp. 35, 74, 84, 87, 94, 98, 115, 175, 203.
[491] Souza, pp. 56, 121, 127.
[492] Souza, pp. 200, 203.
[493] Luís Cláudio Villafañe G. Santos, *O Brasil Entre a América E a Europa* (São Paulo: UNESP, 2004); Ori Preuss, *Bridging the Island. Brazilians' Views of Spanish America and Themselves, 1865-1912* (Madrid, Frankfurt am Main: Iberoamericana, Vervuert, 2011).

At this point, the title of this section – a Klüber tradition - may be already clear: all the three books published during the Brazilian Empire (1822-1889) - *Elementos do Direito das Gentes,* by Pedro Autran da Matta Albuquerque (1851), *Prelecções de Direito Internacional* by Antonio Menezes Vasconcellos de Drummond (1867), and *Lições de Direito das Gentes* by João Silveira de Souza (1889) – had been, to some extent, inspired by the *Droit des Gens Moderne de l'Europe,* composed by Johann Ludwig Klüber.

Being disciples of Klüber, there is no point to ascertain the particular conceptions and notions on the international law given by each of these Brazilian jurists;[494] they were very similar between them, and all of them resembles that one from the German author:

> On appelle *gens* ou *nations* libres les états indépendans, considérés dans leurs rapports mutuels comme personnes morales. L'ensemble de leus droits réciproques et parfaits, du droit des états entr'eux, forme le *droit des gens* ou *droit des nations.* Ce droit est *naturel,* en tant qu'il dérive de la nature méme des relations que subsistent entre les états, *positif,* lorsqu'il est fondé sur des conventions expressses ou tacites.[495]

Briefly, despite the natural stratum still being a transcendent foundation, the emphasis was put in the conventions and treaties agreed by the states in their relations.

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[494] The definition of international law given by Pedro Albuquerque in his *Elementos do Direito das Gentes:* "*O Direito das gentes (direito internacional, ou direito publico externo) he o complexo de regras que a razão deduz como conformes á justiça, ou que se fundão em convenções expressas ou tácitas, e que servem de determinar o procedimeno das nações entre si. O direito das gentes, divde-se pois em direito das gentes* natural*, e* positivo*; e este em direito* pacticio *(tratados publicos), e* consuetudinario *(costumes com força obrigatoria).".* Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851), p. 3. In Antonio Drummond's *Preleções de Direito Internacional:* "*O direito internacional, direito das gentes ou nações, emfim o direito publico externo é o complexo dos direitos individuais e reciprocos entre as mesmas nações, ou aliás – dos dictames fundados na justiça, ou adduzidos das relações mutuas, e convenções expressas entre elas. O direito internacional dividide-se portanto em Direito das gentes natural e positivo. O primeiro, quando se deriva da propria natureza que subsistem entre os Estados, e o segundo, quando funda-se nas ditas convenções: este em direito pacticio (tratados publicos), e consuetudinario (costumes com força obrigatoria).".* Drummond, pp. 9–10. Finally, in João Silveira de Souza's *Lições de Direito das Gentes,* after trasncribing Pedro Albuquerque comments*:* "*Aquellas regras de justiça dadas pela razão, anteriores e superiores á vontade humana como normas universaes e invariaveis da conducta das nações entre si constitutem o Direito das gentes absoluto; e as que resultão das convenç~eos ou tratados que estas celebrão para melhor e de modo positivo estabelecer entre si certos direitos e obrigações que aquelle não impõe immediatamente, constituem o Direito das gentes positivo ou convencional; no qual se comprehende, como nos observa o compendio, o Direito das Gentes, consuetudinario, consistente nas regras geralmente admittidas pelo uso ou consentimento de todas as nações, e que, portanto, a nenhum é lícito violar seo arbitrio, em prejuizo das mais.".* Souza, p. 4.

[495] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 11–12.

Thus, when Klüber enlisted the sources of that legal system, the very first was the conventions, express or tacit,[496] followed by the analogy,[497] and only in the third place the *droit des gens naturel,* which being subsidiary, it should only be applied if the *droit positif* was insufficient.[498]

That conception that had been taught in the Brazilian law faculties for almost the whole nineteenth century, either through these three textbooks written by Brazilian professors, or from the writings of Klüber and Martens, directly. Only by the beginning of twentieth-century other doctrines of international law started to emerge in the Brazilian context.

4.2. Towards a scientific and solidaristic approach to the international law

The twentieth-century saw a significant rise in the publication of international law. While in the course of the nineteenth-century only four books[499] had been published in Brazil, it took only fifteen years of the subsequent century to double that number. The increase can be attributed to propagation of law faculties in Brazil. For almost the whole century, Recife and São Paulo had been the only cities in Brazil to host courses of law. However, towards the end of the century, this situation began to change. Just to illustrate, from 1891 to 1900, law faculties had been founded in the cities of Salvador (Bahia), Belo Horizonte (Ouro Preto from 1892 to 1898, Minas Gerais), Rio de Janeiro (Rio de Janeiro)

[496] Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), pp. 15–16.
[497] Klüber, pp. 17–18.
[498] "*En troisième lieu vient le Droit des gens naturel. On doit y avoir recours toutes les fois que le droit positif est insuffisant."*. Johann Ludwig Klüber, *Droit Des Gens Moderne de l'Europe* (Sttugart: J.G. Cotta, 1819), p. 18.
[499] Pedro Autran da Matta Albuquerque, *Elementos Do Direito Das Gentes* (Recife: Typographia União, 1851); Antonio Pereira Pinto, *Apontamentos Para O Direito Internacional* (Rio de Janeiro: F. L. Pinto & Cia, 1864); Antônio de Vasconcellos Menezes de Drummond, *Preleções de Direito Internacional* (Recife: Typographia do Correio do Recife, 1867); João Silveira de Souza, *Lições Elementares de Direito Das Gentes* (Recife: Typographia Economica, 1889).

and Porto Alegre (Rio Grande do Sul). Therefore, the demand for textbooks multiplied in the same proportion.

More than one decade separates the '*Lições de Elementos das Gentes'*, written by the professor at the Faculty of Recife, João Silveira de Souza, and '*Princípios de Direito Internacional',* composed by Lafayette Rodrigues Pereira.[500] That lapse had been sufficient to change the character of the international law doctrine completely. On the one hand, it can be noticed among this *new generation*[501] of jurists, at large, a concern with a proper scientific method to research and define the international law. As a consequence, the books were, in general, more systematic, comprehensive and substantial. One relevant difference, for instance, was that each statement was supported by a large number of references to recognised authors. Besides the fact that the mentions were now accurate, indicating the page and edition of the referred author, while hitherto the Brazilian jurists only indicated the authors without specifying where they had affirmed that. Thus, even the disposition of the text had changed.

On the other hand, a shift in the very foundation of international law took place. Previously, following a tradition established mostly by Klüber and Martens, the international law was conceived in a voluntaristic form, as a product of the will of States. To explain the rights of the States, the jurists often resorted to the analogy of the individual, in large scale, the international context.[502] With the turn of the century, the absolute sovereignty of the States, then regarded as a *moral person,* ceases to be the primary basis of the international law. A new discourse emerges, centred in the *international community* rather than the State solely. Words like interdependence,

[500] Lafayette Rodrigues Pereira, *Principios de Direito Internacional* (Rio de Janeiro: Jacintho Ribeiro dos Santos Editor, 1902).
[501] Arnulf Becker Lorca uses the expression *generation* to distinguish jurists attached to what he denominated the classical and the modern international law. As he commented: "*The change came also as a natural substitution of an older generation of lawyers. The first generation of classical semi-peripheral lawyers was replaced during the first decade of the twentieth century by a younger generation of lawyers."* Arnulf Becker Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933* (Cambridge: Cambridge University Press, 2014), p. 202.
[502] Albuquerque, *Elementos Do Direito Das Gentes*, pp. 4–5.

sociability, solidarity, collectivity, reciprocity characterised the discourse, being found in nearly all works of that period.

The treatise, in two volumes, written by Clovis Bevilaqua was probably the work with most recognition in the outset of the century; thus, it can be taken as representative of this legal discourse. That is how he opened his book: "Os Estados cultos formam uma sociedade, tendo, por base, a similhança da cultura, por fim, a satisfacção de interesses communs, e, por elemento de organização, princípios geraes de direito, a que todos adherem.".[503] From the beginning, Clovis Bevilaqua emphasised that the international law is the law of the *society* of States*;* this is, a normativity resulted from the association in an international communion.[504] Naturally, it was also a matter of rhetoric: instead of accentuating the conflicting and selfish states' interests, Clovis Bevilaqua – or any jurist of that period[505] – remarked the *common* and reciprocal interests. Lafayette Pereira, in the same sense, writing eight years earlier than Bevilaqua, already had stressed that was precisely the *communion of interests* that permits the creation of a true society between the states.[506] The tone was unanimous.

As pointed by Arnulf Becker Lorca, "The modern sensibility no longer saw the international order as centred around states and sovereignty, but around legal subjects and the international community.".[507] Actually, that is precisely what Clovis Bevilaqua

[503] The first paragraph. Clovis Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I* (Rio de Janeiro: Livraria Francisco Alves, 1910), p. 11.
[504] Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I*, pp. 11–12.
[505] With almost the same words: "*A série das limitações indispensaveis á conservação e desenvolvimento da sociedade ds estados, constituindo sob um aspecto um systema de faculdades e, sob outro aspecto um systema de normas, eis o direito internacional público. Assenta, pois, ineluctavelmente, nessa necessidade emergente da coexistencia dos estados na comunhão internacional.".* José Mendes, *Prelecções de Direito Internacional Público* (São Paulo: Duprat, 1913), p. 25.
[506] "*Nos grupos de nações em que são identicos ou analogos a civilisação, a cultura, os ideaes moraes e politicos, a religião; a sociedade que se estabelece, tende a estreitar e a multiplicar progressivamente as relações iniciadas e existentes. Esta comumnhão de interesses e de ideas constitue um estado de facto que tem suas necessidades indeclinaveis — situação, que, uma vez creada, impõe a aceitação e a pratica de uma certa ordem de principios, sem os quaes não poderia subsistir. Têm o caracter de necessarios os principios e regras que são condições da communhão de interesses e ideas. Dada a coexistencia e a communhão que é um producto da situação historica em que se achão, as nações são forçadas a se submetterem aos alludidos principios. Praticando os actos, em que os ditos principios se traduzem, ellas os aceitão e reconhecem."* Pereira, p. 10.
[507] Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933*, p. 200.

argued: "the basis of the public international law is not the sovereignty, but solidarity".[508] He could not be more explicit.

To support his statement, Clovis Bevilaqua made reference to the preamble of the Hague Convention of 1907, which revealed where these ideas came from.[509] It was the spirit of the *French solidarism*, as Koskenniemi named,[510] publicized in the writings of Léon Bourgeois, Louis Renault, Antoine Pillet, Paul Fauchille; all of them mentioned in Bevilaqua's treatise. There was not a precise definition among those jurists though. The *solidarism* was the tone of the legal discourse rather than a precise doctrine or principle. Nevetherless, overall some elements can be noticed. According to Koskenniemi: "Solidarism was characterized less by a definitive agenda than by a general aversion to the absolutism of individual rights and an emotional preference for social responsibility.".[511]

Without a definitive agenda, it could be observed some variations in the discourse; some could attribute the sociability to an economical factor, such as the necessity of commerce and the interdependence resulted from it; others accredited the sociability to the common goals and shared values. The latter, for instance, is the case of Manoel Álvaro de Sá Vianna, professor at the new Faculty of Rio de Janeiro, who affimerd that "the sociability is after all the true foundament of the international law",[512] to subsequently explain that this "sociability, derived from the human nature, the very basis of international law, is the Christian sociability".[513] Thus, for Sá Vianna, the

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[508] "*Partindo da idea da sociedade dos Estados, dá-se por fundamento ao direito público internacional, não a soberania, principio de direito interno, mas a solidariedade, phenomeno social de alta relevância, pelo qual devemos entender: a consciência de que as nações cultas têm interesses communs, que transbordam de suas fronteiras e para a satisfação ds quais necessitam umas do concurso das outras; e, ainda a consciência de que a offensa desses interesses se reflecte sobre todas ellas, de onde a necessidade de garanti-los por um acordo commum."*. Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I*, p. 13.

[509] As Lorca pointed: "*Power imbalances in the world system certainly contributed to the flow of intellectual influences from core to periphery. Semi-peripherals became modern jurists following a trend dictated from Europe.*". Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933*, p. 202.

[510] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960* (Cambridge: Cambridge University Press, 2004), pp. 266–91.

[511] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 289.

[512] Manoel Alvares de Sá Vianna, *Elementos de Direito Internacional* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908), p. 70.

[513] Sá Vianna, p. 71.

international law was restricted to those, yet it was only a matter of time until the universalization of it. As the sates were becoming aware of this Christian and civilized conscience – in other words, as they assimilated with the European pattern -, the international law would spread.

This movement of the expansion of international law, described by Sá Vianna, in fact, constitutes another common point between the authors of that period. On the whole, they all inserted their conceptions of international law in an evolutive narrative: the more the society evolve, the more the international law would expand. Obviously, the paradigm of development was Europe, so the ocidentalization was promptly taken as progress.

Accordingly, the chapter dedicated to to the dominion and the progressive expansion of international law was imperative and commonplace within the treatises.[514] In this part, they used to enlist the states which were members of the 'family' of the international community, and then, bound to the international law. It is interesting the parameter employed by Gaspar Guimarães to indicate those states; he resorted to the list of invited states to the Second Hague Conference (1907) as an indicative of the states that reached the required degree of civilization and politeness.[515]

Some authors, however, delved into the topic. José Mendes, professor at the Faculty of São Paulo, in his treatise on the international law, explained how the legal evolution necessarily happens in accordance with the sociological law, one and only for any society. [516]Adhering to whom José Mendes considered "the two biggest philosophers

[514] Clovis Bevilaqua: "*Esse sentimento de solidariedade, até poucos annos atrás, apenas abrangia os Estados da Europa e da America, sendo menos intenso em relação aos povos da America do Sul. Hoje, nãol somente essa graduação perdeu a sua razão de ser, como, ainda, a sociedade das nações se alargou, admittindo, em seu regaço, os povos mais importantes da Ásia. E a sua tendência é extenderse a todos os povos da terra, para proteger os fracos e atrazados, e conferir a plenitude dos direitos, aos que se organizarem regularmente*.". Bevilaqua, *Direito Publico Internacional. Syntese Dos Princípios E a Contribuição Do Bazil. Tomo I*, p. 14. In Lafayette's treatise: "*O Direito Internacional pode, pois, correctamente denominar se — Direito Publico externo Europeo — Americano. A profunda diferença de raças e de civilisação tem constituido perpetuo embaraço para trazer á communhão do Direito das nações cultas os Estados do Norte da Africa e os da Asia. Das nações que não professão o Christianismo, só a Turquia faz hoje parte do concerto Europeo*.".Pereira, p. 33.

[515] Gaspar Guimarães, *Direito Internacional Público E Diplomacia. Em Vinte E Quatro Prelecções* (Manaos: Papelaria Velho Lino, 1914), p. 36.

[516] Mendes, pp. 19–51.

of modern times, Auguste Comte and Herbert Spencer",[517] he started from the first unit of the human society, the family, until the international community. Indeed, the Comtism, which was widely spread in Brazil,[518] was one of the background ideas of the French solidarism.[519]

João Crisóstomo da Rocha Cabral, professor of international law at the Law Faculty of Rio de Janeiro, went beyond. Instead of writing a manual on the discipline, as usual, exploring the rules of the international legal system, his monography dealt specifically with the evolution of the international law.[520] An exclusive theoretical and historical approach to the discipline had never been done hitherto.[521]

'*Evolução do Direito Internacional'* text reveals immediately the affiliation of his author: João Cabral graduated from the Faculty of Recife precisely when the ideas of the intellectual movement called *Escola do Recife* were more effervescent. The legal phenomenon was comprehended in scientific terms, just as a natural or biological process, regulated by fixed laws.[522]

Within this intellectual background, João Cabral complained that, although the international law could be considered the most developed and bold human cultural product,[523] its evolution was far from finished. Resorting to jurists as the German Hermann Post (1839-1895) and the italian Raffaele Schiattarella (1839-1902) - both known for applying positivist sociology to the legal phenomenon -, João Cabral, like many jurists of his time, claimed for the positivation of the international law and the

[517] Mendes, p. 38.
[518] Mario G. Losano, *I Grandi Sistemi Giuridici. Introduzione Ai Diritti Europei Ed Extrauropei* (Roma, Bari: Laterza, 2000), p. 245.
[519] Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870-1960*, p. 269.
[520] João Cabral, *Evolução Do Direito Internacional. Esboço Histórico-Philosophico* (Rio de Janeiro: Typographia do Jornal do Commercio, 1908).
[521] He highlighted that it was a gap in Brazilian literature. Cabral, p. XI.
[522] So he claimed: "*A lei physiologica geral, que domina todo o universo e pela qual todo individio tende a desenvolver-se numa esphera de acção dos oturos individuos, partes do mesmo todo, o que dá em esultado um estado de quilibrio, que é a ordem indipensável a toda a existência do kosmos, tambem essa lei se encontra na vida social. Isto quer do lado mecanico, quer do lado psychico*.". Cabral, p. 8.
[523] Cabral, p. XI.

creation of a international tribunal. Subsequently, he narrates what were the initiatives that had been implemented towards this 'utopian' aim.

Overall, this engagement with the international law was new in the Brazilian literature on the discipline. To some extent, the Brazilian authors of this new generation seemed more enthusiastic with the international law, as they really felt themselves part of it. The new sensibility may be due to the more active participation of the Brazilian State in the international affairs. While the diplomatic policy for the nineteenth century had been, at least, hesitant, the first decades of the subsequent century put the country in more evidence in the international arena. The remarkable performance of Rui Barbosa, for instance, in the Second Hague Conference where he defended the equality between states,[524] ceirtainly contributed to provide diffidence to the Brazilian jurists.

On the one hand, the evolutive narrative, necessarily present in all Brazilian textbooks of that time, made the international law as an inevitable and desirable phase over the linear and progressive course of history, legitimising that European normativity as a universal phenomenon. On the other hand, it helped to promote the assimilation of the exogenous doctrine among the Brazilian public, through the reproduction of the disciplinary tradition established in Europe, inserting Brazil in the legal *canon.*

[524] Arnulf Becker Lorca, *Mestizo International Law. A Global Intellectual History 1842-1933* (Cambridge: Cambridge University Press, 2014), pp. 158–60.

CONCLUSION

The study of international law in Brazil started with the foundation of the law faculties in 1827. By then, the discipline was called *Law of Nations,* and should be taught in the same chair as Natural law and Constitutional law. To some extent, as intended in the Statutes of the Viscount of Cachoeira, the discipline resembled the old *ius naturae et gentium* tradition. The textbooks indicated to serve as reference for the lessons, such as Martini and Rayneval, confirm that. Nevertheless, if it was the case for the very first years of the teaching of international law, promptly the character of international law doctrine in Brazil changed.

The Statutes also mentioned Martens' treatise for the lessons on conventional international law, and it would be this emerging tradition to dominate the nineteenth-century. As exhibited in the newspapers of that period, the available books in Brazil were mainly those of Klüber, Martens, Wheaton and Vattel. Except for the classic Vattel, the authors attached to the *ius publicum europaeum* tradition were replacing the old tradition relegated to the *Ancient Régime.* Their doctrine, more pragmatic and voluntarist, was indeed more consistent with the purpose intended for the law faculties by the ruling elite: to train people to serve in the new bureaucratic apparatus. By the same token, the concern with the formation of administrative and political elite that allowed the stable existence of the discipline of international law, considered vitally important for those public men responsible for the government.

The predominance of that tradition could also be perceived in the literature produced in Brazilian soil. In practice, all books written by Brazilian authors throughout the nineteenth-century took inspiration from Klüber – even the collection of treaties prepared by Antonio Pereira Pinto can be attributed to that tradition that used to make this kind of literature. *Elementos do Direito das Gentes,* composed by Pedro Autran Albuquerque would be the most explicit example of appropriation of foreign doctrines, once his book was an abridged translated version of Klüber's treatise. The permanently present sentiment of cultural inheritance from Europe undoubtedly favoured the

assimilation of international law among the Brazilian jurists. However, the Brazilian jurists did manipulate the doctrine to conform it in the Brazilian context: occasionally omitting some topics, suppressing particular references, or by explaining the rules with familiar experiences.

The profile of the typical professor helps to understand this somewhat acritical reproduction of *exogenous* doctrines. Their careers were by no means dedicated exclusively to the legal education, and neither for the branch of international law. Situation that would change with the turn of the century. Thus, in 1895 the discipline finally received the nomenclature currently used, Public International Law, indicating a paradigmatic shift in the teaching of international law. As a matter of fact, the treatises of international law turned to be more substantial and could not be ascribed to be following an exclusive foreign author. The background ideas also had been altered, as the jurists of the beginning of the twentieth century engaged in a project of *internationalism* and *solidarism*, showing diffidence and familiarity. That almost one century of the discipline of international law in Brazil, denotes the significative role played by the legal education in the assimilation of the international law outside Europe.

APPENDIX

que a sua franqueza no processo de 13 rifas o reduzio; oferecendo em apoio de suas assersões, a rigularidade de sua vida domestica, e Politica: Santa Cruz 10 de Fevereiro de 1830.

Compra-se.

MOEDA de ouro e prata efectivamente pelo preço corrente, na casa de Cambio de George Gibson, Corretor Inglez, na rua da Cadeia do Recife N.° 11.

Vende-se.

NA Loja de Thomaz de Aquino Fonceca, esquina do Cabuga, para o Rozario os livros seguintes chegados proximamente

Felicu lições de Direito das gentes	4	vol.
Filangieri sciencia da Legislaçaõ	6	"
Fritot Espirito de Direito.....	1	"
Bubray de Brie Theoria das Leis Sociaes	1	"
Benj. Constant curso de Direito Constit.....	8	"
Mably Direito Publico da Europa	3	"
Cotta Administraçaõ de Justiça crime.....	1	"
Watel Direito das gentes.....	2	"
Martens Manual Diplomatico....	1	"
Mosheim Historia Ecclesiastica..	6	"
Montesquieu Espirito das leys....	2	"
Delolme Constituiçaõ de Inglaterra	2	"
Mellis Opera Juridica.....	7	"
Gemeineri Institutiones Juris Ecclesiastic.....	3	"
Martini de Jure Natural.....	3	"
Ordenaçaõ do Reino.....	3	"

Viagens.

PARA a Bahia sahira' no principio da semana que vem, o Brigue Hamburguez Henriette Friedericke Capitaõ J. P. Lorentzen; quem no mesmo quizer hir de passage, dirija-se a J. H. de F. H. Lúttkens, rua da Cruz N.° 33, ou ao dito Capitaõ, à bordo.

Furtou-se.

NA noite de Quinta feira 18 do corrente, da loja de fazendas do aterro da Boa vista, o seguinte: huma taboleta cheia de obras de peiras constantes de brincos, e argollas, 2 bolsas de prata, hum cordaõ d' ouro com 6 palmos. hum oclo de ver ao lonje, 4 pessas de panno de linho, 4 ditas de estopa, inteiras 1 ditas insetada, 48 ditas de madapolaõ, e bertanha de rolo Portuguezas e Inglezas, 24 ditas de gangas amarellas com avaria, 4 massos de suspensorios brancos, lifantes, e lenços de xita, ignora-se a quantia, 2 bacamartes, 7 redes de fio pintadas, 2 rollos de baêta, hum preto e outro incarnado, 5 pares de calsas de panno azul, hum de meia azul claro, em dinheiro 16$ e tantos reis, 1 chapeo de sol de seda, incarnado de 9 panos, e o mais que se ignora das quantias; quem deste roubo souber participe na mesma loja.

Escravos Fugidos.

JOAÕ de naçaõ Benguella, estatura ordinaria, tem huma secatriz no beiço de riba por ter sido raxado de huma pancada, tem o tornozello de hum dos pez, inxado, e auzentou-se no dia 12 do corrente levando huma camiza de brim grosso, seroula de algodaõzinho, e hum chapeo de castor naõ muito uzado; os apprehendedores levem a rua da Gloria casa N.° 184, que seraõ recompensados segundo seu trabalho.

No dia 17 do Corrente, ausentou-se hum molatinho de nome Luis, que reprezenta ter 12 annos de idade; sahio vestido com calça de linho azul ja' usada, e camiza de manga curta no meio do braço; tem a cara larga, he grosso do corpo, pernas groças, os pes largos, com os dois dedos minimos apegados, tendo seis em cada pe': os a prehendedóres o poderaõ levar a seu Snr. no Afogado rua do Motocolombó, caza D. 6, ou ao mestre do dito molatinho, que e' Pedro Joze' do Rego, oficial de çapateiro, na rua do Rosario que vem para o Carmo; e seraõ recompençados do seu trabalho.

Balbino, crioullo, idade 8 a 10 annos, no labio superior tem hum leve defeite, sobre o quadril tem huma secatriz, e auzentou-se no dia 13 do corrente; os apprehendedores levem na rua Velha casa N.° 64, que seraõ bem recompensados do seo trabalho.

Pernambuco na Tipografia do Diario.

Fig. 1 Diario de Pernambuco. Nº320. Sábado, 20 February 1830.

cia; nós não podemos rezistir ao dezejo de repellir as acrimoniosas expressoens, com que o Constitucional nos accometteu, especialmente quando observamos, que o Redactor do Constitucional assim fallava por estar na ignorancia de alguns factos.— Sem acceitar-mos portanto, nem regeitarmos a luva, que elle nos lança tão vaidozamente, nòs asseguramos ao Constitucional, que nós naò hezitaremos em fazer o que mandar o dever, o pedir a honra.

AVIZOS DO CORREIO.

PARA LISBOA.

A Galera *Nova Aurora*, Cap. Frederico Ricardo de Souza recebe a mala do Correio no dia 27 do corrente, e as cartas devem ser lançadas ate o meio dia.

LIVROS A' VENDA.

NA loja de Sirgueiro na esquina do Cabugá vendem-se os livros seguintes.

Felice liçoes do direito das gentes	4 Vol.
Filangieri sciencia da Legislação	6
Fritot Espirito de Direito	1
Bubray de Brie Theoria das leis sociaes	1
Benj. Constant curso de Direito Constitucional	8
Mably Direito Publico da Europa	3
Cotta Administração de Justiça crime	1
Martins Manual Deplomatico	1
Vatel Direito das gentes	2
Mosheim Historia Ecleziastica	6
Montesquieu Espirito das Leys	2
Delolme Constituição de Inglaterra	2
Mellis Opera Juridica	7
Gemeinerí Institutiones Juris Eclezeastici	3
Ordenação do Reino	3
Artes Latinas	
Selecta	
Fabulas de Fedro	
Cornelius Nepos	
Virgilius Maronis	3
Cartas de Cicero	
Ovidius, Mineli	
Sallustius Crespius	
T. Livius	
Horatius Juvencii	2
Historia da Conjuração de Catilina	
Logica, Methafisica, e Ethica de Job.	
Quintillianos por Fonceca	2
Elementos de Poetica pelo mesmo auctor	
Logica em Portuguez por Condilac	
Tractado do Sublime por Longino	
Dicionarios Magnum Lexicon	
Atlas Geographique, Statisque Historique et cronologique das Americas, Ilhas Adjacentes, comprehendendo o Imperio do Brazil rica edição por Buchon em grande folio	
Obras de Felinto Elisio enquadernado em	11
Filosofia Quimica por Paiva	
Vos da natureza sobre a origem dos Governos.	2

VENDAS.

VINTE fardos de pano de algodão de Minas, em porção ou afardo, proprio para roupa de escravos — bexigas de sebo do Rio Grande: no armazem de Romão da Silva Sales, Praia do Collegio.

— Uma casa terrea na rua da Conceição da Boa Vista lado direito D. 6: na rua das Cruzes D. 15.

— Nas lojas de ferrage N.° 30, e N.° 74 da rua do Queimado, um sortimento, chegado proximamente, de ferro Inglez redondo, quadrado, e chato para varandas, e ferro da Suecia, e arcos de ferro.

COMPRAS.

ANTONIO Alvares de Souza Carvalho com Loja na rua da Cadeia no Recife, compra para fóra da Provincia escravos carpinas, Pedreiros, Calafates, e Marinheiros.

— 1:000 á 1:500 pezos Hespanhoes na botica D. 25 da rua Direita, ou anuncie-se.

PERDA.

NA noite de 10 para 11 do corrente fugio, dirigindo-se para a Ponte de Uxoa, um cavallo preto, um pé calçado de branco, clinas grandes, pequena estrela branca na testa, e cauda um pouco curta: quem o achar entregando-o ao Coimbra na rua do Queimado sera' recompensado do seu trabalho.

PERNAMBUCO NA TYPOGRAFIA FIDEDIGNA. 1831.

Fig. 2 Diario de Pernambuco. Nº 34. 12 February 1831.

NAVIOS A CARGA.

PARA O PORTO.

A Galera Feliz Ventura no dia 22 do corrente, e a mala sera' fechada na vespera.

VENDAS.

DOis cavallos, um castanho, e outro russo, gordos, e novos, com bons andares: na rua das Trincheiras N.º 219.

— Laranjas para embarque a 320 rs. o cento: na Ribeira da Boa-vista sobrado N.º 30.

— Uma escrava engomadeira, cozinheira, doceira, coze chão, e ensaboa, muito boa para tractar de crianças; outra de Angola, quitandeira; e um moleque de 15 a 17 annos, que faz a comida ordinaria de uma caza: na rua do Livramento, parte do Nascente, D. 2, 1.º andar.

— Dois tomos do Dicionario da Lingua Portugueza composto por Moraes de quarta ediçaõ, reformada, e muito mais accrecentada por Antonio Joze de Oliveira Velho, em 1831: na loja de ferraje na rua do Queimado N.º 30.

— Bixas por preço commodo, Prezuntos novos a 240 rs., sendo em quartos, e a 280 em retalho: uma porção de mel: na rua do Rangel, da esquina do beco do Carcereiro.

— Um preto congo de 19 a 20 annos de idade: na Praça da União N.º 10.

— Um negro cozinheiro, inda moço, ou troca-se por uma negra, que coza e engoime: no Mondão junto a fabrica de Gervazio.

— Salsa parrilha em arrobas por preço commodo: na Praça da Boa-vista Botica de Gusmão Junior & Companhia.

— Na rua da Cadeia do Recife loje N.º 36 os seguintes Livros;

Pascoal Joze de Mello Freire	vol.	7
Ordenaçõs do Reino	"	3
Gmeineri, direito publico ecleziastico	"	3
Primeiras linhas do processo civil	"	4
Ditas ditas do processo criminal	"	2
Ditas ditas Orphanologicas	"	1
Classes dos crimes	"	1
Assentos da caza da Suplicação	"	1
Tratado de testamentos e succeoens	"	1
Tratado pratico do processo executivo por Lobão	"	1
Dito sobre apozentadorias	"	1
Reportorio de leis extravagantes	"	1
Manual de apelaçoens e agravos	"	1
Dito pratico e Judicial	"	1
Doutrina das açoens	"	1
Peculio de autos	"	1
Memoria sobre o direito e pratica das licitaçoens	"	1
Say, Economia politica	"	3
Say, Cathacismo de economia politica	"	1
Vattel, Direito das gentes	"	2
Martens, Manual Diplomatico	"	1
Martens, Rezumo do direito das gentes	"	1
Becaria, Tratado dos delitos e das penas	"	1
Felice, Leçoens de direito	"	4
Delolme, Constituição de Inglaterra	"	2
Ganilh, Economia politica	"	2
Dito, Ensaio sobre a renda publica	"	2
Malthus, Economia politica	"	2
Storch., Economia politica	"	4
Ricardo, dita dita	"	2
Barbeyrac, Moral dos Padres	"	1
Degerando, Obras completas	"	34
Revista Politica da Europa em 1825	"	1
Guizot, da pena de morte	"	1
Vallin, Ordenaçoens da marinha franceza	"	2
Montesquieu, Obras	"	8
Bercy, a Europa e America figuras	"	2
Dupin, Manual dos estudantes de direito	"	1
Meissel, Curso de estilo diplomatico	"	2
Filangieri, Obras com Comentario	"	6

— Na Praça da União loja N.º 37 e 38, os seguintes livros;

Rezumo de Historia de Buenos Ayres		
Dito dita das Indias orientaes		
Dito dita do Mexico		
Dito dita da America do Sul		
Dito dita da Suissa		
Dito dita de Napoles, e de Sicilia		
Dito dita da Persa		
Dito dita da Republica de Venesa		
Dito dita da Hollanda		
Dito dita de Suecia		
Dito dita do Baixo Imperio		
Dito dita da Grecia		
Dito dita de Dinamarca		
Dito dita des Guerres de la Vendée		
Dito dita do Egypto		
Dito dita da China		
Dito dita de Portugal		
Dito dita do Brazil		
Dito dita Litteraria de Portugal, e Brazil		
Dito dita d'Escossia		
Dito dita de Polonia		
Dito dita d'Italia		
Dito dita d'Espanha		
Dito dita de Genes		
Dito dita do Imperio, Germanico		
Dito dita da Philosofia		
Leziadas de Camões em 32	1	vol.
Parnazo Lusitano em 32	5	"
Chefe d'Obras de Voltaire em 18	4	"
Chefe d'Obras de Mirabeau em 18	2	"

COMPRAS.

UM escravo cozinheiro, que tenha os requezitos necessarios, e pelo qual se dara' um preço, que corresponda ao seu merecimento: no Escritorio de Luiz Gomes Ferreira & Mansfield, na rua da Cadeia no Recife.

PERDA.

NA noite de 11 do corrente perdeu-se uma espora de prata: quem a achar e quizer restituir dirija-se ao sobrado defronte da abobeda da penha que se dara' o achado.

AVIZO PARTICULAR.

FAz-se publico que a loje de livros da Praça da União N.º 36, fica transferida para a mesma Praça N.º 37, e 38.

PERNAMBUCO NA TYPOGRAFIA DO DIARIO, RUA DA SOLEDADE N.º 498, 1831.

Fig. 3 Diário de Pernambuco. Supplement. Nº 174. 16 de August 1831

nirão a mim na Povoação dos Affogados no dia 15, deste numero tem sido presos os soldados contra os quaes tem havido denuncia de serem corrêos nos attentados commettidos, e os outros soldados que se conservão soltos no quartel por não ter havido contra elles denuncias os julgo indignos do S. N., por que não os considero isentos de culpa, com muito pouca excepção; e os mesmos principios que me obrigão a accusar os criminosos me impõem o dever recomendar a V. Exc. os Officiaes que quase inseparaveis forão de mim, e que constão da primeira rellação aqui mencionada por suas illibadas conductas amor da ordem, e muito que trabalharão para restabelecimento do socego Publico com especialidade o Alferes João Gonçalves de Carvalho, que está acima de todo o elogio pelo grande sacrificio que fez para o mesmo fim de restabelecer o socego Publico; pondo-se a frente dos soldados para os conter de suas criminosas operações, conseguindo de muitos a retirada para os Affogados, onde esteve, té que V. Exc. lhe ordenou a avançada com os soldados que ali pude conservar — Incluzo remetto tãobem a V. Exc. a parte que me dirigio o Tenente do Batalhão de meo interino Commando Pedro Alexandrino de Barros como Commandante da Guarda do Hospital no dia 14; assim como a relação dos praças que se achão presos a Bordo dos quaes julgo menos culpados os que assim vão notados na mesma relação; considerando no numero dos mais influentes, o Cabo da primeira Companhia Joaquim José de Santa Anna, que foi muitas veses visto por alguns Officiaes dirigindo os soldados nas suas criminosas operações; e nesta mesma relação vão contemplados os soldados que se achão recolhidos ao Ospital por feridas recebidas nas fileiras dos revoltosos, pelo que os considero no numero dos mais criminosos; e avista de tudo V. Exc. deliberará o que axar justo. Deos Guarde a V. Exc. Quartel do Batalhão n.º 14 de Cassadores de primeira Linha no Recife de Pernambuco 20 de Setembro de 1831 — Illm. e Exm. Senhor Francisco de Paula e Vasconcellos, Commandante das Armas desta Provincia — Manoel Joaquim de Oliveira Capitão e Commandante Interino.

ILL.mo e Ex.mo Snr. — Serião cinco horas da tarde quando recebi do Exmo Snr. Presidente da Provincia um officio communicando-me, que deveria entregar o Commano das Armas a V. Ex., para o qual acabava de ser nomeado pela Regencia em Nome do Imperador, logo que se apresente para tomar posse; rogo por isso encarecidamente a V. Ex. se digne aprazar o dia, e hora em que pode ter lugar dita posse — Deos Guarde a V. Ex. Quartel do Commando das Armas de Pernambuco 31 de Out. as 8 horas da noite de 1831. Ill.mo e Ex.mo Snr. Francisco Jacinto Pereira, Commandante das Armas nomeado — (assignado) Francisco de Paula e Vasconcellos.

Lista das pessoas, que tem dado obras para a Biblioteca publica de Olinda, que estão a cargo do abaixo assignado.

O Dr. Pedro Autram da Matta e Albuquerque deu as obras seguintes

Binkersoki opera omnia in folio .	2 *vol.*
Heineccii — Jus naturæ, et gentium	1 "
Idem — Recitationes juris Romani	2 "
Beriat de S.t Prix. Histoire du Droit Romain	2 "
Abot. Leis Maritimas em 8.º . . .	1 "
Schansa. Theologia moralis . . .	2 "
Gazaniga. Theologia Dogmatica	2 "
Cicero de Officios	1 "
Antonio Joze Machado.	
Calepinus, Septem linguarum lexicon in folio	2 "
Titi Livii Patavini historia Romana	6 "
Chompré Diccionaire abregé de la fable	1 "
Ciceronis opera philosophica . . .	1 "
Selectas Latinas	2 "
Antonio Pereira, Exercicios da lingua latina, e portugueza . . .	1 "
João Affonso Lima Nogueira.	
Horatii opera omnia ad usum Delphini	1 "
Candido Lusitano, arte poetica de Horacio traduzida	1 "
Goldsmith Histoire abregé d' Angleterre	1 "
Terentii, Comediæ cum delectu comentariorum	1 "
Joze Bento da Cunha Figueredo.	
Lamourete, Pensamentos sobre a filosofia da incredulidade . . .	1 "
Les voyages des Papes	1 "

Fig. 4 Diário de Pernambuco. Nº 234. 3 November 1831

Verney, Philosophia rationalis . . 2 "
Geographia antiqua latinorum, et Græcorum . . . . . 1 "
Latourdupin Sermons . . . . . 4 "

Joze Ferreira Souto.

Almeida e Amaral, Discursos Juridicos . . . . . 1 "
Arte legal para se estudar a jurisprudencia . . . . . 1 "
Boheri Jus publicum . . . . . 1 "

Antonio Joze Espinola

Francisci Sanctii de causis linguæ latinæ comentarius . . . . . 1 "
Ciceronis Orationes selectæ . . . 1 "
Ovidii opera . . . . . 1 "

Felis Ribeiro Rocha

M. Fabii Quintiliani Intitutiones Oratoriæ . . . . . 2 "
Poetica de Horacio, traduzida por J. Soares Barboza . . . . . 1 "
Atlas moderno para uso da mocidade . . . . . 1 "

João Joze Espinola

Costa e Sá, Particulæ orationis latinæ . . . . . 1 "
Vatel Le Droit des Gens . . . . . 3 "

Marcos Antonio de Macedo

T. P. Bertin. Le passe-tens de la junesse . . . . . 2 "
Horatii Odes, e Poetica . . . . . 1 "
Condilac Œuvres Philosophiques 3 "

Jeronimo Martiniano Figueira de Mello

Montesquieu. Œuvres politiques . 6 "
Letelier, Novelle Cacographie de la langue française . . . . . 1 "
Renneval Direito das Gentes . . . 1 "

Luiz Antonio Barboza de Almeida

Cours de Droit Commercial par Pardessus . . . . . 5 "

Nicolau Rodrigues dos Santos França e Leite

The Laws of United States . . . 3 "
Zoezii Comentarius in Jus Canonicum, et civile . . . . . 4 "

Joze Francisco da Silva Amaral

Storchenau Philosophiæ rationalis 3 "

Joze Antonio Pereira

Montesq. Considerations sur les causes de la grandeur, et decadence des Empires . . . . . 1 "

André Bastos de Oliveira

Lobato, Principios de Direito positivo . . . . . 1 "

Antonio Leopoldino de Araujo Chaves

Gibert, Regras da Eloquencia . . 2 "

Evaristo de Oliveira

Custodio Joze de Oliveira, Sellecta Greca . . . . . 1 "

Manoel Teixeira Peixoto

Bohemerus. Corpus Juris Canonici in folio . . . . . 2 "

Antonio Muniz Barreto

D' Aguila. Decouverte de l' Orbit de la terre . . . . . 1 "
Coelho, Logica tradusida do latim 1 "
Hautome. Extraits des Auteurs Grecs . . . . . 1 "
Casado Geraldes. Compendio de Geografia . . . . . 1 "
J. Soares Barboza. Gramatica filosophica . . . . . 1 "
La-Harpe. Curso de Literatura . 16 "

Manoel Joaquim de Matos

Pinkerton'. Geography with maps 1 "

Antonio Joze de Matos

Dantas. Explicação da Sintaxe . 1 "
Renneval. Tratado de Direito das Gentes . . . . . 1 "

Eusedio Matozo Coitinho

Penis, Pratica formularia - - - - 1 "
Danou. Ensaio sobre as garantias individuaes - - - - - - - - - 1 "
Love-Veinar, Histoire des Tribupaux secrets - - - - - - - - - 1 "

Gustavo Xavier de Sá

Genuense. Logica, e Methaphisica 2 "
Job. Ethica, seu Philosofia moralis 1 "

Doutor João Jozo de Moura Magalhães.

Sigonio, De antiquo Jure Romano 3 „
Molinei, Opera - - - - - - - - - 1 „
Buareni, Opera - - - - - - - - - 1 „
Brumnemani, In Codicem - - - - 1 „
Idem, In Pandecta - - - - - - - 1 „
Discurso inaugural sobre o Direito Natural e Politico - - - - - - - 1 „
Idem, Preliminar para servir de introdução a analize da Constituição do Brazil - - - - - - - 1 „

Doutor Lourenço Joze Ribeiro.

Rolin, Historia antiga - - - - - 14 „

Doutor João Candido de Brito

Euler, Elementos de Mathematica 2 „
Blandian, Curso Elementar de Direito Romano - - - - - - - 1 „

Bento Joaquim de Miranda Henriques

Fleury, Histoire Ecclesiastique - 36 „
Barboza, Obras completas - - - 23 „
Evangelho em Triunfo - - - - - 8 „

Joaquim Jeronimo Serpa

Dictionaire Portatif de Santé - - 3 „
Tratado de Educação fisico-moral 1 „

Fig. 5 Diário de Pernambuco. Nº 234. 3 November 1831

Fillipe Lopes Neto Junior

Haineccio, Jurisprudencia Universal - - - - - - - - - - - - - 10 „

Bossuet, Historia Universal - - - 2 „

Bazilio Quaresma Torrião Junior.

Demoustier, Cartas á Emilia - - 2 „

L'anglaterra vùe á Londres - - - 1 „

Caldas, Poezias sagradas, e profanas - - - - - - - - - - - - - 2 „

Innocencio Marques de Araujo Goes.

Felice, Direito natural - - - - - 4 „

João Jacques Rousseau, Principios Politicos - - - - - - - - - - 2 „

Francisco Marques de Araujo Goes.

Lobato, Principios de Direito - - 1 „

Vida de D. João de Castro - - - 1 „

Ventura, Regras methodicas - - 1 „

João Paulo de Miranda.

Antonio Pereira de Figuereido, velho, e novo testamento traduzido. 22 „

Soma 262 „

Olinda 25 de Outubro de 1831

Bazilio Quaresma Torreão.

Leilão.

CAETANO da Silva Azeve faz leilão hoje 3 do corrente de passas e outros generos, na sua caza, rua da Madre de Deos.

Vendas.

UM selim uzado, um escravo, 30 annos, do serviço de enxada, maxado, ou foice; uma legra de furar bombas de embarcação: á rua das Cruzes D. 9.

☞ Uma negra, 20 annos, ensaboa, engoma, e coze: quem a pertender anuncie.

Avizos Particulares.

TENDO de auzentar-me por algum tempo para fora desta desta Provincia, com licença do Governo, a fim de tratar na Europa da minha saude; e não me sendo possivel pessoalmente despedir-me de cada uma das pessoas que, por sua nimia bondade, me honráram com a sua amisade e estima: rogo-lhes que, certificados da miconstante gratidão, recebão por esta forma as minhas saudozas despedidas.

Antonio de Azevedo Mello e Carvalho.

☞ Preciza-se de um homem que entenda de Padaria; quem estiver nestas circunstancias dirija-se a rua Direita D. 49.

NOTICIAS MARITIMAS.

Navios Entrados no dia 31.

GOTTENBURG; 50 dias; B. Sueco *Anders*, Cap. A. C. Horger: ferro, e madeira: áo Capitão.

— LISBOA; 42 dias; S. *Penha*, M. D. da Silva Mouta: sal, vinho, e fazendas: á B. J. da Costa.

Dia 1.º

— TERRA NOVA; 43 dias; B. Ing. *Siren*, Cap. N. Clampet: 1420 barricas de bacalhau: a Smith & Lancaster.

— RIO DE JANEIRO, E JARAGUA; 31 dias; e do ultimo 2; Pat. *Fortunato*, M. João Luiz da Roza: arros, café, toucinho, fumo, e farinha: áo Capitão.

Dia 2.

— RIO DE JANEIRO, BAHIA, E JARAGUA; 58 dias; trazendo do ultimo porto 7; Paq. N. *Bella Maria*, Com. o 1.º Tenente S. R. da Cunha.

— PARA', MARANHAO, E CEARA'; 76 dias; trazendo do ultimo porto 13, Paq. N. *Atlante*, Com. o 1.º Tenente J. M. de Oliveira Figueredo.

— RIO DE JANEIRO, BAHIA, E JARAGUA'; 35 dias; trazendo do ultimo Porto 4; Paq. N. *Imperial Pedro*, Com. o 1.º Tenente A. Wenceslão da Silva Lisboa.

Navios sahidos no dia 31.

BAHIA; Pat. *Pombinha*, M. Joze Ferreira de Barros: fazendas.

Dia 1.º

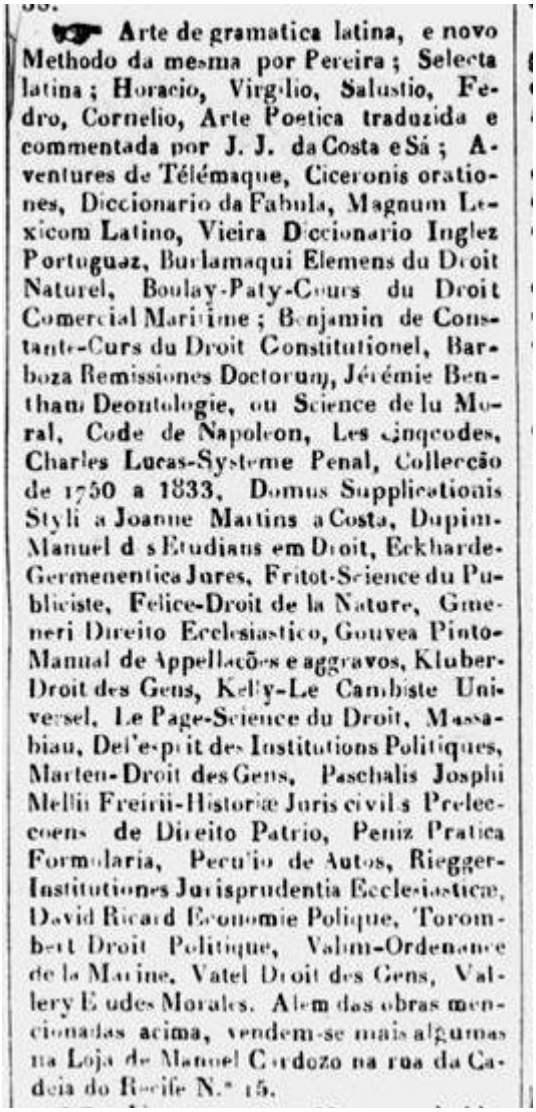
— BREST; B. Franc. de Guerra *Faucon*, Com. Quernel.

Dia 2.

— LISBOA; B. Port. S. *Manoel*, Cap. J. M. Salazar: assucar, e algodão.

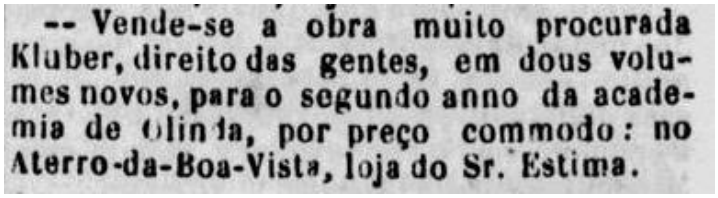
PERNAMBUCO NA TIPOGRAFIA DO DIARIO, RUA DA SOLEDADE N.º 498. 1831.

Fig. 6 Diário de Pernambuco. Nº 234. 3 November 1831



☞ Arte de gramatica latina, e novo Methodo da mesma por Pereira; Selecta latina; Horacio, Virgilio, Salustio, Fedro, Cornelio, Arte Poetica traduzida e commentada por J. J. da Costa e Sá; Aventures de Télémaque, Ciceronis orationes, Diccionario da Fabula, Magnum Lexicom Latino, Vieira Diccionario Inglez Portuguez, Burlamaqui Elemens du Droit Naturel, Boulay-Paty-Cours du Droit Comercial Maritime; Benjamin de Constante-Curs du Droit Constitutionel, Barboza Remissiones Doctorum, Jérémie Bentham Deontologie, ou Science de la Moral, Code de Napoleon, Les cinqcodes, Charles Lucas-Systeme Penal, Collecção de 1750 a 1833, Domus Supplicationis Styli a Joanne Martins a Costa, Dupin-Manuel des Etudians em Droit, Eckharde-Germenentica Jures, Fritot-Science du Publiciste, Felice-Droit de la Nature, Gimeneri Direito Ecclesiastico, Gouvea Pinto-Manual de Appellações e aggravos, Kluber-Droit des Gens, Kelly-Le Cambiste Universel, Le Page-Science du Droit, Massabiau, Del'esprit des Institutions Politiques, Marten-Droit des Gens, Paschalis Josphi Mellii Freirii-Historiæ Juris civilis Prelecoens de Direito Patrio, Peniz Pratica Formularia, Peculio de Autos, Riegger-Institutiones Jurisprudentia Ecclesiasticæ, David Ricard Economie Polique, Torombert Droit Politique, Valin-Ordenance de la Marine, Vatel Droit des Gens, Vallery Eudes Morales. Alem das obras mencionadas acima, vendem-se mais algumas na Loja de Manuel Cordozo na rua da Cadeia do Recife N.° 15.

Fig. 8 Diario de Pernambuco. Nº 91. 26 April 1836



-- Vende-se a obra muito procurada Kluber, direito das gentes, em dous volumes novos, para o segundo anno da academia de Olinda, por preço commodo: no Aterro-da-Boa-Vista, loja do Sr. Estima.

Fig. 7 Diario de Pernambuco. Nº 169. 31 July 1850

☞ Dá-se boas luvas em prata, pelas chaves de uma loja ou armasem, sendo nas ruas seguintes: cadeia do Recife, cresspo, queimado, e Livramento: quem a tiver annuncie.

☞ Precisa-se alugar um sitio perto da praça, que não passe do manguinho, ou Solidade, ou mesmo uma casa terrea nestes lugares, e que tenha bom quintal: na rua da Cruz armasem de trastes n. 31, ou annuncie.

☞ O Sr. que quiser dar cavallos para se tratar recolhidos em estribaria, em um sitio perto da praça, pelo preço de 640 rs. por dia dirija-se a rua velha D. 37.

☞ Na rua dos Quarteis n. 6 casa em que mora a viuva do finado João Antonio de Mirande, acha-se aberta uma escola para meninas, onde se ensina a ler, escrever, contar, e Grammatica Portugueza, assim como todas as qualidades de costuras: os Srs. Paes de familia que quizerem confiar as suas filhas, ao cuidado de uma familia que se vê na precisão de dedicar-se a tão penoso encargo para poder subsistir, podem dirigir-se a mencionada casa, na certeza que as Mestras terão o maior cuidado no adiantamento das suas jovens alumnas, o ensino da Religião Christã e de quanto possa inspirar-lhe o gosto da decencia e da virtude, occupará com preferencia toda a attenção das mestras.

NAVIOS A CARGA.

Para o Rio de Janeiro

☞ Sahe até o fim do mez presente o Brigue Brasileiro Carolina, forrado de cobre, e muito velleiro: quem quiser carregar ou hir de passegem, dirija-se ao consignatario A. Schramm.

Para a Bahia

A Galera Sarda Aurora, de q' é Capitão Francisco Risso, com a maior parte de sua carga pretende sahir por todo o mez de Maio: quem na mesma quiser car-

COMPRAS.

Um ferreiro, que seja mestre no officio, moço e de bons costumes: annuncie.

☞ Uma canoa aberta, de 400 a 500 tijolos de alvenaria, e que esteja em meio uso: no atterro da Boa vista sobrado Decima 16.

☞ Uma balança que sirva para pesar ouros: annuncie.

☞ Uma ottava de oiro: nesta Typografia.

☞ Uma casa terrea pequena que não exceda o seu valor de 400$000 a 500$000 em qualquer rua desta cidade: na rua de sanzalla velha padaria n. 31, ou no sitio da Trempe a fallar com Joanna dos Passos.

VENDAS.

☞ Compendio de Doutrina Christã, Arithmetica e Geografia, Economia da vida Humana, ou maximas moraes, Constituição do Imperio, em formato de 4:°, e pequeno, Codigo do Processo, e Codigo Criminal, nos mesmos formatos, encadernados, Historia de Simão de Nantua, Expositor Portuguez ou primeiros rudimentos da lingoa Materna, Alfabeto Portuguez para uzo das escolas com estampas elegantes, Collecção de Traslados, cartas de silabas, Taboadas, Pereira e Souza, Primeiras Linhas, impressão e encadernação franceza, Magnum Lexicon, Cornelius, Salustius, Virgilius, Horatius, Tito Livio, Terencio, Arte de Dantas, Fabula de Phedro, Logica, Ethica, Methafizica, Diccionario da Lingoa Portugueza por Fonseca, dito dito muito augmentado sobre a quarta edição de Moraes, por Constancio, Novos Diccionarios Francez e Portuguez por Fonseca, muito rico e o melhor que tem apparecido, Grammatica Portugueza por Constancio, dita Franceza pelo mesmo, dita Portuguesa por Salvador Henrique de Albuquerque, dita dita por Lobato, dita dita por Figueiredo, Luziadas de Camões, Quintiliano por Soares Barbosa, impresso e encadernação franceza, Fabulas de La-Fontsine em Portuguez, e Francez, Horas Marianas, encadernadas de diverços modos, ditas Portuguezas, ditas Luzitanas, Arithmetica de Bezout, Descobrimento e Historia da America, Grammatica Latina de Antonio Pereira, Novo methodo do mesmo, Guilerme Tell, Izabel ou os Desterrados da Siberia, Clara d'Alba, D. Quexote de La Mancha, o Cambista Universal por Kely, Martens Direito das Gentes, Vattel Direito das Gentes, Kluber Direito das Gentes, Le Page Sciencia de Direito, Burlamaque Direito natural, Torombete Direito Politico, Felice Lição de Direito Natural e das Gentes, Mongelvi analise do Codigo Cõmercio, Bavoux Desconflites, Aygnan, Historia do Jury, Rosci Direito penal, Holbac Moral Universal, Ganille Economia, politica Flora Estrada, Economia Politica, Dutens Economia Politica, Jefiova Direito natural, Cartas de Echo e Narcio, Noite do Castello, Thesouro de meninos, Historia de Gil Braz e outros muitos livros, e impressos avulso de toda a qualidade: na praça da Independencia loja de livros n. 37 e 38.

☞ Papel de peso coroinha de muy superior qualidade branco e a zul; dito dito em formato de meia olanda proprio para requerimento, e facturas &c.: dito almaço azul 1.ª e 2.ª sorte aparado e por aparar, e dito branco (em resmas e a retalho); pautas; regoas de differentes madeiras e tamanhos; pennas; lapes; Tinta d'escrever; area preta; obreias; livros em branco; e papel mata-borrão. E hum assim superior chá Ison; e rapé Princeza de Lisboa, dito Pernambucano, e Areia-preta da Bahia: na Travessa do Rozario para o Queimado loja n. 7.

☞ No Escriptorio de Angelo Francisco Carvalho, na loja 4 de bonita figura, tem principios de costureira, engomma, ensabôa, cosinha o diario de um caza, e boa vendedeira de rua; nesta Typografia.

☞ Sapatos de duraque de todas as cores e tamanos, tanto para Senhoras como para meninas, chiquitos e botins de cordavão para meninos de todos os tamanhos, tudo de superior qualidade, e chegado proximamente de Lisboa: na rua da Collegio no primeiro andar do sobrado de 4 andares que faz quina para o patio.

☞ Botijões de dous galões, com oleo de linhaça a 3$840 a botija: na rua do Livramento D. 10, loja de funileiro, e ahi tambem assenta-se vidros em caixilhos por preço commodo.

☞ Duas camas grandes em bom uzo, huma de jacarandá, e outra de angico, com os seus cuxergões, huma banca de meio de salla tambem de angico, hum armario grande de louro de canto de salla, com muitos bons commodos, huma comoda de amarello, huma meza grand de jantar tambem de amarello, 12 cadeiras Americanas, huma caixinha d costura de amarello, e huma banquinha de conduzir: atraz da Matriz da Boa-vista n. 10.

☞ Boa cal de caisr, taboado de pinho de diversas, larguras, e cumprimento, meio de solla, e farinha de mandioca ordinaria de Cravellas, por preço cõmodo: no armasem de sal que foi do falecido Bento Jose da Costa.

☞ Aguardente do Reino, anix, muito superior e por preço comodo, tanto em grandes porções, como pequenas: na rua do Rosario estreita D. 24.

☞ Uma Venda com poucos fundos, cita na rua da Cacimba, e vende soffrivelmente: á mesma a cima n. 109.

☞ Um negro de 18 a 20 annos, bonita figura, com officio de sapateiro, e canoeiro: a esquina do beco do Lobato D. 1.

☞ Seis canoas de carreira, aqual se acha em bote, defronte do Trem; á rua do Cabugal loja de miudesas, pe' do Sr. Bandeira.

☞ Uma optima escrava, com todas as habelidades e sem vicio: á rua d'agoas Verdes, sobrado D. 10.

☞ Um optimo oculo de ver ao longe: á loja de livros defronte do Colegio.

☞ Em Fora de portas venda N. 214 ha para vender em porção grande, ou pequena, charutos de superior qualidade, e chegados ultimamente da Bahia.

☞ Um juegro moço, bonita figura, e bom official de sapateiro; proprio para outro qualquer serviço: á rua de Santa Theresa, D. 12.

☞ Um moleque crioulo de idade de seis annos, bonita figura, e muito esperto: á afrição ao pé da matriz D. 40.

☞ Um juegro crioulo, idade de 35 annos, official de orives, e bom conductor, sem vicio algum: anunciem a moradia.

☞ No armazem de seccas, da rua do Collegio D. 13, ha para vender sacas de farinha fina do Rio de Janeiro, ditas de milho, ditas de feijão, e de arroz de casca e pilado, e tambem pelo miudo miudo todos estes generos, por preço comodos e commodo, e boas medidas.

☞ Um escravo possante, para todo e qual quer serviço, de nação idade de 22 a 24 annos: a' Boa vista atraz da Matris, e falar com Manoel Elias de Moura.

☞ Bixas pretas de superior qualidade, grandes e pequenas, chegadas proximamentedo do porto, por commodo preço: ao aterro da Boa-vista D. 19.

☞ Uma venda na rua do Aragaõ D. 5, com poucos fundos, e commodo preço, para grande familia, e hum grande quintal, que serve para a rancharmelutos, ou a plantar ortalices, a diuheiro ou a prazo com boas firmas: a mesma a cima á tratar.

☞ Sacas com arroz branco da terra pipas com agoardente branca, ditas com vinho tinto, barris com azeitonas, feixes de vista se fará o ajuste: na quina do armazem de sal venda D. 41.

☞ Uma cabra de idade de 20 á 21 annos excellente engomadeira, muito boa rendeira, cose sofrivelmente chão, cosinha o diario de uma casa: na rua da Alegria casa 4 entrando pelo beco da rua velha.

☞ Rapé Princeza de Lisboa em libras e oitavas, dito Princesa da Bahia, dito areia preta, Chá Ison da primeira sorte dito perola, dito Imperial, em caxinha de duas libras e meia, tinta de escrever em garrafas, ricos estojos de duas na valhas finas Inglezas thesoura para hunhas, graxa de dar lustro sem escova, pilulas de familia em frascos de 50, ditos de 100 com o seo competente folheto, bixas grandes e pequenas por preço commodo: na praça da Independencia loja n. 2.

☞ O livro Espiretador do mundo novo, um realejo de cordas, que toca como piano, outro dito Amburguez muito proprio para um presepio e de muito bonita madeira e construção, cinco pipas vasias que forão d'agoardente, e hum canteiro para as ditas, e gigos com garrafas vasios: na mesma casa acima.

☞ Um aparelho de prata para chá, composto de hum Bulle, uma Cafeteira, um Assucareiro, e um Leiteiro, a peso sem feitio: na rua Nova armasem de louça casa D. 12.

☞ Uma comoda grande do uso antigo por commodo preço, uma ancora de ferro de 3 quintaes em bom uso, hiemme para botar em Fora de Porta: casa terrea defronte do Nincho da N. S. Mai dos homens.

☞ Uma preta de serviço de casa, de idade de 16 annos, e preta da mesma com principio do officio de de Alfaiate, e acostumado ao serviço do Campo: na rua do Crespo D. 9.

☞ Brincos com brilhantes, e sem elles, medalhas de rozetas e corações, tudo de filograna, e rosetas de pedras brancas, e huma Escrivaninha de prata, obra do porto: na rua do queimado L ja D. 11.

☞ Bixas de boas qualidades: na praça da Boa vista botica D. 10.

☞ Chapeos de palinha finos de Superior qualidade para, e para meninas, chegados ultimamente de Paris do melhor gosto e ultima moda: na rua nova loja D. 22

☞ As bemfeitorias, e lavouras de um sitio rendeiro, cujo tem mui boas communidades para ter 8 a 10 vaces de leite, ou faser-se grandes plantações tem arvoredos baixa para capim, casa sofrivel de taipa, uma venda com seus pertences e estribaria para trez cavallos, a sua renda he mui diminuta: os pertendentes dirijaõ se a rua do Livramento D. 13 na loja de couros, ou a seu propietario no lugar do Lucas, á Estevaõ Jose Paes Barroto.

ESCRAVOS FUGIDOS.

☞ Maria Rita naçaõ cabinda, com idade de 28 annos, e com os signaes seguintes: altura regular, cor fula olhos pequenos beiços grossos, dentes limados, tem em um braço duas cruzes enterlaçadas huma com a outra, e quando falla gaguceja: quem a apprehender terá de gratificação 30$000 rs., entregando a na rua da cacimba n. 5.

☞ No dia ultimo de Abril, fugio do sitio do cajueiro, um escravo por nome Antonio e de naçaõ cassange, levou vestido camiza de algodaõ da terra, siloura rota, chapeo de castor branco e ja velho, idade de 60 annos, beiço de baixo cahido, barba pintada de branco, baixo do corpo, com uma marca de ferida na perna esquerda, pes chatos, e os ossos grandes acostumado para fora, os apprehendedores levem-o ao pateo do carmo sobrado da quina onde tem um tataruguaeiro, que serão recompensados.

☞ O abaixo assignado recompençará a quem lhe pegar um negro por nome João angola, naõ muito baixo, barba vestido de camisa de algodaõ e outra de baeta encarnada bastante curta e siroula do mesmo panno de algodaõ; quem o pegar levando-o a loja do abaixo assignado nas 5 pontes D. 21 será bem recompençado.

Simaõ Gorreia Cavalcante Macambira.

José Joaquim da Silva Araujo, faz sciente que tem fugido a seis annos uma preta de nome Luzia, naçaõ angola, alta, rosto comprido e picado de bechigas, nariz um tanto afilado, olhos grandes, e tem em uma das pernas uma grande secatriz de um formigueiro: um moleque de nome Manoel naçaõ angico, cara alanhada beiços grossos, nariz chato, e pés grandes: oda e qualquer pessoa que souber de taes escravos apenas sejão apprehendidos se dará a dita pessoa a quantia de 60$000 rs. por cada um escravo e os receberá em casa do meu procurador Joaquim Rodrigues de Almeida, em fora de portas n. 199.

ERRATAS.

O Diario n.° 99 O rendimento da Meza de Diversas Rendas a somma lêa-se Reis 63:161$648. Diario n.° 100 A lei Provincial n.° 58 art. 1 linhas 5 vão domar lêa-se do mar &c. art. 4 linhas 2 Rao lêa se Pau do Alho. No mesmo art. linhas 5 Mussuripe — Mussurepi &c. — Prefeitura da C. de Goianna &c. na certidão lê-se — passe Gertidão de verbum ad verbum; provincia — Pronuncia. no fim — o Puão desta Villa — lêa-se e a Fuão desta V. &c.

PERN. NA TIP. DE M. F. FARIA — 1837.

Fig. 9 Diario de Pernambuco. Nº 101.10 May 1837

Carneiro Monteiro.

COMPRAS.

☞ O primeiro livro das Ordenações do Reino : na rua do Rangel n. 52, ou quem o tiver póde annunciar para ser procurado. (3)

☞ Effectivamente para fora da provincia escravos de 13 a 20 annos, sendo bonitas figuras pagão-se bem : na rua da Cadea de Santo Antonio em um sobrado de um andar com varanda de pao n. 20. (4)

VENDAS.

Livraria de Bez Deshayes na rua Nova n. 34.

☞ As obras seguintes : Ahrens, curso de direito natural, 1 vol. — Burlamaqui, direito natural e das gentes, 5 vol. — Felice, direito natural e das gentes, 2 vol. — Jouffroy, direito natural, 3 vol. — Poff ndorf, direito natural e das gentes, 2 vol. — Chauveaux, theoria do codigio penal, 4 vol. — Filangieri, legislação criminal, 3 vol. — Rossi, direito penal, 1 vol. — Bavoux, lições sobre o codigo penal, 1 vol. — Criveli, diccionario de direito criminal, 1 vol. — Kant, methaphisica de direito, 1 vol. — Kluber, direito natural das gentes, 2 vol. — Azuni, direito maritimo, 2 vol. — Domat, direito civil, 4 vol. — Foucart, direito publico, e administrativo, 3 vol. — Frilot, espirito de direito, 1 vol. — Benjamin Constant, curso de politica, 1 vol. — Bergier, diccionario de Theologia, 8 vol. — Rossi, economia politica, 2 vol.— Marcet, economia politica, 1 vol. — Say, curso completo de economia politica, 1 vol. — Storch, curso de economia politica, 5 vol. — Senior, economia politica, 2 vol. — Sismondi, constituição dos povos livres, 1 vol. — Adam Smith, riqueza das nações, 5 vol. — Timon, livro dos oradores, 1 vol. — Hugo, direito romano, 1 vol. — Paillet, manual de direito civil, commercial e criminal, 1 vol. — Pardessus, curso de direito commercial, 3 vol. — Martens, guia diplomatica, 3 vol. — Boulay-Paty, direito commercial maritimo, 4 vol. — Delvincourt, direito commercial, 1 vol. — Bravard Veyrière, manual de direito commercial, 1 vol. — Chabrot, diccionario de legislação, 2 vol. — Heineccius, direito civil romano, 4 vol. — Dupertiaux, pena de morte, 1 vol. — Conte, tratado de legislação, 1 vol. — id. da propriedade, 1 vol. — Vincens, legislação commercial, 3 vol. — Locré, espirito do codigo do commercio, 4 vol. — Vatel, direito das gentes, 3 vol. — Zaccariæ, curso de direito civil, 2 vol. — Demante, curso de direito civil, 1 vol. — Tessier, institutas do imperador Justiniano, 1 vol. — Constancio, diccionario portuguez, edição de 1844, por 12$000. (41)

☞ Effectivamente muito superior panno de algodão da terra, largo e encorpado, em grandes e pequenas porções, por preço commodo: na rua do Crespo loja n. 23. (4)

Braguez. (3)

☞ Uma escrava creoula d'idade de 23 annos, sadia, bonita figura, e boa lavadeira : quem a pretender dirija-se á rua do Rozario larga 1 º andar do sobrado n. 26, das 6 ás 9 horas da manhã, e das 2 ás 6 horas da tarde.

☞ Quatro escravos de nação bonitas figuras; 3 muleques de nação de 9 a 15 annos; 1 mulatinho de 12 annos optimo para pagem; uma negrinha de 7 annos; 4 escravas moças, muito lindas, de nação, com varias habilidades, todos de boa conducta : na rua Direita n. 3.

☞ Um sobrado de um andar e 2 sotãos, em chãos proprios, ha pouco acabado, na rua do Fogo n. 27 : na rua estreita do Rozario n. 10, 3 º andar. (3)

☞ Um escravo de bonita figura, bem reforçado do corpo, proprio para todo o serviço : na rua do Crespo loja n. 4. (3)

☞ Um cávallo ruço, gordo, e bem-feito, carrega baixo até meio e esquipa, acabou de fazer a ultima muda, e não tem defeito algum : na rua do Crespo loja da quina que vira para a rua da Cadea n. 4. (4)

☞ Duas vaccas de casta tourina muito boas leiteiras, sendo uma da primeira criação; uma vitella da mesma casta e com dous annos de idade : na estrada dos Afflictos, no primeiro sitio da entrada, ao lado esquerdo, com o portão verde. (5)

ESCRAVOS FUGIDOS.

☞ Continuão a estar fugidos dous escravos de Antonio Vaz de Oliveira, morador na rua do Amorim nº 36, com os signaes seguintes : — um de nome João Camundongo, alto e magro, pouca barba, alguma cousa gago, sua occupação serrador, está ausente ha 3 mezes. Outro igualmente de nome João, alto e cheio do corpo, com um signal branco debaixo de um dos braços, nação Angola, pouca barba, e alguma cousa buçal quando fugio, está ausente ha quatro para cinco annos. Cada um se gratifica com cem mil rs. a quem os entregar a seu senhor. (11)

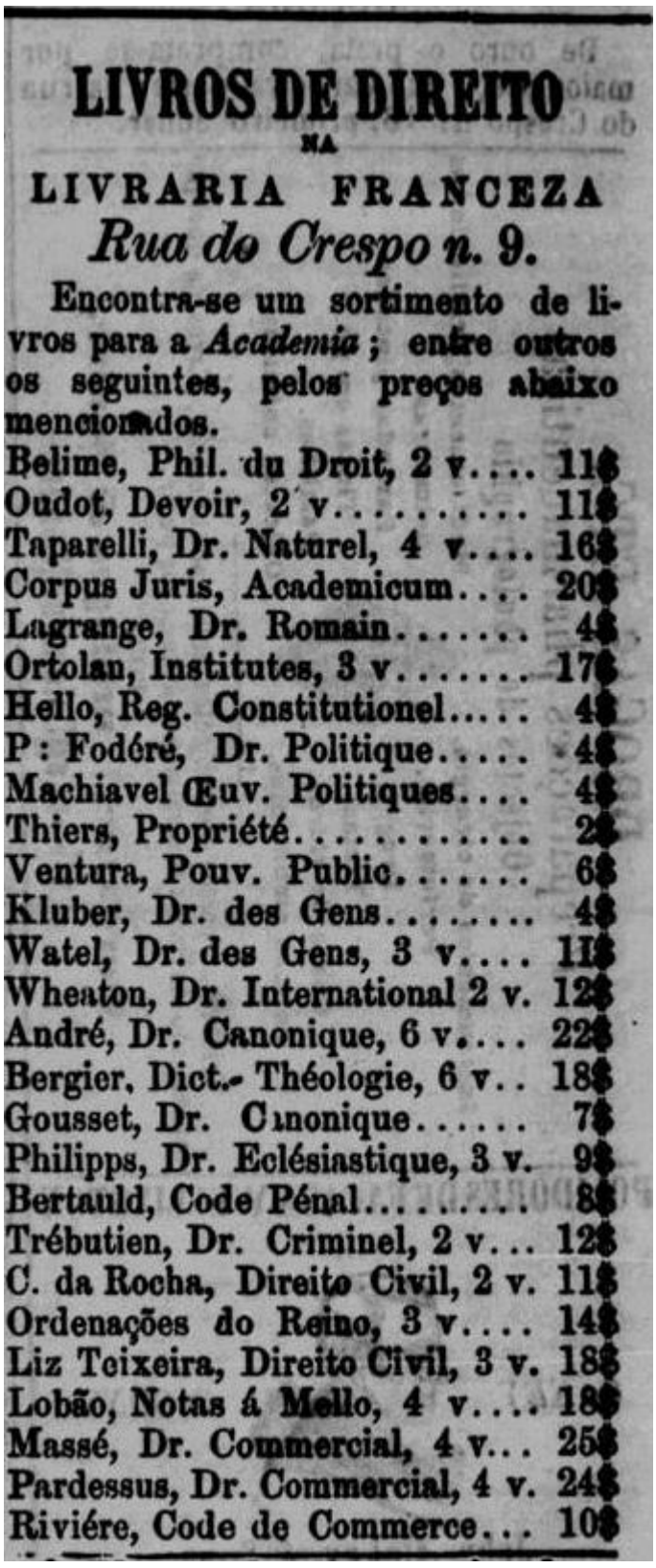
☞ Em o dia segunda-feira do Espirito Santo do anno passado, fugio, ou furtárão, conforme o actual costume, a preta Catharina, escrava, de nação Angola, ladina, alta, bastante sêca do corpo, seio pequeno, côr muito preta, bem feita do rosto, olhos grandes, e vermelhos, com todos os dentes na frente, pés grandes mettidos para dentro, muito conversadeira e risonha, terá 20 a 25 annos de idade ; tem sido encontrada na estrada nova na passagem da Magdalena para o engenho da Torre, cuja escrava pertence a Manoel Francisco da Silva morador na rua estreita do Rozario n. 10, 3 º andar que promette gratificar a quem lh'a apresentar. (12)

MOVIMENTO DO PORTO.

Sahida no dia 27.

Para Maceió o vapor de guerra nacional imperial Guapiassú, commandante o capitão-tenente G. C. Lassance da Cunha. Conduz o Exm. Presidente de Maceió, seu ajudante, e 5 passageiros brasileiros.

Fig. 10 Diario Novo. Nº 69. 29 March 1845.



LIVROS DE DIREITO
NA
LIVRARIA FRANCEZA
Rua do Crespo n. 9.

Encontra-se um sortimento de livros para a *Academia*; entre outros os seguintes, pelos preços abaixo mencionados.

Belime, Phil. du Droit, 2 v....	11$
Oudot, Devoir, 2 v.....	11$
Taparelli, Dr. Naturel, 4 v....	16$
Corpus Juris, Academicum....	20$
Lagrange, Dr. Romain.....	4$
Ortolan, Institutes, 3 v.....	17$
Hello, Reg. Constitutionel.....	4$
P: Fodéré, Dr. Politique.....	4$
Machiavel Œuv. Politiques....	4$
Thiers, Propriété.....	2$
Ventura, Pouv. Public.....	6$
Kluber, Dr. des Gens.....	4$
Watel, Dr. des Gens, 3 v....	11$
Wheaton, Dr. International 2 v.	12$
André, Dr. Canonique, 6 v....	22$
Bergier, Dict.- Théologie, 6 v..	18$
Gousset, Dr. Canonique.....	7$
Philipps, Dr. Eclésiastique, 3 v.	9$
Bertauld, Code Pénal.....	8$
Trébutien, Dr. Criminel, 2 v...	12$
C. da Rocha, Direito Civil, 2 v.	11$
Ordenações do Reino, 3 v....	14$
Liz Teixeira, Direito Civil, 3 v.	18$
Lobão, Notas á Mello, 4 v....	18$
Massé, Dr. Commercial, 4 v...	25$
Pardessus, Dr. Commercial, 4 v.	24$
Riviére, Code de Commerce...	10$

Fig. 11 Diario de Recife. Nº 54. 4 March 1868

por terem deixado accumular gradualmente os abusos, e as decepções, que não se apercebiam, porque os meios de publicidade não estavão assegurados. Nos nossos tempos a impressa é um orgão público tão poderoso, que a nação que deixa de se servir d'elle para promulgar as operações dos diversos ramos do governo, não póde conhecer, apreciar, nem merecer os beneficios da liberdade.„

LIVISGTON — R. E.

AVISOS. — D. Emilia Carolina Riveres da Silva, mulher do Tenente José Antonio Martins, faz sciente ao publico que tendo seu Marido denunciado em juizo a Anunciante de um falso e supposto crime do que s'está ella livrando depositada em casa honesta e capaz, e tendo exigido de seu Marido os alimentos que lhe são devidos, este para não cumprir este dever tem fingido, dividas que nunca existirão e tracta de vender tudo quanto tem para passar-se ao Rio de Janeiro ou outra qualquer parte o que sendo sabido pela Annunciante participa ella isto mesmo ao público a fim de que nem-nma pessoa compre ao dicto seu Marido cousa alguma ou faça com elle qualquer transacção sem que a Annunciante seja ouvida, pois que como meêira de todos os bens do seu Casal protesta pela nullidade de transacções desde o dia, em que ella se acha fora de sua casa assim como tãobem ordens, letras, creditos, e tudo mais, que pertence ao casal como tão bem adverte aos devedores do casal para que não paguem a elle quantia alguma que se achem a dever sem audiencia da mesma Annunciante.

— Na Loja (*rua do Commercio n.º 3*) ha para vender-se por preços commodos os seguintes livros: — Droit des Gens par M. de Vattel — Manual Diplomatico pelo B. de Martens — Pagés — Lanjuinais — La Romiguiere — ¿ O que é Codigo Civil? — Contracto Social — Dialogo Constitucional com as Leis até 1829 — Compendio da Historia dos Estados-Unidos d'America — Constituição do Imperio — Guia das Camaras Municipaes e dos Juizes de Paz — Euclides — Superstições descobertas — Lobão — Fylinto Elysio — Obras de Mirabeau — Dictionario Francez e Portugez — por J. J. da Costa e Sá &c. &c.

— Ha annos fugio ao Tenente Coronel Gregorio Francisco de Miranda residente na Villa de Campos dos Goitacases um escravo pardo de nome Claudiano, com os sinães seguintes — cara chata, nariz rombo, olhos grandes, espaduas largas, estatura, menos que ordinaria, é bom padeiro, e tem principios de carpinteiro; ha tempos constou por um Periodico de Minas estár elle n'aquella Provincia, porem hoje julga-se trazitar d'aquella para esta. Ao mesmo fugio ha menos tempo outro tambem pardo de nome Manoel, que é mais trigueiro, tem o rosto cumprido, olhos pequenos, beiços grandes, e grósses, e é bastante cacundo, sabe ler, e é bom marinhiro: consta que anda por esta Provincia, porem é muito natural que andem juntos. Quem segurar qualquer d'elles, e entregar n'esta Cidade em casa do Padre Almeida nos quatros cantos receberá cem mil reis de alviçaras alem das dispezas.

— A Anna Custodia Soares moradora no Capivary termo da Villa de Porto-Feliz fugio a 2 de Janeiro do corrente anno um escravo de nome Antonio, crioulo, edade mais ou menos 40 annos, com faltas de dentes; péz bastante chatos, côr de mulato escura; saïo com um capote de pano azul, em muito bom uso de cabeção grande, calças de algodão, camisa do mesmo: Roga-se a quem d'elle tiver noticia queira por obsequio participar a Joaquim Pinto de Arruda morador na Villa de Ytú.

— A Fernando Paes de Barros da Villa d'Ytu fugirão 3 escravos ainda buçaes sendo um de nome Gaspar, nação Munjolo, com riscos na cara, meio fula, bem barbado, alto, e não gordo; outro de nome Simão, cara riscada, tambem mui preto, testa grande, olhos pequenos, pernas finas, e péz pequenos; outro de nome Felipe bem preto, olhos regalados, pernas finas, baixote, e péz pequenos; todos levarão camisa, siroula, e coberta ja velha d'algodão: quem os noticiar ou entregar n'esta Cidade em casa de José da Costa Carvalho ou ha dicta Villa ao seu Sr. receberá a recompensa de seu trabalho.

S. Paulo: Na Typographia do Farol Paulistano.

Fig. 12 O Farol Paulistano. Nº 320. 16 March 1830.

o Sr. Vereador Bicudo por ser amigo do Proprietario„: ao que respondeu este Vereador, que s'executasse a lei, e que d'ella se não afastava.

Saiu então pela porta fóra precipitadamente o Vereador Andrade, e voltando logo com a Constituição na mão, mandou ler o art. 22 d'ella (não sei o que tinha elle com o caso): e como continuassem de novo com as mesmas teimas e gritarias, tornou o interessado a requerer que se observasse o art. 34, o que (da mesma sorte que antes) tornou a restabelecer o silencio, e pouco a pouco forão-se safando para outra sala os Vereadores de um a um, ficando só dois com o Secretario, e perguntando-se a este o que significava aquillo, respondeu que = *estava escrevendo a acta.*

Voltei-me então para um companheiro, que estava a meu lado, e disse-lhe: " Isto não está bom; os Vereadores forão para uma sala particular fazer sessão secreta; de certo é para nos metterem na enxovia; pois até na dicta sala (o que era um facto) está o alçapão aberto; safemo-nos, que elles são capazes de tudo.„ Assim o fizemos: mas ao saïr encontramos a um outro amigo, o qual vendo a nossa pressa, perguntou-nos a causa, e depois de lh'a termos dicto, replicou:„ Pois a quererem demorar-se um pouco, verão o Assessor do Sr. Presidente da Camara, aquelle que mora *na venda.*„ Ainda não tinha elle acabado, quando vimos chegar arrastando-se um = *Inglis mane, godem arai* = célebre n'aquella Villa por toda a sorte de immortaes feitos. " Pois este, disse eu espantado, não é aquelle Inglez, que uma Portaria mandada lavrar pelo Conselho da Presidencia determinou que fosse expulso da Villa pela agitação que alli causava?„ O mesmo é, respondeu-me „ o dignissimo Assessor do Meritissimo Sr. Presidente.„

Eis o que se passou n'aquella Sessão, Sr. Redactor; eis o como vão as coisas por esse mundo. O mais váe á porporção, pois assim como um Inglez (e que Inglez!) é o Assessor do Presidente, assim tambem para Fiscal não acharão outro melhor do que um Mascate que gira pelas Villas visinhas, e que por horas não assentou residencia fixa, e que apenas appareceu por alli, condecorarão-o com o cargo de Fiscal.

Foi este quem encontrando-se com o interessado, disse-lhe, que se não admirasse d'aquellas injustiças do Presidente, e tambem das do Juiz de Paz, porque tudo era pedido de Antonio Bonifacio de Moura, que retirando-se da Villa, tinha pedido ao Presidente e a mais dois Vereadores, que a todo o custo mandassem abrir o potreiro d'elle interessado.

Quanto ao Meritissimo Juiz de Paz, é homem que disse aquelle mesmo sujeito no outro dia depois da brincadeira, que se fosse Vereador, havia de mandar deitar para fóra da sala a um que estava alli escrevendo e tomando nota do que se passava na Sessão. Estou que se elle fosse Deputado ou Senador, deitaria á páo a todos os tachigraphos para não tomarem nota do que elle dicesse. Que bello homem para os tempos antigos! e mesmo para agora não está máo pois como n'aquella Villa as coisas andão, como lhe digo, Sr. Redactor, o Sr. Juiz de Paz não escrupuliza em ter prezo a um negro, surprehendido em fragrante, e soltal-o depois, remettendo-o a seu sr., sem fazer corpo de delicto por um facto que não era de mera correcção policial.

Adeos, Sr. Redactor, até á primeira; pois creio que terei de importunal-o mais vezes, se a Providencia não olhar para aquella pobre Villa de S. José.

Um patrador.

S. Paulo: Na Typographia do Farol Paulistano.

Fig. 13 O Farol Paulistano. Nº 354. 17 June 1830

Não é de melhor jaez a imputação, que faz o tal Caipira á PHENIX de ser fria ou indifferente á provincia, onde residem seus Redactores, o que colheo elle da expressão — não querer mal a S. Paulo —, que se acha em aquella minha correspondencia. Os Redactores da PHENIX, quando não mostrassem sua adhesão á provincia, em que residem pela simples qualidade de brazileiros, e por muitas manifestaçoens, que só não veem os collaboradores do OBSERVADOR, basta que se tenhão encarregado de desmascaral-os confundil-os em seus manejos, para merecerem muito da patria. Por tanto Sr. Caipira, outro officio. Vm., e sua gente do OBSERVADOR estão muito conhecidos por qualquer lado por onde se apresentem: Seus Apostolos na Corte não vam tendo melhor successo, e, como Vms, estão cada dia sendo vergongosamente desmascarados na tribuna nacional e no jornalismo. Nem-um outro meio lhes fica, senão, dando de mão a dissimulação e embustes, com que nada podem concluir, lançarem-se despejadamente nas fileiras de seus irmaons do Rio Grande. O exemplo de Bento Manoel, é o que lhes cumpre seguir. Este corifeo do seu credo tem encontrado em sua conducta franca maiores vantagens, do que na dissimulação, de que usou a principio. Emigrem por tanto, vam engrossar seus esquadroens purguem esta provincia e todo o Imperio das traiçoens, que tem-se a cada momento a recear, em quanto Vmces. existirem entre nós. A provincia achar-se-ha muito melhor com Paulistas, que não sabem distinguir entre brazileiros d'esta ou d'aquella parte, com paulistas, cujo bairrismo bem entendido os levar a attenderem unicamente ao merecimento seja elle d'esta ou d'aquella provincia, com tanto que seja de nascimento brazileiro

O medroso.

Noticia communicada.

Somos informados que as Barca de Vapor da « Companhia Brazileira dos Paquetes de Vapor » — sendo estas cinco em numero, estarão no Porto do Rio de Janeiro d'aqui a tres ou quatro mezes — e logo que chegarem, a Companhia tenciona que as Barcas façáo carreira d'aquella Corte para a Villa de Santos em deireitura, levando *carga e passageiros*:— de Santos seguirão para o Rio Grande do Sul, com escalla nos Portos-intermedios, e de lá voltarão (*com as mesmas escallas*) ao Rio de Janeiro.

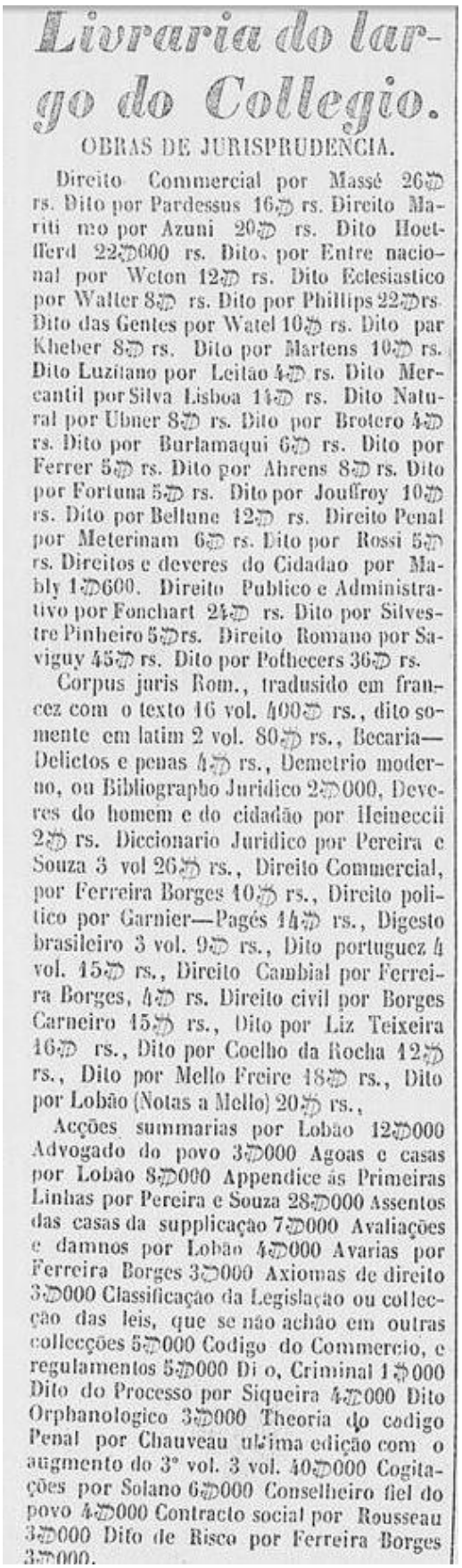
Tambem somos informados que a dicta « Companhia dos Paquetes de Vapor » tem a preferencia com o Governo Imperial do privilegio (independente do ja concedido para os Paquetes do Norte) para levar as mallas para os Portos do Sul, quando o Governo quizer tractar sobre isto.

As Barcas d'esta Companhia, ja encommendadas para Ingalaterra, serão do porte de 250 toneladas Inglezas — ou 17:500 arrobas Brazileiras, e de força de 120 cavallos cada uma.

Avisos.

TYP. DE COSTA SILVEIRA.

Fig. 14 A Phenix. Nº 36. 30 May 1838



Livraria do largo do Collegio.

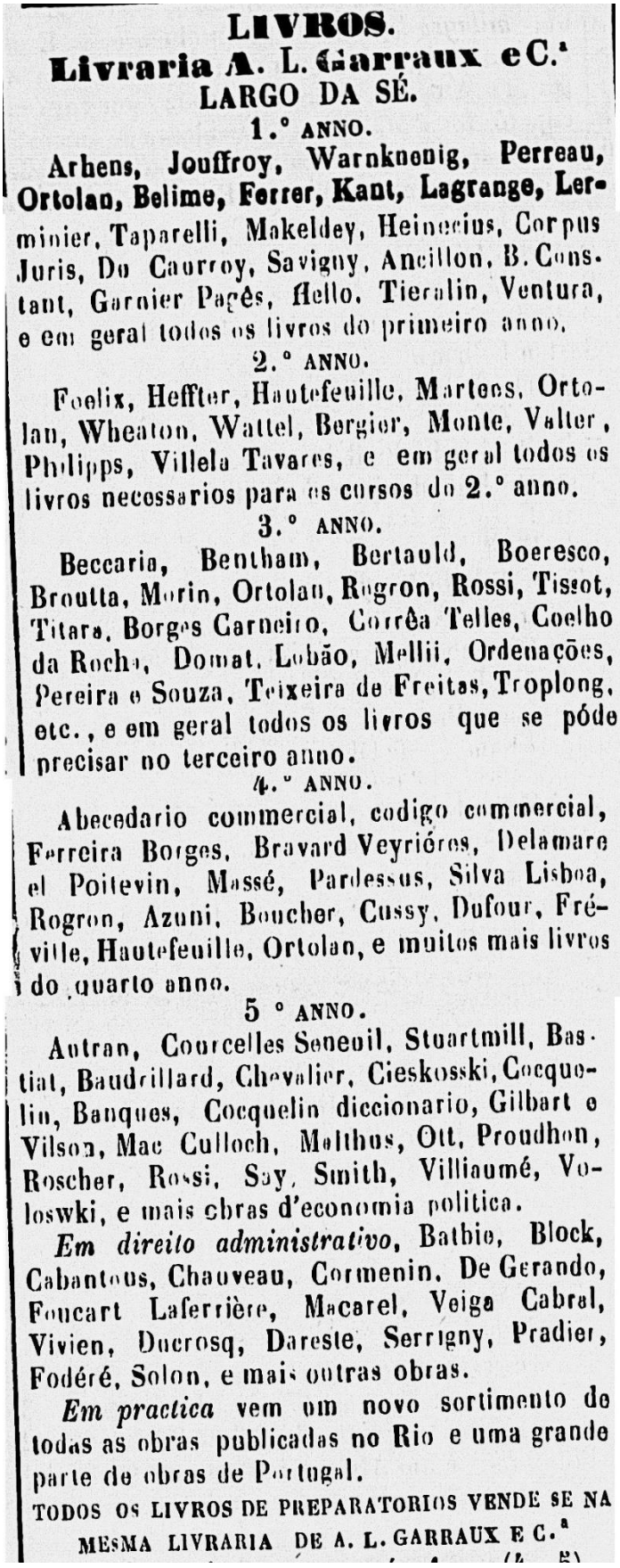
OBRAS DE JURISPRUDENCIA.

Direito Commercial por Massé 26$ rs. Dito por Pardessus 16$ rs. Direito Mariti mo por Azuni 20$ rs. Dito Hoeffferd 22$000 rs. Dito por Entre nacional por Wcton 12$ rs. Dito Eclesiastico por Walter 8$ rs. Dito por Phillips 22$rs. Dito das Gentes por Watel 10$ rs. Dito par Kheber 8$ rs. Dito por Martens 10$ rs. Dito Luzitano por Leitão 4$ rs. Dito Mercantil por Silva Lisboa 14$ rs. Dito Natural por Ubner 8$ rs. Dito por Brotero 4$ rs. Dito por Burlamaqui 6$ rs. Dito por Ferrer 5$ rs. Dito por Ahrens 8$ rs. Dito por Fortuna 5$ rs. Dito por Jouffroy 10$ rs. Dito por Bellune 12$ rs. Direito Penal por Meterinam 6$ rs. Dito por Rossi 5$ rs. Direitos e deveres do Cidadao por Mably 1$600. Direito Publico e Administrativo por Fonchart 24$ rs. Dito por Silvestre Pinheiro 5$rs. Direito Romano por Saviguy 45$ rs. Dito por Pothecers 36$ rs.

Corpus juris Rom., tradusido em francez com o texto 16 vol. 400$ rs., dito somente em latim 2 vol. 80$ rs., Becaria—Delictos e penas 4$ rs., Demetrio moderno, ou Bibliographo Juridico 2$000, Deveres do homem e do cidadão por Heineccii 2$ rs. Diccionario Juridico por Pereira e Souza 3 vol 26$ rs., Direito Commercial, por Ferreira Borges 10$ rs., Direito politico por Garnier—Pagés 14$ rs., Digesto brasileiro 3 vol. 9$ rs., Dito portuguez 4 vol. 15$ rs., Direito Cambial por Ferreira Borges, 4$ rs. Direito civil por Borges Carneiro 15$ rs., Dito por Liz Teixeira 16$ rs., Dito por Coelho da Rocha 12$ rs., Dito por Mello Freire 18$ rs., Dito por Lobão (Notas a Mello) 20$ rs.,

Acções summarias por Lobão 12$000 Advogado do povo 3$000 Agoas e casas por Lobão 8$000 Appendice ás Primeiras Linhas por Pereira e Souza 28$000 Assentos das casas da supplicação 7$000 Avaliações e damnos por Lobão 4$000 Avarias por Ferreira Borges 3$000 Axiomas de direito 3$000 Classificação da Legislação ou collecção das leis, que se não achão em outras collecções 5$000 Codigo do Commercio, e regulamentos 5$000 Di o, Criminal 1$000 Dito do Processo por Siqueira 4$000 Dito Orphanologico 3$000 Theoria do codigo Penal por Chauveau ultima edição com o augmento do 3° vol. 3 vol. 40$000 Cogitações por Solano 6$000 Conselheiro fiel do povo 4$000 Contracto social por Rousseau 3$000 Dito de Risco por Ferreira Borges 3$000.

Fig. 15 Correio Paulistano. Nº 250. 3 May 1855



LIVROS.

Livraria A. L. Garraux e C.ª

LARGO DA SÉ.

1.° ANNO.

Arhens, Jouffroy, Warnknonig, Perreau, Ortolan, Belime, Ferrer, Kant, Lagrange, Ler-minier, Taparelli, Makeldey, Heinecius, Corpus Juris, Du Caurroy, Savigny, Ancillon, B. Constant, Garnier Pagès, Hello, Tieralin, Ventura, e em geral todos os livros do primeiro anno.

2.° ANNO.

Foelix, Heffter, Hautefeuille, Martens, Ortolan, Wheaton, Wattel, Bergier, Monte, Valter, Philipps, Villela Tavares, e em geral todos os livros necessarios para os cursos do 2.° anno.

3.° ANNO.

Beccaria, Bentham, Bertauld, Boeresco, Broutta, Morin, Ortolan, Rogron, Rossi, Tissot, Titara, Borges Carneiro, Corrêa Telles, Coelho da Rocha, Domat, Lobão, Mellii, Ordenações, Pereira e Souza, Teixeira de Freitas, Troplong, etc., e em geral todos os livros que se póde precisar no terceiro anno.

4.° ANNO.

Abecedario commercial, codigo commercial, Ferreira Borges, Bravard Veyrióres, Delamare el Poitevin, Massé, Pardessus, Silva Lisboa, Rogron, Azuni, Boucher, Cussy, Dufour, Fréville, Hautefeuille, Ortolan, e muitos mais livros do quarto anno.

5.° ANNO.

Autran, Courcelles Seneuil, Stuartmill, Bastiat, Baudrillard, Chevalier, Cieskosski, Cocquelin, Banques, Cocquelin diccionario, Gilbart e Vilson, Mac Culloch, Malthus, Ott, Proudhon, Roscher, Rossi, Say, Smith, Villiaumé, Voloswki, e mais obras d'economia politica.

Em direito administrativo, Batbie, Block, Cabantous, Chauveau, Cormenin, De Gerando, Foucart Laferrière, Macarel, Veiga Cabral, Vivien, Ducrosq, Dareste, Serrigny, Pradier, Fodéré, Solon, e mais outras obras.

Em practica vem um novo sortimento de todas as obras publicadas no Rio e uma grande parte de obras de Portugal.

TODOS OS LIVROS DE PREPARATORIOS VENDE SE NA MESMA LIVRARIA DE A. L. GARRAUX E C.ª

Fig. 16 Correio Paulistano. Nº 1823. 4 June 1862.

DIARIO DO RIO DE JANEIRO.

NUMERO 23. SEXTA FEIRA 30 DE JANEIRO. E 30 DO ANNO DE 1829.

S. Martinha V. M. S. Jacinta

EDITAL.

A Junta do Banco do Brazil faz saber ao Publico, que amanhã 30 do corrente, á porta do Banco em toda a publicidade vai proceder á queima de 1:000:000$000 réis em Notas, que vão carimbadas com o letreiro, que diz — INUTILIZADO — cuja quantia não torna a ser substituida por outra, mas sim retira-se da circulação, para ser abatida na Emissão geral do Banco, e constão as Notas da relação infra.

Relação das Nottas, que vão ser queimadas.

1154	Notas de	4$000 réis	4:616$000
908	„ „	6$000	5:448$000
666	„ „	8$000	5:328$000
905	„ „	10$000	9:050$000
384	„ „	12$000	4:608$000
603	„ „	20$000	12:060$000
386	„ „	30$000	11:580$000
239	„ „	40$000	9:560$000
267	„ „	50$000	13:350$000
148	„ „	60$000	8:880$000
304	„ „	70$000	21:280$000
2397	„ „	80$000	191:760$000
272	„ „	90$000	24:480$000
409	„ „	100$000	40:900$000
594	„ „	200$000	118:800$000
660	„ „	300$000	198:000$000
781	„ „	400$000	312:400$000
7	„ „	500$000	3:500$000
2	„ „	600$000	1:200$000
4	„ „	800$000	3:200$000
11090		Rs	1:000:000$000

E para constar se mandou fazer publico. Rio 29 de Janeiro de 1829.

O Secretario da Junta do Banco.
Jacinto Ferreira de Paiva.

DECLARAÇOENS.

O Senado da Camara faz publico, que tendo sido nomeado por Sua Magestade o Imperador, Membro do Supremo Tribunal de Justiça o Desembargador João José da Veiga Promotor do Juizo que conhece do abuso da Liberdade da Imprensa: o mesmo Senado procedeo a nomeação do immediacto para desempenhar aquellas funções, e recahio na pessoa do Bacharel Bernardo Carneiro Pinto de Almeida, por ser o terceiro em votos, e por se achar desembargador; o que o Senado faz publico para conhecimento de todos. Rio 28 de Janeiro de 1828.
Manoel de Almeida Vasconcellos.

O Senado da Camara desta Corte faz saber, que o contracto administrativo das Matrdouras de Santa Luzia, e Cidade Nova, finda no dia Sabbado 31 do corrente, e que nesta mesma dia impreterivelmente se ha de ultimar esta arrematação á quem maiores vantagens offerecer, sugeitando-se ás condições já estabelecidas a bem do Publico. E o mesmo Senado tambem faz sciente, que já tem quem lhe offereça com idonea segurança 9:000$000 rs. á vista, e metade do que ao ester nos rendimentos dos ditos matadouros; isto pelo espaço do corrente anno. Quem neste rendimento quizer lançar comparega no referido dia com reconhecidos Fiadores, para celebrar-se a arrematação. Rio 28 de Janeiro de 1829. *Manoel d'Almeida Vasconcellos*

O Capellão Mór d'Armada faz sciente, que se necessita de hum Capellão para bordo da Fragata Izabel, que está a fazer viagem, todo o qualquer Snr. Sacerdote, que quizer occupar aquelle lugar se apresentará sem perda de tempo ao dito Capellão Mór no Siminario de S. José
Fr. *José Pedro Metella.*

Amanhã Sabbado 31 do corrente mez, ás quatro horas da tarde, anda inexterivelmente no Salão do Theatro, a roda da nova Loteria extraordinaria do Imperial Theatro de S. Pedro de Alcantara. Os premios hão de ser pagos sem desconto algum, em conformidade do Plano, sendo o premio maior de vinte contos de réis liquidos. O pequeno resto dos Bilhetes que existem, achão-se á venda no Banco, e na loja de livros de João Pedro da Veiga e Comp., rua da Quitanda canto da de S. Pedro.

Obras Publicadas.

Sahe hoje o N. 51 do Analista. Contem: descripção da maquina para alimpar e separar o ouro ou platina da arêa do rio ou calhão; Economia Politica; carta em lingoa vulgar, e versos em Francez sobre a Malsgueta; resposta em anexins ao Snr. Redactor da Astréa.

Livros a' Venda

Na loja de livros de Evaristo Ferreira da Veiga e Comp., rua dos Pescadores N. 49, acha-se á venda — O Manual Diplomatico de Martens, traduzido em Hespanhol — 3 vol. muito bem encadernados 4$000 rs.

Vendas.

1 Na rua do Lavradio N. 78 ha para vender huma traquitana usada, com dois pares de rodas, e os seus competentes arreios; quem a pertender dirija-se á dita casa de manhã até as 9 horas, e de tarde das 3 em diante.

2 Ha huma fazenda no Districto de Magé, proxima á Serra, com trinta escravos, e bastante gado, que se vende a pagamentos reservejs; quem a pertender dirija-se á rua da Quitanda N. 201.

3 Vende-se hum escravo, moço, e ladino, que sabe cozinhar, comprar, e fazer o mais serviço necessario; quem o pertender dirija-se á rua Formosa da Cidade Nova N. 65

Fig. 17 Diario do Rio de Janeiro. Nº23. 30 January 1829.

DIARIO DO RIO DE JANEIRO.

NUMERO 12. SEGUNDA FEIRA 15 DE FEVEREIRO DO ANNO DE 1830.

Trasladação de S. Antonio. S. Faustino de Jovita Mm.

DECLARAÇOES.

FAZ publico para quem convier o Superintendente Geral das Imperiaes Quintas e Fazendas, que no dia 27 de Janeiro proximo passado, foi preso na Imperial Fazenda de Santa Cruz, hum preto por nome João, de nação Congo, ainda boçal, não sabe como se chama o Snr., e só diz que o dito Snr. tem hum irmão de nome José, e que mora em Minas. A pessoa a quem o sobredito escravo pertencer póde requerer sua soltura ao mesmo Superintendente justando documento pelo qual justifique ser seu legitimo Snr. Rio de Janeiro 12 de Fevereiro de 1830.

José Joaquim da Cunha.

OBRAS PUBLICADAS.

Para sahir á luz até 20 ou 25 de Fevereiro a Novella — Ourika ou historia de huma negra. — Para elogio desta pequena obra basta dizer que assim que appareceu na Europa foi immediactamente tradusida em Inglez, Allemão, Hespanhol, e Italiano. A belleza do estillo, boa moral, e sentimentos religiosos desta obra lhe assignão hum dos primeiros lugares neste genero de litteratura. 1 vol. em 8.° com huma litographia, por 1$600 rs. para os assignantes, e 1$800 rs. avulso. Em casa de Souza Lacommert na rua dos Latoeiros, na de Veiga e Comp. rua da Quitanda, e na R. Ogier impressor, rua da Cadeia N. 142

LIVROS A' VENDA.

Na rua d'Ajuda N. 21, ha para vender Anatomia de Bichat.

Na loja de livros de Evaristo Ferreira da Veiga e Comp., na rua dos Pescadores N. 49, ha para vender varios livros Hespanhoes muito bem encadernados, entre os quaes — Manual diplomatico de Martens — 3 vol. 4$ rs. — Phisiologia de Richerand — 6 vol. 8$ réis — Manual del Ensayador — 1 vol. 1$000 — Grammatica Castellana 1 vol. 2$000 — La Flor Columbiana, Biblioteca de las patriotas Americanas — 1 vol. 1$000 — Ordinario de La Missa com estampas — 2$000 — Bentam Legislation — 8 vol. 16$000 — D. Quixote com estampas — 7 vol. 14$000 — Patés Espirutu del derecho — 3 vol. 6$ — Benjamin Constant — 4 vol. 9$600 — Leeciones de Arimetica — 1 vol. 1$600 — Diccionario Hespanhol e Francez, e Hespanhol e Inglez, e outros muitos livros, que se podem vêr na referida loja.

VENDAS.

1 Vende-se hum braço de balança com todos os seus pertences, huma balança pequena, termo e meio de medidas de seccos, 70 sacos usados, huma boa marqueza de parafusos, duas mesas, hum ferro de engomar, duas talhas para agoa, duas caixas pequenas, e 17 frigideiras de barro grandes, e pequenas; quem pertender algumas destas cousas, poderá procurar na rua de S. Francisco da Prainha, por detraz dos Terceiros na loja n. 125.

2 Quem quizer comprar hum preto, forte, robusto, ainda rapaz, bom para qualquer serviço, e excellente remador de barcos; procure na rua da Quitanda n. 102.

3 Quem quizer comprar huma moleca, e hum molesque, ambos de nação Moçambique; dirija-se á rua das Marrecas n. 1.

4 No armazem Francez na rua do Ouvidor n. 159, vendem-se duas negrinhas de nação, de 12 a 14 annos de idade, mui proprias para mocambas, e já sabendo coser costuras brancas, e fazer todos os enfeites para vestidos, e chapéos de setim.

5 Vende-se huma situação com 800 e tantas braças de frente, na estrada real da Policia, com fundos correspondentes, logo acima da Serra, em lugar muito proprio para rancho, e casa de negocio, tem boas agoas, mais de quatro mil pés de cafés, muita mandioca, roda, imprensa, e forno para farinha, madeira lavrada, e até já engradada para hum bom rancho, e tambem mais de metade prompta para huma casa de 50 a 60 palmos, todas escolhidas, e de lei, pasto de gramma, &c.; sendo porém as casas, e sanzallas existentes cobertas de capim; quem a pertender dirija-se á rua larga de S. Joaquim n. 152, ou á das Viollas n. 45

6 Na rua dos Ourives n. 192 canto da do Sabão, vende-se huma porção de carne seca boa para escravos a 2$560 rs. a arroba, e mais inferior a 2$000 réis. Na mesma casa vendem se duas escravas de 12 a 14 annos de idade, com prendas, e sem vicios, nem molestias.

7 Vende-se hum preto Boleiro de duas, e quatro rodas, vindo proximamente da Bahia, seu ultimo preço he 600$000 réis; quem o quizer dirija-se á rua do Cano n. 47.

8 No sobrado da rua dos Ourives canto da do Sabão N. 190, continua-se a vender fazendas de varias qualidades, por atacado, e a varejo.

9 Na rua do Espirito Santo n 31, vende-se huma preta de 20 a 25 annos de idade, com huma cria femea de 3 annos, lava bem, cozinha, e he excellente quitandeira; seu ultimo preço 600$000 réis pagando o comprador a ciza.

10 Quem quizer comprar huma carroça nova, procure na rua do Fogo n. 62

11 Vendem-se duas carroças com bestas, e mais utencilios; quem as pertender procure na rua da Valla n. 188.

12 Vende-se huma preta vistosa, que sabe lavar, engomar, e cozinhar muito bem; quem a pertender procure no largo da Sé n. 9.

13 Na rua de S. Pedro n. 180 armazem de louça de pó de pedra, vidros, e cristaes, ha para vender o seguinte: vasos de porcelàna dourados com flores, redomas de vidro com pinturas finas, ditas de cristal lapidado, garrafas ditas para vinho, e licor, copos para agoa, ditos para vinho, cális para serveja, ditos para champanhe, licor, e vinho, bacias com jarros de porcelàna douradas, ditas de cristal, apparelhos de porcelàna dourados para chá, e café, mangas de vidro para cima de mesas a 64$000 réis o par, e outras muitas cousas por commodo preço.

14 Vendem-se algumas cabras de muito boa raça, na rua do Espirito Santo n. 31.

15 Obras de prata chegadas proximamente do Porto, vendem-se na rua do Sabão N. 31, a saber apparelhos para chá e café, faqueiros, jarros e bacias, serpentinas, [illegible] para tabaco.

16 Quem quizer comprar hum piano de 5 oitavas, já usado, mais com excellentes vozes; procure na rua dos Barbonos 25.

17 Quem quizer comprar huma preto official de Pedreiro, dirija-se á obra da Relação para vel-o, e com o Mestre della tratar.

18 Rapé Princeza chegado proximamente de Lisboa, vende-se em caixas, e ás libras na rua d'Alfandega n. 27. Na mesma casa vendem-se obras de prata vindas do Porto.

19 Vende-se huma preta de nação, muito bem parecida, que terá de idade 22 annos, sabe bem lavar, cozinhar, e entende de lavoura; quem a pertender dirija-se ao beco da Boa-Morte n. 15 primeiro andar.

Fig. 18 Diario do Rio de Janeiro. Nº12.15 February 1830

DIARIO DO RIO DE JANEIRO.

NUMERO 16 SEXTA FEIRA 19 DE NOVEMBRO DO ANNO DE 1830.

Rio de Janeiro, na Typographia do Diario. 1830.

DECLARAÇÕES.

PArticipa-se a todos os Snrs. que forem credores dos jornaes, e materiaes das obras da Carioca, Pain ira, Lagoinha, e Chafariz de Santa Rita, que no dia 17 do corrente se receb n do Thesouro Publico o importe das Ferias do mez de Setembro proximo passado; para os jornaes metade em notas, e metade em cobre, e d sde o dito dia se acha aberto o pagamento no Escriptorio da arrecadação geral das obras, no Campo da Acclamação n. 66.

Joaquim José de Mello.
Administrador Fiscal das Obras.

Participa-se aos Snrs. a quem interessa o pagamento das obras da Intendencia Geral da Policia, tanto nos jornaes, como nos materiaes, que no dia desesete do corrente se recebeu dinheiro para o pagamento do mez de Outubro proximo passado, e declara se que importando o total desta despeza em 2:989$880 rr., só recebeu-se em cobre 49$880 rs. Rio de Janeiro 17 de Novembro de 1830.

Joaquim José de Mello.
Administrador Fiscal das Obras.

Por ordem do meu Juiz de Paz faço saber ao respeitavel Publico, os trabalhos, que se tem feito desde dez de Março, até dez de Novembro do corrente anno, na Freguesia de S. João Baptista da Lagoa de Rodrigo de Freitas.

Reconciliações	30
Não reconciliados	2
Corpos de Dilicto	20
Termos de bem viver	10
Vestoria	1
Justificação	1
Certidões	35
Total	99

Rio de Janeiro 16 de Novembro de 1830. — O Escrivão, *Joaquim Maria Portugal.*

Segunda feira vinte e nove do corrente mez de Novembro, anda impreterivelmente, em o Consistorio da Igreja de S. José, a roda da vigessima Loteria do Imperial Theatro de S. Pedro de Alcantara, que he a primeira que anda. O resto dos bilhetes que existem, continuão a vender-se no Banco, e na loja de livros de João Pedro da Veiga e Comp., rua da Quitanda canto da de S. Pedro.

O Desembargador Juiz dos Orfãos, Nicolão de Siqueira Queiroz, faz publico, que no Sabbado 20 do corrente, desde as 9 horas até ao meio dia, se achará o Cofre do mesmo Juizo aberto para as pessoas que tiverem a entrar, e receber quaesquer quantias. Rio 17 de Novembro de 1830.

O Escrivão do Juizo dos Orfãos.
Antonio Caetano da Cruz.

OBRAS PUBLICADAS

O Verdadeiro Patriota de hontem contem interessantes artigos sobre a Aurora, e Republico; e tambem sobre a reunião das duas Camaras.

O Diario Mercantil, ou Novo Jornal do Commercio, de hontem continha hum artigo interessante, que he a analise do que se passou no Senado, na occasião da fusão das Camaras dos Senadores, e dos Deputados, conforme ao artigo 61 da Constituição.

O de hoje contém a analise succinta das discussões que tiverão lugar hontem 18 do corrente no Senado, estando reunidas as duas Camaras. Preço de cada folha 80 rs.

LIVROS A' VENDA.

Nas lojas de livros de Veigas, rua dos Pescadores n. 49, e rua da Quitanda canto da de S. Pedro, continuão-se a vender os livros necessarios para os Cursos Juridicos como: Martens, Manuel Diplomatique, Le Page, Filangieri, Vattel, Felice, Bonin, Edme Ponelle, Pagés, Laromuguieri, Storch, Ricardo, Tracy, Beccaria, Pardessus, Lanjuinais, Smith, Malthus, Ganilh, Bentham, Le Comte, Meyer, Stael, Fritot, Droz, Pascoal José de Mello, Grotius, Gmeiner, Ordenações, Primeiras Linhas Civis e Criminaes, e o Appendice ás mesmas em 3 vol. ultimamente impresso: nas mesmas lojas ha o resumo da Historia do Brasil por Diniz, a Theoria do Credito Publico por Hennet em 1 vol. de 4.°, a Analise do Credito Publico por Roux 1 vol. de 8.°, e muitas outras obras que poderão ver-se nas mesmas lojas.

VENDAS.

1 Na rua dos Latoeiros n. 42, vendem-se duas pretas, huma sabe lavar, cozinhar, coser, e engomar; a ou tra cose; esta terá de idade 10 annos e aquella 16; ambas são mocambas, e izemptas de vicios.

2 Na rua d'Ajuda n. 103, vende-se hum moleque crioulo, com principio de Çapateiro; quem o quizer comprar procure na dita casa das 10 horas e meia em diante.

3 Na rua de S. Pedro n. 181, esquina do largo do Capim, vende se huma negrinha, que sabe coser, cozinhar, lavar, e engomar liso.

4 Vende-se para fora desta Provincia hum escravo crioulo, ainda rapaz, que sabe trabalhar pelo officio de Pedreiro, e tambem caya, e pinta muito bem; quem o quizer comprar dirija-se ao largo do Vallongo n 161.

5 Quem quizer comprar hum moleque Tanoeiro, de nação Moçambique, livre de molestias; dirija-se á Prainha, na primeira venda, da travessa para baixo, ao embarcar.

6 Vende-se meia dusia de cadeiras de jacarandá, com assento de palhinha, no bêco dos Afflictos n. 20.

7 Vende-se huma corroça em meio uso, quem a pertender dirija-se á Praia do Vallongo n. 35.

8 Vende-se huma preta de nação Moçambique, que terá de idade 22 annos, sabendo ensaboar, e cozinhar o ordinario de huma casa, bastante sadia, e livre de vicios; quem a pertender procure das 4 horas da tarde em diante na rua Formosa da Cidade Nova n. 42. Tambem se alugará se fizer mais conta assim.

9 Pannos superfinos, por commodo preço, achão-se á venda na rua da Quitanda n. 126.

10 Vende se huma parelha de bestas pretas, p oprias para sege, quem as pertender póde dirigir-se a rua dos Barbonos pegado ao n. 14.

11 Vende se hum cazal de cachorros para vigia, na venda n. 215 defronte do Arsenal.

12 Na rua d'Alfandega n 60, vende-se hum moleque de nação Moçambique, que terá 10 a 12 annos de idade, sem vicios.

13 Vendem se seis escravos novos de ambos os sexos, e já costiados, a 450$ réis cada hum, e se fará algum abatimento a quem os comprar todos; tambem se vende hum optimo cozinheiro de fogão, e forno; e hum molecote official de Ourives, e hom pagem, a 650$ rs, livres de sisa, e sendo preciso se dará a contento; na rua do Senhor dos Passos n. 89.

Fig. 19 Diario do Rio de Janeiro. Nº 16. 19 November 1830

com o original em frente, preço 2$000. Historia Romana de Tito Livio, traduzida pelo mesmo, contendo tambem o texto Latino, e 1.° vol. 4$000. Estas duas traducções fazem se muito estimaveis pela fidelidade, e pureza da edição; sendo a primeira já muito apreciada pelos amigos da boa litteratura.

A's lojas de livros do Veiga, rua dos Pescadores n. 49, e da Quitanda canto da de S. Pedro, acaba de chegar hum novo sortimento dos livros necessarios para o Curso Juridico como Martens Manuel Diplomatique. — Le Page. — Filangieri. — Vattel. — Felice. — Bonin. — Edme Ponelle. — Pagés. — Laromiguiere. — Storch. — Say. — Ricardo. — Smith. — Matheus. — Mill. — Gunilh. — Bentham. — Le Comte. — Meyer. — Stael. — Fritot. — Droz. — Paschoal José de Mello. — Grotius. — Gueimer. — Ordenações. — Primeiras Linhas Civis e Criminaes, e o Appendice as mesmas em 3 vol. ultimamente impresso: nas mesmas lojas ha tambem o resumo da Historia do Brasil, por Deniz. — A Theoria do Credito Publico, por Hennet, em 1 vol. de 4.° — Analise do Credito Publico, por Roux, 1 vol. de 8.°, e muitas outras obras, que se pedem ver nas mesmas lojas.

Leilões.

Ferandy faz leilão hoje Sexta feira 14 do corrente em sua casa na rua d'Ouvidor n. 96, de huma porção de fazendas, incluindo huma porção d'espingardas, pistolas.

Principiará as 10 horas e meia.

Vicente Sigaux e Cazimiro Tripe fazem leilão hoje 14 do corrente, em sua casa na rua dos Ourives n. 107, de huma porção fazendas de todas as qualidades, e muitos outros artigos.

Principiará as 10 horas e meia.

Braga Rivarola e Comp., fazem leilão hoje Sabbado 14 do corrente, em sua casa na rua d'Ouvidor n. 183, de huma porção de fazendas de todas as qualidades etc.

Principiará as 10 horas e meia.

Tambem se há de vender huma porção de escravos novos e ladinos.

Burle faz leilão hoje 14 do corrente em sua casa na rua do Ouvidor n. 194, de huma grande porção de fazendas de lã, linho e algodão, huma porção de bijouterias de prata, e muitos outros artigos.

Principiará as 10 horas e meia.

Tambem há de vender huma porção de escravos novos, ladinos.

Prestini e C., fazem leilão hoje Sabbado 14 do corrente, em sua casa na rua do Sabão n. 109, de huma porção de fazendas limpas, bijouterias, e outros muitos artigos, e tambem se ha de arrematar escravos novos e ladinos de ambos os sexos.

Principiará as 11 horas.

N. B. Tambem haverá leilão as 5 horas da tarde.

Hoje Sabbado 14 do corrente, haverá leilão em casa de Dillon Irmãos, rua detraz do Carmo n. 4 de hum rico sortimento de moveis, mesas de intervalla para chá e jogo, soffás, marquezas, cadeiras ricas, ditas Francezas, casquinhas, cristaes, peças de prata, mangas livraes, copos, e garrafas, e huma porção de fazendas limpas.

Leilão que se ha de fazer hoje Sabbado 14 do corrente pelas 5 horas da tarde na rua do Rozario n. 64 de hum elegante sortimento de trastes novos para casa de salla constando de cadeiras com assentos de palhinha, sofás de voltas com assentos do mesmo, consollos Francezes sugeros por columnas, bancos para o meio de sallas, ditas para os lados, huma rica banca elastica para 32 pessoas, marquezas, commodas, ricos toilhas adamascadas, mangas de vidro, louças, casquinhas, lampiões e varias miudezas que tudo será vendido infallivelmente.

Segunda feira 16 do corrente ás 11 horas se porá em leilão na porta da Estiva, 25 barricas com enxofre de superior qualidade.

Arrematações.

Pelo Juizo da Corôa e Fazenda, se faz publico que nos dias 16, 17, e 18 do corrente desde as 10 horas da manhã, até as 2 da tarde, está aberta a casa do Museo, onde se acham os trastes e moveis que servirão na exposição de Sir Charles Stuart, com as suas respectivas avaliações, a fim de ser publico a quem os quizer examinar e arrematar, cuja arrematação ha de ser feita no dia 19 do corrente, na mesma casa desde as 10 horas até as 2 da tarde.

Pelo Juizo dos Fallidos se faz publico que na rua nova de S. Bento n. 70 nos dias 16, 18, e 19, do corrente as 10 horas da manhã se ha de fazer Praça Publica de venda e arrematação dos bens pertencentes a Policarpo Marques Fernandes Anchão entregues á seus credores como Fallido, e de que são administradores José Gonçalves de Carvalho, e Lourado e Comp. cujos bens estarão presentes e seus valores, e estes antes podem ser vistos em casa do Escrivão dos Fallidos, rua dos Invalidos n. 69.

Vendas.

1 Vende se huma preta que sabe lavar, engommar, cozinhar perfeitamente o ordinario de huma casa, e tambem vender agulhas, alfinetes etc. : os motivos por que se vende á vista se dirão ao comprador, na rua do S. Francisco de Paula adiante do Estado Maior da Policia, casa n. 6, para tratar.

2 Na rua de S. Pedro da Cidade Nova n. 50, vende-se huma crioula mui bem parecida, cose, engomma muito bem, lava, cozinha, e propria para mocamba por ter sido sempre criada neste exercicio, adverte-se que não se vende por vicios, nem manhas, e só sim por precisão, e o seu ultimo preço são 700,000 réis livres de sisa.

3 Quem quizer comprar huma escrava de 24 a 26 annos de idade, sabendo quitandar, e lavar bem, procure na rua de S. Pedro Cidade Nova n. 71, em huma botica.

4 Vendem se dous escravos ladinos, a saber: hum de nação Moçambique, de 16 annos de idade, boa vista, marinheiro, cozinheiro menos de massas, e copeiro, por isso que serve muito bem para qualquer marítimo, e mesmo para qualquer casa particular, não tem vicio de qualidade algum: e outro bom moleque de 8 annos, de nação Ambaca, vindos proximamente de Angola com seu Sr., e como este se retira para Portugal, razão por que os vende; quem os pertender vá a rua do Rozario n. 132, aonde achará o Capitão Francisco Antonio da Silva, com quem poderá tratar do seu ajuste.

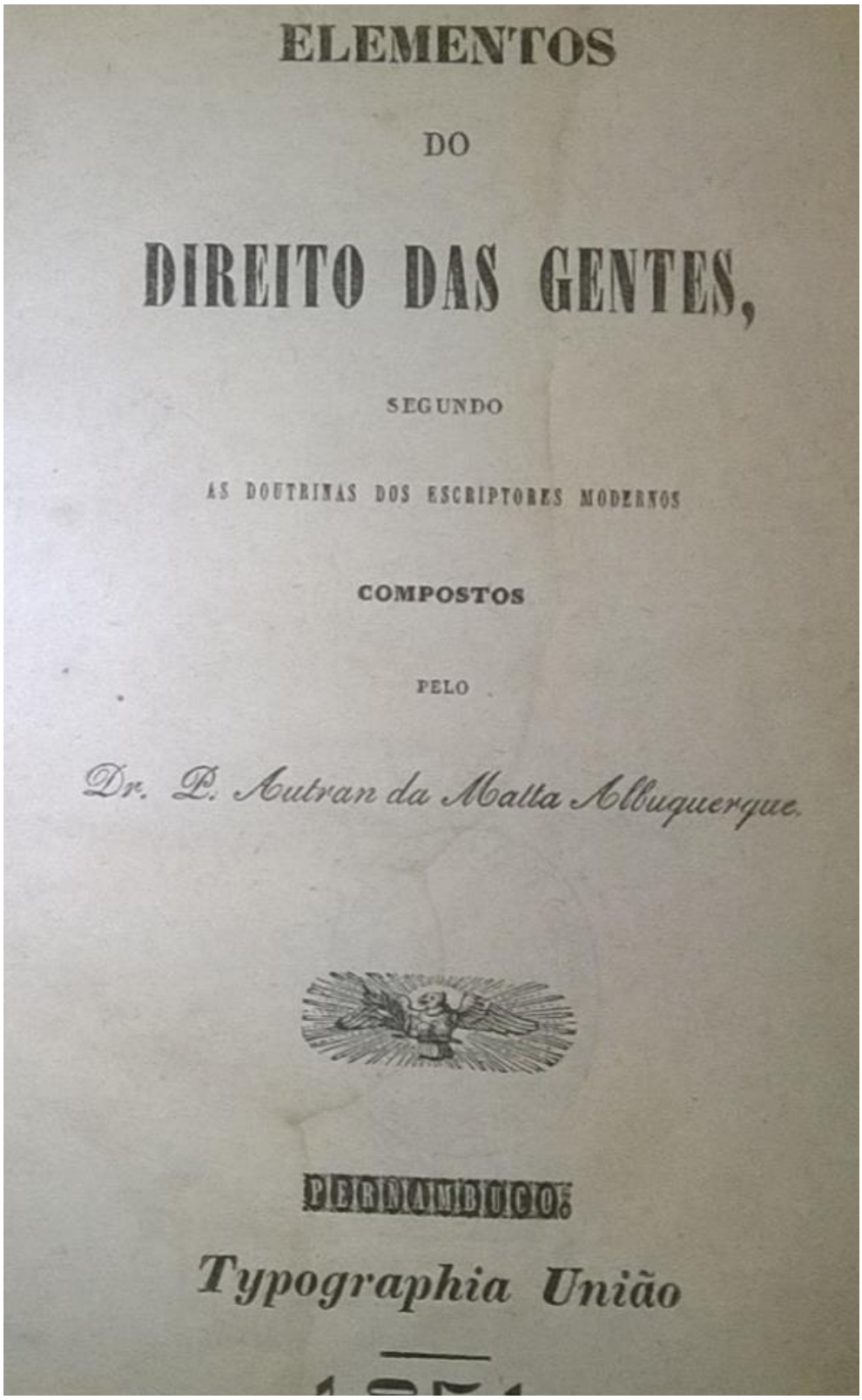
5 Na rua larga de S. Joaquim n. 151, ha para vender 3 escravos a saber: huma cose, engomma com toda a perfeição, ensaboa, cozinha do forno e fogão, faz doces de todas as qualidades, refina assucar, e terá de idade 18 a 19 annos; outra com a mesma idade, que sabe coser, he perfeita engommadeira, cozinha o ordinario, e ensaboa, he muito perfeita, e propria para mocamba; e a outra lava muito bem, cozinha o ordinario, e cose alguma cousa; quem de qualquer destas escravas precisar, procure na casa do n. acima, na certeza de que não se vendem por manhas ou vicios até o presente.

6 Vende se huma rapariga parda escura, propria para mocamba, com principios de costura, idade de 13 a 14 annos; quem a pertender comprar procure na rua da Misericordia canto do Oratorio, que lá achará com quem tratar; na mesma casa se vende farinha de araruta de muito superior qualidade.

7 Vende-se huma Fazenda de cultura no Districto de Tapacorá, pouco acima de Catimbáu, em terras muito boas e proprias, que foraõ desmembradas da sismaria de André de Castro Gomes, distante do Porto das Caixas hum dia de viagem com tropa, e escuteiro meio dia, por ser 8 leguas pouco mais ou menos: tem muito café, mandiocas, milho e feijão, laranjeiras, bananeiras etc., grande pasto cercado com cercas vivas, agua dentro, animaes muares, cavallares, vaccuns, carneiros, e porcos, casa de vivenda, e engenho de farinha, tudo de telha e bem construido: vende se sem escravos, ou com alguns, a quem convier, vá a praia do Vallongo n. 57.

8 Vende se hum pardo de 20 a 24 annos de idade, excellente figura, perfeito boleeiro de duas e quatro rodas, amansador de bestas, e bo soffrivel Alfaiate, e em tudo serve de hum perfeito criado, nas tem vicios, nem moles-

Fig. 20 Diario Mercantil, ou Novo Jornal do Commercio. Nº 3, Vol. I. 14 August 1830.


ELEMENTOS

DO

DIREITO DAS GENTES,

SEGUNDO

AS DOUTRINAS DOS ESCRIPTORES MODERNOS

COMPOSTOS

PELO

Dr. P. Autran da Matta Albuquerque.

PERNAMBUCO.

Typographia União

1851

Fig. 21 Title page of 'Elementos do Direito das Gentes' by Pedro Autran da Matta Albuquerque

OBRAS PRINCIPAES

QUE

Consultei para confecção desta obra

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