

Legal Scholarship in Latin America: Traditions, Requirements, and Relevance*

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Summary

1. Latin American Law and the special Brazilian position in Latin America. Some comparative remarks. 2. The purpose of legal scholarship in Latin American culture, particularly in Brazil. 3. Primary audiences of legal scholarship in Latin America, particularly in Brazil. 4. Forms of publication of legal scholarship in Latin America, particularly in Brazil. 5. Legal scholarship sponsorship in Latin America, particularly in Brazil. 6. Legal scholarship editors in Latin America, especially in Brazil. 7. Societal uses and value of legal scholarship in Latin America, particularly in Brazil. 8. Personal benefits of doing legal scholarship in Latin America, especially in Brazil. 9. Final conclusions.

I. Latin American Law and the Special Brazilian Position in Latin America: Some Comparative Remarks

Latin America is a subcontinent composed of twenty countries, all of them originally colonized by Spain or Portugal.¹ All of these countries, for this reason, have strong Iberian cultural roots. Among Latin American countries, however, Brazil occupies a very distinguished position. Foremost, Brazil is the only Latin American country where Portuguese is the spoken language.² Besides that, Brazil has the largest territory of all countries

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1. See generally Brigadier G.O.M. Jameson, *A Short History of Spain and Portugal*, in A SHORT SERIES OF WORLD HISTORY 16-17 (May 20, 2012), available at http://aero-comlab.stanford.edu/jameson/world_history/A_Short_History_of_Spain_and_Portugal.pdf; BENJAMIN KEEN & KEITH HAYNES, A HISTORY OF LATIN AMERICA 3-6 (8th ed. 2009).

2. Beau Prichard, *What Languages Do Latin Americans Speak?*, USA TODAY, <http://traveltips.usatoday.com/languages-latin-americans-speak-22661.html> (last visited June 9, 2012).

in Latin America, as well as the largest population and the region's most important economy.³

Latin America countries have Civil Law system because of their cultural origins, which distinguishes them from Common Law countries, although the differences between the two systems are beyond the scope of this article.⁴ Brazilian law traditions, nonetheless, put the country in a unique position relative to its Latin American neighbors. In addition to its Portuguese heritage, Brazilian law is strongly influenced by other European and European-based systems, such as the legal system of the United States.

Brazilian constitutional law is strongly influenced by North American law.⁵ Brazil is a Federal Republic, governed by a presidential system.⁶ The Brazilian Supreme Court (Supremo Tribunal Federal), with its eleven-judge panel nominated by the President of the Republic and approved by the Federal Senate, is clearly inspired by the U.S. Supreme Court.⁷ Furthermore, Brazilian constitutional law knows other phenomena that come from the United States, such as the judicial review of legislation derived from the famous decision rendered by the U.S. Supreme Court in *Marbury v. Madison*.⁸ Importantly, article 5 of the Brazilian Federal Constitution adopts the *principle of due process of law*.⁹ Last, but not least, a system of binding precedents is under construction which in some way resembles the North American system, although it is not exactly the same.¹⁰

There are, however, some European influences in Brazilian Constitutional Law. For instance, there is a concentrated control of constitutionality of the legislation, inspired in Austrian and German models, that allows the Brazilian Supreme Court to abstractly control the constitutionality of laws.¹¹

Brazilian infra-constitutional law, on the other side, is almost entirely influenced by Continental European systems, mainly by the laws of Italy, Germany, France, and—of course—Portugal.¹² This influence is shown in Brazilian laws and in Brazilian legal scholarship. In most Brazilian legal studies, great European jurists, from the past and from the

3. *The World Factbook: Brazil*, CENT. INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/br.html> (last updated May 24, 2012).

4. Amy Flick, *Research Guide: Latin American Law and Legal Systems*, EMORY L., <http://library.law.emory.edu/for-law-students/emory-law-subject-guides/foreign-law-latin-america/#c20812> (last updated Aug. 22, 2011).

5. See Donald P. Kommers, *Judicial Review: Its Influence Abroad*, 428 ANNALS AM. ACAD. POL. & SOC. SCI. 52, 55 (1976).

6. *The World Factbook: Brazil*, *supra* note 3.

7. *Id.*

8. Kommers, *supra* note 5, at 53, 56.

9. CONSTITUIÇÃO FEDERAL [C.F.] [CONSTITUTION] art. 5 (Braz.).

10. See Anna S. Bruno, *Bringing Uniformity to Brazilian Court Decisions: Looking at the American Precedent and at Italian Living Law*, 11.4 ELECTRONIC J. OF COMP. L. 1, 2, 6, (Dec. 2007), <http://www.ejcl.org/114/art114-3.pdf>.

11. See *About the Court: Constitutionality Control System*, SUPREMO TRIBUNAL FEDERAL, http://www2.stf.jus.br/portalStfInternacional/cms/verConteudo.php?sigla=portalStfSobreCorte_en_us&idConteudo=120199 (Braz.) (last visited June 10, 2012); see also Evgeni Tanchev, *Constitutional Control in Comparative and Bulgarian Perspective*, THE CONSTITUTIONAL CT. OF THE REPUBLIC OF BULGARIA, 7 (2009), http://www.venice.coe.int/WCCJ/Papers/BUL_Tanchev_E.pdf.

12. See Osvaldo Agripino De Castro, Jr., *Helping to Trade with Brazil: A General Overview of Brazilian Law*, ADS ADVOGADOS, http://www.adsadvogados.adv.br/imprimir_artigo.php?id=11 (Braz.) (last visited July 1, 2012).

present, are often quoted. But, there is some North American influence in the Brazilian system of collective procedure, which is very similar to the class actions model.¹³

The other Latin American countries, whose legal cultures originate mainly from Spain, are very different from Brazil in many constitutional and infra-constitutional aspects.¹⁴ In these countries, one cannot find as much influence from the United States, Italy, or Germany.¹⁵ But, some Latin American countries, such as Argentina, Uruguay, and Mexico, have a remarkable legal tradition. In these countries, the study of law has evolved greatly.

These cultural differences create many distinctions among Latin American countries. More attention will be given to the Brazilian legal system in this article, with some remarks about Latin American in general.

II. The Purpose of Legal Scholarship in Latin American Culture, Particularly in Brazil

Latin American legal scholarship has one main purpose: doctrinal exegesis.¹⁶ In all Latin American countries, legal handbooks and treatises are often edited, and scholars comment on books containing important bills (such as Civil Codes or Civil Procedure Codes). There are also many other kinds of books, such as essay collections, about particular legal institutes. Academic theses are produced in large scale in law schools.

In Brazil, a large production of legal scholarship is directed to doctrinal exegesis. There are also other kinds of works. There are many books directed to legal practice, mainly those with applications or contracts models. Additionally, for several years, huge quantities of books have been directed to a special audience: those attempting to pass some kind of legal exam. It is worth noting that in Brazil, people who graduate from a law school have to pass an exam, organized by the Brazilian Bar Association, to be allowed to start practicing as lawyers.¹⁷ Also, to become a member of one of the public legal careers, one has to pass a public exam, organized by the public institutions themselves (such as courts, for example, for those who want to become judges).¹⁸

Last, not only in Brazil, but also in all Latin America, the production of works in which judicial decisions are commented on is common. In Brazil, these works have become more and more important in the last few years because of the relevance judicial precedents have acquired.

13. Antonio Gidi, *Class Actions in Brazil – A Model for Civil Law Countries*, 51 AM. J. COMP. L. 311, 324, 404 (2003).

14. See generally DONALD J. MABRY, *COLONIAL LATIN AMERICA 90-95* (2002), available at <http://historicaltextarchive.com/latin/colonial.pdf>.

15. See Alejandro M. Garro, *On Some Practical Implications of the Diversity of Legal Cultures for Lawyering in the Americas*, 64 REV. JUR. U.P.R. 461, 463 (1995).

16. See Jorge L. Esquirol, *Writing the Law of Latin America*, 40 GEO. WASH. INT'L L. REV. 693, 722-23 (2009).

17. Natalie Leite Gazzaneo & Ely Caetano Xavier Jr., *How to Qualify as a Lawyer in Brazil*, INT'L B. ASS'N, http://www.ibanet.org/PPID/Constituent/Student_Committee/qualify_lawyer_Brazil.aspx (last visited June 10, 2012).

18. See Augusto Zimmermann, *How Brazilian Judges Undermine the Rule of Law: A Critical Appraisal*, 11 INT'L TRADE & BUS. L. REV. 179, 185 (2008).

III. Primary Audiences of Legal Scholarship in Latin America, Particularly in Brazil

The primary audience of legal scholarship in Latin America is traditionally composed of lawyers and judges. The legal production is also directed to persons in academia, such as professors, researchers and students, all of whom are encouraged to read legal doctrine. In Latin America, particularly in Brazil, the academic study of case law is not common yet.¹⁹ But there is a trend to modify this scenario in a short period of time because of the importance of judicial precedent. Some Brazilian scholars, in their works, have studied themes like the *distinguishing*, the *ratio decidendi*, and the *obiter dictum*, which are fundamental to a correct use of judicial precedents.²⁰

Some facts must be noted here. In Latin America, and particularly in Brazil, courts can quote legal scholarship works in their decisions. And it happens quite often. From the small town judge to the Supreme Court Justice, many judges quote scholars' legal opinions in their decisions. In Brazil the quoted scholars are often Brazilian. But, in some cases, it is possible to find quotations of foreign scholars' works, mainly European scholars.²¹ This has had a curious consequence. When a lawyer identifies the most quoted scholars in a given judge's decisions, he starts to quote that scholar in court papers with a very clear goal—to get the judge's sympathy for his briefs.

Another important point is that in Latin America—and in Brazil it happens very often—academics are, at the same time, lawyers, judges, or public attorneys. In Brazil, the addition of expertise from Academia and the legal practice can produce better professionals. The one who is, for instance, a judge and a professor can bring into his practice his professional expertise, and, in addition, he can produce his legal scholarship aimed at the identification of practical problems, helping to solve them. Latin Americans in general, and Brazilians in particular, believe it can help the practical and scientific evolution of the law.

The influence of legal scholarship on legislators is also remarkable. In Brazil, for example, the most important Acts are usually discussed in Congress from drafts or projects made by legal scholars. Examples of this tendency include some especially important Acts, such as the Civil Code, the Consumer's Code and, currently, the Project of a new Civil Procedure Code, elaborated on by a commission of jurists that is presided over by a well-known academic (who also is a Supreme Court Justice).²²

19. See generally Daniela Ballão Emlund, *Working with Precedents to Develop the Rule of Brazilian Commercial Law in the Worldwide Scenario*, in *THE EXPORT OF LEGAL EDUCATION* 131-32 (Ronald A. Brand & D. Wes Rist eds., 2009).

20. See, e.g., Adriana Vojvodic et al., *Writing a Novel, Chapter One: Precedents and Decision Process in the Brazilian Supreme Court*, 5 *REVISTA DIREITO GV [GETULIO VARGAS LAW REVIEW]* 21, 25 (June 2009) (Braz.).

21. See Emlund, *supra* note 19, at 4.

22. See James G. Apple & Robert P. Deyling, *A Primer on the Civil-Law System*, at 29 (Fed. Judicial Ctr. 1995), [http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf/\\$file/CivilLaw.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf/$file/CivilLaw.pdf); see also Andre de Camargo, *Essay: The Revised Brazilian Civil Code*, 11 *U. MIAMI INT'L & COMP. L. REV.* 161, 163 (2003).

IV. Forms of Publication of Legal Scholarship in Latin America, Particularly in Brazil

In Latin America, there are two more frequent forms of publication of legal scholarship: books and law reviews. Most of the journals are specialized in some area of law. In Brazil, the most prominent among them are the *Revista de Processo* (specializing in procedural law), the *Revista Trimestral de Direito Civil* (specializing in private law, including family law and tort law), and the *Revista Brasileira de Arbitragem* (specializing in arbitration).²³ Undoubtedly, the legal area with the most specialized journals is procedural law. In Brazil, there are at least five procedural law reviews, two of them edited monthly.²⁴ There is an important electronic Brazilian procedural law journal, as well.

There are also some non-specialized law journals where one can find works from all areas of law. Among those, in Brazil, the two most well-known are *Revista Forense* and *Revista dos Tribunais*.²⁵ Both journals have been published for over a century.

It must also be mentioned that Brazilian courts publish their own law reviews.²⁶ It happens at all levels, so there are journals published by federal, state, and labor courts. The superior courts, including the Supreme Court, edit their own journals, which contain only judicial decisions, while in journals published by the other courts, it is possible to find legal scholars' works, written by Brazilian and foreign jurists.²⁷ Recently, for instance, the Rio de Janeiro Court of Appeals Law Review published a work written by Professor William Johnson from the University of North Dakota about contract law, and another written by Professor Oscar Chase from New York University about judicial ceremony.²⁸

In many of these law journals, works are published after being approved by a panel of reviewers.²⁹ In the journals that require such approval, the reviewer does not know who wrote the work he is reviewing and the writer does not know who will examine his paper.

There is a very large number of law books published, and the best-sellers sell more than 30,000 copies a year. Latin American legal publishers are usually for-profit companies,

23. REVISTA DE PROCESSO [PROCEDURAL LAW REVIEW], available at http://www.rt.com.br/?sub=produto_detalhe&id=10709; REVISTA TRIMESTRAL DE DIREITO CIVIL [QUARTERLY JOURNAL OF PRIVATE LAW], available at http://www.editorapadma.com.br/index.php/sobre/assinaa?virtuemart_product_id=1&virtuemart_category_id=1; REVISTA BRASILEIRA DE ARBITRAGEM [ARBITRATION JOURNAL], available at http://www.cbar.org.br/dir_revista_func.html (Braz.).

24. See, e.g., REVISTA DE PROCESSO, *supra* note 23.

25. REVISTA FORENSE [FORENSIC DIGITAL JOURNAL], <http://revistaforense.com.br> (Braz.); Editora Revista Dos Tribunais [Courts Magazine Publisher], <http://www.rt.com.br> (Braz.).

26. See, e.g., REVISTA DE DIREITO DO TJ-RJ [THE LAW REVIEW OF TJ-RJ], PODER JUDICIÁRIO: ESTADO DO RIO JANEIRO [JUDICIARY OF THE STATE OF RIO DE JANEIRO], http://portaltj.tjrj.jus.br/c/document_library/get_file?uuid=d15111e9-b3fd-48b5-8fa5-c985d2bb451e&groupId=10136 (last visited June 10, 2012) (Braz.) (describing the contents of the journal published by Court of Appeals of Rio de Janeiro).

27. See, e.g., *id.* (providing that the court's journal contains articles written by legal scholars).

28. See William P. Johnson, *The Dispute on the Horizon: Contracting for Effective Dispute Resolution in International Business Transactions – A US Perspective*, 86 REVISTA DE DIREITO DO TJ-RJ 40, 40 (2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1947554#captchaSection (Braz.); Oscar G. Chase, *Compreendendo o Cerimonial Judicial EMU na Perspectiva Comparatista*, 81 REVISTA DE DIREITO DO TJ-RJ 90, 90 (2009).

29. See, e.g., *Guide for Authors*, SUR: INT'L J. HUM. RTS., <http://www.surjournal.org/eng/rules15.php> (Braz.) (last visited May 20, 2012) (providing guidelines for authors submitting works for consideration in the Sur-International Journal on Human Rights and generally describing what will be evaluated in the submissions for publication).

specialized in law publications. Some of them, particularly in Brazil and Argentina, belong to foreign entities.³⁰ There are also some university presses, but their production and distribution are mostly insignificant.

Distribution of Brazilian law books is nationwide. As these books are written in Portuguese, it is very difficult to develop an international distribution, including to other Latin American countries where the spoken language is Spanish. On the other hand, the most important law books published in other Latin American countries are internationally distributed because of their common language. Most Brazilian scholars are able to read in Spanish, but only a few Spanish-speaking scholars are able to understand Portuguese.

As it was previously said, most Latin American law books are handbooks, treatises, or commentaries to specific Acts. There are also many books about specific themes, known as the monographs. Many of these are commercial versions of academic theses. These books are mainly focused on legal education. Not only for the education of students, but also for the continuing education of professionals—such as lawyers, judges, and public attorneys.

There are a great number of Law Conferences in Latin America, especially in Brazil.³¹ Conferences attended by more than one thousand people are common. The primary audience of these conferences are lawyers and law students. Many of them are organized by Bar Associations, Judges Associations, or by the Faculties of Law. There are also conferences organized by Law Institutes, such as the Ibero-American Institute of Procedural Law or the Argentinean Association of Procedural Law.³²

There are a large number of electronic law publications in Latin America. Electronic law journals and blogs on law matters are very accessible. A good example is the Rio de Janeiro Judicial School Law Review.³³

Finally, in Brazil there is a TV channel that specializes in matters of the law. It is called *TV Justiça*, a public channel administered by the Supreme Court.³⁴ On this channel it is possible to watch specialized programming twenty-four hours a day, seven days a week. The highlight of this TV channel is the live transmission of the Supreme Court's sessions, which are watched by many of the Brazilian legal professionals and academics.

30. See, e.g., Press Release, Thompson Reuters, Thompson Reuters Acquires FISCOsoft (Mar. 16, 2012), available at http://www.rt.com.br/marketing/newsletter/informativos/FISCOsoft/incorporacao_FISCOsoft.html?utm_source=Banner_Institucional_RT&utm_medium=Banner_lateral&utm_campaign=FISCOsoft (describing Thompson Reuters's acquisition of FISCOsoft, publisher of REVISTA DOS TRIBUNAIS).

31. See, e.g., *The International Congress of Criminal Sciences and Contemporary Criminal-Legal Systems*, CENTRO D'ESTUDIS AVANÇATS DEL PROCÉS I DE LA JUSTÍCIA (CEAPJ) (Braz.), http://ceapj.udg.edu/index.php?option=com_sem&Itemid=5&idSem=24&tipus=1&lang=en (last visited June 10, 2012) (describing a Congress of CEAPJ that was held in Brazil).

32. See, e.g., Eduardo Oteiza, *Presentation*, CONFERENCIA INTERNACIONAL Y XXIII JORNADAS IBEROAMERICANAS PROCESOS COLECTIVOS/CLASS ACTIONS, <http://procesal2012.org/bienvenida/?lang=en> (Arg.) (last visited June 10, 2012) (describing a joint conference that is being hosted by the AADP and IIDP).

33. See REVISTA DA EMERJ (ESCOLA DA MAGISTRATURA DO ESTADO DO RIO DE JANEIRO) [JUDICIAL SCHOOL FROM RIO DE JANEIRO], http://www.emerj.tjrj.jus.br/paginas/publicacoes_revista/revistapublicacoes.htm (Braz.) (last visited June 10, 2012).

34. See *Quem Somos: Apresentação*, TVJUSTIÇA, http://www.tvjustica.jus.br/quem_somos_apresentacao.php (Braz.) (last visited June 10, 2012).

V. Legal Scholarship Sponsorship in Latin America, Particularly in Brazil

Legal scholarship is usually sponsored in Latin America by universities and faculties of law. Usually public universities do this, but some private universities also sponsor legal scholarship.

Brazilian Federal Administration also sponsors legal scholarship. It is done through “Superior Courses Personal Improvement Coordination” (CAPES is the Portuguese acronym for “Coordenação de Aperfeiçoamento de Pessoal de Nível Superior”), which pays scholarships for Brazilian post-graduate students, especially when they study abroad.³⁵ In Brazil, public institutions such as courts often sponsor post-graduate studies for their members aimed at their improvement.³⁶ Some large law firms do this as well.

VI. Legal Scholarship Editors in Latin America, Especially in Brazil

As it was previously said, legal book publishers in Latin America are mainly for-profit companies. Some of these publishing houses have existed for more than one hundred years while others are quite new. In some Latin American countries with larger publishing markets, like Brazil and Argentina, some local legal publishing companies have been acquired by large foreign groups, mainly from Europe or the United States.

There are few university presses, and even academic theses are usually published by for-profit publishers. These publishing houses usually edit the law journals as well. Some of these journals, however, are published by universities or faculties of law. Some public institutions, such as courts, also publish law journals.

In Brazil, as previously mentioned, each court publishes its own law journal. Those journals often have two functions: they present the case law that comes from that court and also publish doctrinal papers written by judges, other professionals, or academics from Brazil or abroad.

VII. Societal Uses and Value of Legal Scholarship in Latin America, Particularly in Brazil

Legal scholarship is widely used by society in Latin America, especially in Brazil. It is used not only for academic purposes, but it is also quoted by lawyers and by courts. Frequently, judicial decisions quote legal scholarship in their recitals, where the judge or the Court must present the decision’s reasoning. This is done with the purpose of strengthening the arguments in the recital part of the decision, which is considered a discourse to legally justify the judgment.

35. See *Bolsas No Exterior [Scholarships Abroad]*, CAPES, <http://www.capes.gov.br/bolsas/bolsas-no-exterior> (Braz.) (last visited June 10, 2012) (describing scholarships offered by CAPES to post-graduates for work abroad).

36. See, e.g., *Cursos e Bolsas No Exterior [Courses and Scholarships Abroad]*, SUPERIOR TRIBUNAL DE JUSTIÇA (Sept. 9, 2007, 3:36 PM), http://www.stj.jus.br/portal_stj/publicacao/engine.wsp?tmp.area=716&tmp.texto=84921&tmp.area_anterior=44&tmp.argumento_pesquisa=bolsas (Braz.) (describing scholarships offered by the Superior Tribunal de Justiça for academic improvement programs for students, practitioners, and members of legal careers).

For example, in a judgement rendered in 2010 (ADI 4467-MC, Justice Ellen Gracie), the Brazilian Supreme Court quoted works from the following scholars: Jorge Miranda (Portugal), José Afonso da Silva (Brazil), Konrad Hesse (Germany), Ronald Dworkin (United States), and Augusto Martín de La Vega (Spain).³⁷ In another judgment, also rendered in 2010 (ADI 4451-MC-REF, Justice Ayres Britto), twenty scholars were quoted (thirteen of which were Brazilian, three were German, and four were Portuguese).³⁸ I myself had the opportunity to write a decision, rendered by the Rio de Janeiro Appellate Court (AI 0018209-66.2010.8.19.0000) in which the following legal scholars were quoted: Nelson Nery Júnior (Brazil), José Rogério Cruz e Tucci (Brazil), Italo Andolina (Italy), Giuseppe Vignera (Italy), Michele Taruffo (Italy), José Joaquim Calmon de Passos (Brazil), Wilson Accioli (Brazil), José Joaquim Gomes Canotilho (Portugal), and Peter Häberle (Germany).³⁹

Lawyers also quote legal scholarship in their court papers to present an argument that is capable of convincing judges.

Latin American legal scholars' works, especially when written in Spanish, have great influence in both the country of origin and at the international level. The Spanish-written doctrine's influence is undeniable in all Latin American countries, including Brazil. It is important to remember—because of their prominence—that the works of scholars such as Luís Recaséns Siches (Mexico), Eduardo Juan Couture (Uruguay), and Eugenio Raúl Zaffaroni (Argentina).⁴⁰ Brazilian legal scholarship usually has influence only in Brazil, again because of language barriers. Nevertheless, there is a notorious influence over Argentinian private law from the works of Augusto Teixeira de Freitas, an ancient Brazilian jurist who lived in the 19th century.⁴¹ Additionally, some modern Brazilian jurists, especially in the area of procedural law, are nowadays recognized worldwide, and their works have influence not only over foreign scholarship but also over foreign legislation. This is the case with scholars such as José Carlos Barbosa Moreira and Ada Pellegrini Grinover.⁴²

37. See S.T.F., 4.467, Relator: Min. Ellen Gracie, 30.09.2010, Diário do Judiciário Eletrônico [D.J.e], 01.06.2011, 29-30 (Braz.), available at <http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=1199330>.

38. See S.T.F., 4.451, Relator: Min. Ayres Britto, 02.09.2010, Diário do Judiciário Eletrônico [D.J.e], 01.07.2011, 10-16 (Braz.), available at <http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=1275144>.

39. See TRF-2, Ap. Civ. No. 0018209-66.2010.8.19.0000, Relator: Des. Alexandre Freitas Câmara, 16.06.2010, Diário do Judiciário Eletrônico [D.J.e], 16.06.2010, 3-5, 7, 9-10 (Braz.), available at <http://srv85.tjrj.jus.br/ConsultaDocGedWeb/faces/ResourceLoader.jspx?idDocumento=00031AE1B01FD9FB2BF38E693FEA6B3AAADE4BC402441152>.

40. See Edgar Bodenheimer, *Latin-American Legal Philosophy*, 62 HARV. L. REV. 332, 333-34 (1948) (discussing the scholarly work and significance of Luis Recaséns Siches); *Analysis of the Decalogue's Lawyer Couture*, FOREX (Sept. 1, 2010), <http://www.forex.in.rs/analysis-of-the-decalogues-lawyer-couture-2/> (discussing, briefly, the impact of the legal scholarship of Eduardo Couture); *Winners of the Stockholm Prize in Criminology 2009*, STOCKHOLM PRIZE IN CRIMINOLOGY (Nat'l Council for Crime Prevention, Stockholm, Swed.) (2009), available at http://www.criminologyprize.com/dynamaster/file_archive/090605/86db6ee0bfd7f70c01bebe8d789bb43b/Prisinnarbroschyr2009_WEBB.pdf (discussing the impact of the scholarly work of Eugenio Raúl Zaffaroni in the area of criminology).

41. See Lucas Agosto Costa Lasota, *Teixeira de Freitas e a Reestruturação de Direito Civil No Brasil [Teixeira de Freitas and the Restructuring of Civil Law in Brazil]*, JUS NAVIGANDI (Mar. 13, 2011), <http://jus.com.br/revista/texto/18894/teixeira-de-freitas-e-a-reestruturacao-do-direito-civil-no-brasil> (Braz.).

42. See Antonio Gidi, *Class Actions in Brazil—A Model for Civil Law Countries*, 51 AM. J. COMP. L. 311, 325 (2003) (discussing the significant impact the scholarly works of José Carlos Barbosa Moreira and Ada Pel-

The increasing importance of the Portuguese language in international relations certainly will amplify the influence of Brazilian legal scholarship over other countries.

VIII. Personal Benefits of Doing Legal Scholarship in Latin America, Especially in Brazil

Legal scholarship obviously provides personal satisfaction. Every scholar performs his vocation through his work. Moreover, legal scholarship in Latin America (especially in Brazil) provides other benefits.

Legal scholars are compensated for their work in many ways. Besides the fees they earn with lessons and lectures (and at least in Brazil, universities and faculties pay small amounts of money), those who write books are also compensated by their editors. Usually the author of a book receives ten percent of the book's price. The best-selling writers can make about US\$100,000 a year. Just to compare, a Brazilian judge makes about US\$140,000 a year.⁴³

For some legal scholars—especially those who also practice as lawyers—scholarship is a very important vehicle of personal promotion. As they become well-known as experts in some area, they are hired—by clients or law firms—to elaborate with legal opinions about those matters, and such expertise can assure excellent fees.

Finally, legal scholars get together in non-profit scientific institutes to cooperate with each other in their research and, in so doing, further develop the science of the law.

IX. Final Conclusions

It is possible to conclude this article hoping that it has made clearer, especially for the English-speaking audience, the importance of legal scholarship in Latin America. Such scholarship has had a very important role in theoretical and practical evolution of the law, and it has also contributed to the progress of legislation in Latin American countries.

legrini Grinover had on the development of class action lawsuits in Brazil and generally describing them as two "of the most distinguished Brazilian jurists").

43. See Durval de Noronha Goyos Júnior, *Brazil: Degenerate Judiciary in Crisis*, NORONHA ADVOGADOS (Jan. 13, 2012), <http://www.noronhaadvogados.com.br/interna.asp?url=artigos/detalhes&id=9282&lang=EN> (Braz.).

