



ANA LUIZA FERREIRA GOMES SILVA

 <https://orcid.org/0000-0003-0007-415X>

KU Leuven

Chronicle of Research in Legal History in Brazil in 2022

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Throughout 2022, Brazilian legal history research produced several events, publications, and international connections. The range of themes and periods studied varied considerably, for example, from issues of colonial justice to the process of democratization in the 20th century.

1. Events and academic life

Since the COVID-19 crisis, the largest national event, the “Brazilian Congress of Legal History” (*Congresso Brasileiro de História do Direito*), had not yet occurred. Nonetheless, in November 2022, the Brazilian Institute of Legal History (*Instituto Brasileiro de História do Direito* – IBHD) announced the return of the Congress in its 12th edition, with the theme “Legal procedures, methods, and data.” This version proposed a special change: for the original conference to be combined with the 9th edition of the “Latin American Congress of Legal History” (*IX Congresso Latino-Americano de História do Direito*). Reportedly, the combination intended to foster more debate and integration concerning legal history research in Latin America.

Indeed, the combined event later occurred on March 13–17, 2023, in Rio de Janeiro, gathering about a hundred national and international researchers. The return of the Brazilian Congress and its combination with the Latin American Congress marked an essential step in regaining the scene of legal history research after the health crisis.

Nevertheless, even though this significant event only returned in 2023, several other regional events (albeit with national and international reach) took place in 2022, organized by different universities and departments.

For example, the Federal University of Minas Gerais (Universidade Federal de Minas Gerais – UFMG) and their research group on the history of juridical culture (*Studium Iuris*), led by Prof. Ricardo Sontag, organized several seminars. Out of these, we call attention to two. Firstly, there were the “*Studium Iuris* International Online Seminars 2022”. This event had four sessions (27 May, 16 June, 2 September, and 6 September), in which groups of three or four students presented their research to a panel of experts composed of one foreign scholar and one Brazilian senior collaborator. The general idea of the series was to promote discussions about the ongoing investigation by the undergraduate and graduate students of the *Studium Iuris* and to boost international dialogue.

Some of the participating experts were: Giovanni Cazzetta (University of Florence, Italy); Mariana de Moraes Silveira (UFMG, Brazil); Georges Martyn (Ghent University, Belgium); Diego Nunes (Federal University of Santa Catarina – UFSC, Brazil); Paolo Cappellini (University of Florence, Italy); Arno Dal Ri Júnior (Federal University of Santa Catarina, Brazil); Heikki Pihlajamäki (University of Helsinki, Finland) and Anna Clara Lehmann Martins (Max Planck Institute for Legal History and Legal Theory, Germany).

Secondly, on October 6 and 7, the same team carried out another seminar group, the “Seminars of Legal History” (*Seminários de História do Direito*), with the theme “History of juridical journals.” Half in Spanish and Portuguese, the event took place in Belo Horizonte and counted with presentations of students (undergraduates and graduates) and other specialists on the subject. Lectures of significant impact on this occasion were:

- “The Shape and Substance of the Juridical Text” (*Forma y substancia del texto juridico*) by Prof. Carlos Petit (University of Huelva, Spain) – at July 6, 2022.
- “Between Knowledge, Profession and Politics: The Paths of Juridical Journals in Brazil (19th and 20th Centuries)” (*Entre o conhecimento, a profissão e a política: percursos de periódicos jurídicos no Brasil (séc. XIX e XX)*) by Prof. Mariana de Moraes Silveira (UFMG) – at October 7, 2022.

In the South of Brazil, the Federal University of Santa Catarina (UFSC) and its research group *Ius Commune* organized several workshops and seminars. Out of these, some notable examples with a focus on legal history were:

- The seminar “Bicentenary of the Independence of Brazil: Law and Constitution in the Construction of the Nation-state” (*Bicentenário da Independência do Brasil: o Direito na Construção do Estado-Nação*). In several meetings in October and November 2022, professors and students discussed themes connected to the independence of Brazil and its anniversary, considering issues of religion and constitution, the political formation of the Brazilian Empire, the organization of the national state, and slavery, among themes.
- The workshop “The Color of History & the History of Volor: New Paths for Legal History” (*A cor da história & a história da cor: novos rumos da história do direito*) took place on November 7, 2022. This workshop contemplated the new paths for legal history in Brazil and how to study vulnerable groups from

a historical juridical perspective. Some of the speakers were professors Diego Nunes (UFSC) and Philippe Oliveira de Almeida (Federal University of Rio de Janeiro – UFRJ), as well as the doctoral students Vanilda Honória dos Santos (UFSC) and Mario Davi Barbosa (UFSC) and the undergraduate student Laura Rodrigues Hermando (UFSC).

Still in the context of the UFSC, it is relevant to mention that, on August 31, 2022, Prof. Arno Dal Ri Jr. defended his thesis in a formal session, becoming then full professor of Theory and History of International Law. His work was titled “The Liberator of Nations: The Rise and Fall of the Principle of Nationalities in the Science of International Law” (*O Libertador das Nações. Ascensão e declínio do Princípio das Nacionalidades na Ciência do Direito Internacional*).

Also in the South of Brazil, the Federal University of Paraná (Universidade Federal do Paraná – UFPR) organized events in legal history. Out of these, a considerable one was the conference “Law and Authoritarianism” (*Direito e Autoritarismo*) organized by Prof. Ricardo Marcelo Fonseca (UFPR) and Prof. Sergio Said Staut Junior (UFPR) on September 28–29. The event considered the theme of authoritarianism, with works about jurists and juridical cultures in states of exception and dictatorships. Beyond the two organizers, other speakers were the professors Carlos Petit (University of Huelva, Spain), Christian Edward Cyril Lynch (State University of Rio de Janeiro, Brazil), Cristiano Paixão (University of Brasília – UnB, Brasil), Gilberto Bervovici (University of São Paulo – USP, Brazil), Guido Melis (Sapienza University of Rome, Italy), Gustavo Siqueira (State University of Rio de Janeiro, Brasil), Heloisa Câmara (UFPR), Irene Stolzi (University of Florence, Italy), Katya Kozicki (UFPR), Samuel Barbosa (USP), Sebastián Martín (University of Seville, Spain), and Vera Karam de Chueiri (UFPR).

In the Northeastern part of the country, there were other examples of regional events in Legal History. At the Federal University of Ceará (Universidade Federal do Ceará – UFC), Prof. Gustavo César Machado Cabral and the Nucleus for the Study of Law in Portuguese America (*Núcleo de Estudos sobre o Direito na América Portuguesa – NEDAP*) promoted several online and presential lectures with audience discussion. Among these, some highlights were the presentations:

- Lendo ameríndios e africanos em imagens: iconografia, fontes e processos (sécs. XVI e XVII) by Prof. Rene Lommez (UFMG) – on July 6, 2022. It concerned iconography, sources, and judicial procedures about the image of indigenous American and African populations.
- Uma introdução à história do direito comum do medievo à idade Moderna by Prof. Gustavo Machado Cabral (UFC) – on October 11, 2022. This talk regarded the theme of the history of *ius commune* and its transition from the late Middle Ages to the early modern age.
- Confrontando o bem comum: direito, ciência e protesto popular no início do século XX by Prof. Pedro Jimenez Cantisano (City University of New York, USA) – on November 11, 2022. This presentation considered the juridical idea of “common good” and popular resistance in 20th century Brazil.

Furthermore, there were several international collaborations for events with significant Brazilian participation. For example, in the field of colonial legal history, centered around Portuguese America, Brazilian researchers had a considerable interchange

in workshops, colloquia, and conferences with groups such as GloNo (“Glocalising Normativities”), from the Max Planck Institute for Legal History and Legal Theory, IBERland (“Beyond Property: Law and Land in the Iberian World, 1510–1850”), at the time from the same Max Planck Institute;¹ and Cocolaw (“Comparing Early Modern Colonial Laws”) from the University of Helsinki.

This was a brief and non-exhaustive summary of the events in Legal history in different parts of Brazil. As demonstrated in various regions of the country, the field regained the public space lost during the COVID-19 crisis.

2. Books and other publications

Regarding articles and other journal publications, there were plenty of contributions. This was also the case for the journal of the Brazilian Institute of Legal History, which had a new edition in 2022, *Revista do Instituto Brasileiro de História do Direito* (vol. 3, no. 4, 2022). It is of notice that this volume paid special homage to the recently deceased jurists Victor Tau Anzoátegui (18 September 1933 – 11 June 2022) and Paolo Grossi (29 January 1933 – 4 July 2022). We call attention to these honorable mentions since both jurists, although not Brazilian, had a tremendous impact on national research in legal history. Their deaths, like Antonio Manuel Hespanha’s in 2019, thus prompted several homages.

Nonetheless, since the publications in journals and book chapters are numerous and in the most diverse subjects, it shall not be possible to enumerate them all here. However, we call attention to some recent books published until the end of 2022, such as:

- The book *Comparing Transitions to Democracy: Law and Justice in South America and Europe*. Edited by Prof. Cristiano Paixão (University of Brasília – UnB) and Prof. Massimo Meccarelli (University of Macerata), it included the contributions of several authors. The volume examined elements of legal history involving authoritarian rule and political transitions, contemplating Brazil and other countries from the late 20th century until today. While the literature on transition exists plenty in Brazil, this volume added a new look to the juridical element: legal mechanisms, practices, and discourses employed by different players in this process. Although published officially in 2021 by Springer, this book was the subject of a round table in a launching event in April of 2022 in Macerata, counting with the participation of professors Jean Louis Halpérin (École Normale Supérieure), Diego Nunes (UFSC), and Luigi Lacchè (University of Macerata).
- The book *Cândido Mendes: um jurista-historiador no Brasil oitocentista* by Prof. Gustavo Angelelli (Mackenzie Presbyterian University). From the publisher Almedina, the volume is part of the collection “Coleção teoria e história do

¹ In January of 2023, the project moved to the Leibniz Universität Hannover. This information can be found at: Max Planck Institute for Legal History and Legal Theory, “Iberland: Beyond Property”, Max Planck Institute, <https://www.lhlt.mpg.de/iberland/en> (accessed: 13.04.2023).

direito”, coordinated by Prof. José Reinaldo de Lima Lopes (University of São Paulo – USP) and Prof. Fernando Rister de Sousa Lima (Mackenzie Presbyterian University). This book brings to light the works of the relatively ostracized jurist Cândido Mendes de Almeida and his impact in 19th-century Brazil.

- The book *O Estado interventor no Brasil e seus reflexos no Direito Administrativo e Constitucional: Themistocles Cavalcanti e sua contribuição doutrinária* by Dr. Mauricio da Costa Mesurini (UFSC), through the publisher Dialética. This volume explores the subject of the formation of a state that intervenes with the economy and its juridical and political implications in the context of Brazil in the 1930s. The analysis especially considers the works of the jurist Themistocles Cavalcanti.
- The book *A cor da história & a história da cor*, by the editor Habitus, 2022– from the collection “*Novos rumos da História do Direito*”, organized by Prof. Diego Nunes (UFSC). This volume was coordinated by Prof. Philippe Oliveira de Almeida (UFRJ), Vanilda Honória dos Santos (UFSC), and Mario Davi Barbosa (UFSC). The volume, which translates to “The color of history & the history of color,” sought to analyze how legal history is understood in Brazil, contemplate new paths for the field, and how vulnerable groups can be studied under the historical-juridical perspective. It is divided into two parts, the first about juridical pluralism and the idea of “Afrodisporic” justice. The second part concerns the sources of law necessary for a legal history that considers black populations.
- The book *Fontes do direito na América Portuguesa: estudos sobre o fenômeno jurídico no período colonial (Séculos XVI–XVIII)* – organized by Prof. Gustavo César Machado Cabral (UFC), Dr. Delmiro Farias (UFC) and the doctoral candidate Sarah Kelly Limão Papa (Max Planck Institute for European Legal History). The book comprises several chapters produced by the members of the Federal University of Ceará’s research group on legal history, NEDAP – with different levels of academic formation. The articles contemplate an array of sources from colonial Brazil, including cases of jurisdiction involving many colonial authorities, application of justice, municipal elections, the rights of widows, and more.