

Law, power, and the empire of impunity¹

Lei, poder e o império da impunidade

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ABSTRACT

The post-1945 international legal order was never the neutral, universal framework its architects claimed. Built on victor's justice and designed primarily to regulate conflict among Western powers, it bore structural asymmetries from the start — selectively honoring sovereignty, tolerating colonial violence, and concentrating veto authority in the hands of the strong. What we witness today is not a departure from that order but its logical culmination: a coordinated, transnational assault on the very principle that law should bind the powerful. The United States and Israel — the two leading violators of the United Nations Charter since 1945 — have pioneered a mutually reinforcing culture of impunity rooted in their shared settler-colonial logic, direct legal borrowing, and strategic partnership at international institutions. This project has been advanced across administrations and accelerated under contemporary authoritarian nationalism, which has collapsed the formerly maintained distinction between lawlessness abroad and legality at home. Underlying these political developments is a transformation in global capitalism that has placed unprecedented concentrations of private wealth beyond democratic and legal accountability. Against this landscape, the article identifies the standard repertoire through which law is hollowed out — assault on judicial institutions, evidence manipulation, legal gibberish, terrorist designations, and artificial intelligence enabled information warfare — and examines their concrete consequences, including the closure of the Strait of Hormuz. The article closes by arguing that reform cannot mean restoration of a flawed status quo, and calls on scholars, particularly those in the Global South, to construct a jurisprudence genuinely grounded in equal dignity and reciprocal accountability.

Keywords: International law, Impunity, United States foreign policy, Israel-Palestine genocide, Global South.

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RESUMO

A ordem jurídica internacional pós-1945 nunca foi a estrutura neutra e universal que seus arquitetos alegavam. Construída sobre a justiça dos vencedores e projetada prioritariamente para regular conflitos entre as potências ocidentais, ela carregou assimetrias estruturais desde o início — honrando a soberania de forma seletiva, tolerando a violência colonial e concentrando o poder de veto nas mãos dos fortes. O que testemunhamos hoje não é um afastamento dessa ordem, mas seu ápice lógico: um ataque coordenado e transnacional ao próprio princípio de que a lei deve restringir os poderosos. Os Estados Unidos e Israel — os dois principais violadores da Carta da Organização das Nações Unidas desde 1945 — foram pioneiros em uma cultura de impunidade mutuamente reforçada, enraizada em sua lógica compartilhada de colonização de povoamento, empréstimos jurídicos diretos e parceria estratégica em instituições internacionais. Esse projeto avançou através de diferentes governos e acelerou sob o nacionalismo autoritário contemporâneo, que colapsou a distinção antes mantida entre a ilegalidade no exterior e a legalidade internamente. Subjacente a esses desenvolvimentos políticos está uma transformação no capitalismo global que colocou concentrações sem precedentes de riqueza privada além da responsabilidade democrática e jurídica. Diante desse cenário, o artigo identifica o repertório padrão por meio do qual o direito é esvaziado — ataques a instituições judiciais, manipulação de evidências, jargões jurídicos vazios, designações terroristas e guerra de informação viabilizada por inteligência artificial — e examina suas consequências concretas, incluindo o fechamento do Estreito de Ormuz. O artigo encerra argumentando que a reforma não pode significar a restauração de um status quo falho, e convoca acadêmicos, particularmente os do Sul Global, a construir uma jurisprudência genuinamente fundamentada na dignidade igualitária e na responsabilidade recíproca.

Palavras-chave: Direito internacional, Impunidade, Política externa dos Estados Unidos, Israel-Palestina genocídio, Sul Global.

THE UNMAKING OF LAW

We live in a time when law itself seems to be disintegrating before our eyes.

The breakdown of legality is visible everywhere: in the continuing genocide in Gaza that international institutions have failed to halt; in the corrosion of democratic accountability within the United States; and in the rise of ethnonationalist regimes that treat law not as a restraint on power but as an instrument of it.

The International Court of Justice found a plausible case of genocide in Gaza as early as January 2024, yet has been powerless to stop the killing. The U.N. Security Council, paralyzed by seven U.S. vetoes, cannot enforce its own resolutions. Even the International Criminal Court,

long delayed and intimidated, hesitates to act. The bodies designed to protect humanity from atrocity now stand as witnesses to their own impotence.

Yet we should be careful not to imagine that these institutions once functioned well and that what we are witnessing is merely a recent breakdown. The post-1945 legal order was flawed from its creation — a structure that concentrated authority in the five permanent members of the Security Council, each equipped with a veto, ensuring that legality would always yield to great-power interest. As Lindsay O'Rourke documented in her 2018 book *Covert Regime Change*, between 1947 and 1989 the United States alone conducted 64 covert regime-change operations — in Iran, Chile, Congo, and beyond. Even at the height of the so-called liberal international order, the rules were applied selectively, and sovereignty was honored only when convenient to powerful states.

We must also recognize that the post-1945 legal architecture — from Nuremberg and the U.N. Charter to the Genocide Convention and the Universal Declaration of Human Rights — already bore the seeds of its own unraveling. It was, in large part, victor's justice: a system conceived by and for the victorious Western powers, designed primarily to prevent renewed war among them rather than to restrain colonial domination. Genocides against Indigenous peoples, against the Herero and Nama in Namibia, against the Armenians — none had produced a Genocide Convention. The deaths of up to ten million people in King Leopold's Belgian Congo barely registered in the West, and frankly, in many quarters they still do not. Only when Europeans turned their violence inward did the West move to codify limits to it. That moral asymmetry was present from the beginning.

Decolonization nonetheless pushed back. As liberation movements swept Asia, Africa, and the Middle East, the General Assembly's new majority asserted a counter-law of emancipation: the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples; the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid; and the 1975 resolution declaring that Zionism is a form of racism and racial discrimination. Together these measures sought to universalize law beyond empire, affirming self-determination as both a right and, when necessary, a struggle. The West dismissed these initiatives as "soft law" — in other words, not law at all — thereby preserving its monopoly over what counted as genuine legality.

The spirit of those decades endures today in the efforts of South Africa, Brazil, and the emerging Hague Group — nations that now claim the moral and legal leadership once monopolized by the West.

What we face today, however, is not simply a crisis of enforcement. It is a crisis of belief

— a frontal assault on the very idea that law should bind the powerful at all. The unmaking of law is not an accident; it is a project: deliberate, coordinated, and transnational. Its modern form began to take shape in the triumphalism of the post-Cold War era, after 1991, when the United States, proclaiming itself “the world’s indispensable nation,” recast power as virtue and victory as legality. From that moment, the so-called rules-based order became less a shield for the weak than a language for the strong: we make the rules; you follow our orders.

There is a Cold War paradox worth noting here. During that era, the existence of a rival socialist bloc imposed real limits on U.S. arrogance. Washington had to present itself as a democracy that delivered justice better than its adversaries — and that competitive pressure, paradoxically, produced a brief era of domestic legal liberalism: the expansion of civil rights and defendants’ rights in the 1950s and 1960s. When the Soviet Union collapsed, that external check disappeared. The fear of ideological competition faded, and with it the incentive to reform. What we now see — the rollback of rights, the creation of presidential immunity, the contempt for international law — is the domestic face of a nation that has come to believe itself unaccountable abroad.

THE UNITED STATES: FROM LAW’S GUARDIAN TO LAW’S GRAVEDIGGER

For generations, Americans were taught that their country stood as law’s greatest defender — the architect of a just international order that it would always uphold. The truth is nearly the opposite. The decline of legality has been advanced by both major political parties, Democrats and Republicans, and is structural, carried forward by every administration since the Cold War ended.

Democrat President Clinton maintained the sanctions on Iraq that killed an estimated 500,000 Iraqi children, and pioneered “humanitarian intervention” in the Balkans — claiming moral necessity while acting without U.N. authorization. Both moves set precedents for violating law in the name of virtue.

Republican President Bush invaded Iraq illegally, normalized torture, and institutionalized endless war. Those conflicts destabilized the Middle East and set in motion refugee flows that would later reshape politics across Europe and beyond.

Democrat President Obama chose to “look forward, not backward,” refusing to prosecute the crimes of the Bush era while expanding drone assassinations — one strike notoriously obliterating a wedding convoy in Yemen. His Libya intervention, waged under the

banner of “Responsibility to Protect,” toppled Gaddafi and triggered new migrations across the Mediterranean.

Democrat President Biden came into office promising restoration of the rule of law. Instead, he became the chief enabler of the genocide in Gaza — vetoing ceasefires, keeping weapons flowing, and repeating claims about Israeli atrocities that turned out to be fabricated. By the time he left office, more than 50,000 Palestinians were dead. That number has since climbed above 72,000, with tens of thousands more wounded or missing. Gaza now has the highest proportion of child amputees on earth.

The horror of Gaza may not be an aberration. It may be a template — a preview of how powerful states will manage unwanted, displaced, or marginalized populations in an era of climate catastrophe, mass migration, and job-destroying artificial intelligence.

Republican President Trump has accelerated the descent into overt lawlessness — and, critically, brought it home. For decades, illegality abroad coexisted with at least a façade of legality at home. Trump has collapsed that distinction. The culture of impunity the United States once exported now governs its domestic life. His administration bombed Venezuelan vessels in the Caribbean and eastern Pacific, killing civilians on the theory that they were narcoterrorists and therefore legitimate targets — while simultaneously claiming that the War Powers Resolution and international limits on the use of force did not apply, because American troops were not directly endangered. War and not-war at the same time, depending on which body of law the administration wished to evade.

At home, federal agents operating under a mass immigration sweep shot and killed two American citizens — Renée Good and Alex Pretti — in circumstances where bystander video sharply contradicted the government’s own accounts. The Justice Department declined to investigate one of the killings for civil rights violations, a break from every prior administration. That is what impunity brought home looks like.

Behind this political descent lies a deeper structural transformation in the economic order that sustains it.

THE POLITICAL ECONOMY OF IMPUNITY

We cannot understand legal unraveling without attending to its material foundations. Beneath the political and legal collapse lies a profound transformation in global capitalism.

As historian Sven Beckert has argued, we are witnessing the demise of the neoliberal world order — the late-twentieth-century system that promised integration through markets but

delivered inequality and oligarchy instead. Its collapse has not restored democratic control over the economy; it has empowered new concentrations of private wealth that operate beyond any state's legal reach.

The rise of cryptocurrency, championed by radical libertarians hostile to regulation and committed to rule by technocratic elites, has produced transnational fortunes now flowing into politics — often aligned, as in the United States, with pro-Israel and anti-regulatory agendas. Just recently, an alliance of artificial intelligence, cryptocurrency, and pro-Israel money invested tens of millions of dollars to defeat progressive candidates in Democratic primaries for the House of Representatives in Illinois. The purchase of political outcomes has become an industry.

The same logic extends to the arms industry, where corporate giants not only manufacture and sell weapons but advise governments and underwrite the financial risks — through export-credit guarantees, political-risk coverage, and war-zone insurance — of the very conflicts that generate their profits. The revolving door between government and defense contracting transforms war into an economic ecosystem. Private military corporations — from Blackwater's successors to Israeli firms marketing "battle-tested" crowd-control systems — operate in legal grey-zones, privatizing violence while evading the laws of armed conflict. Profit, once one step removed from violence, is now embedded within it.

When a single individual — Elon Musk, soon to be the world's first trillionaire — can simultaneously own the dominant public square, advise the president, and direct government contracts to his own companies, we are no longer talking about private enterprise. We are talking about a new form of unaccountable power operating entirely outside the legal frameworks this lecture has been examining. In this sense, the market, no less than the military, has become a theater of impunity. This fusion of financial and political power reinforces the culture of lawlessness: as capital escapes accountability, so too do the states and leaders it sustains.

THE WAR ON INTERNATIONAL LAW

The leading actors in the coordinated campaign to cripple global accountability are the United States and Israel — which, according to the Multilateralism Index developed by a team of researchers, rank first and second, respectively, in the frequency of violations of the U.N. Charter since its adoption in 1945.

Washington has long maintained hostility toward the International Criminal Court, even authorizing sanctions and the use of force against its officials — the so-called Hague Invasion Act. Israel has threatened and intimidated ICC prosecutors, including Fatou Bensouda and

Karim Khan, to block investigations of its war crimes. Together, the two countries sanction and defame U.N. officials such as Special Rapporteur Francesca Albanese for reporting truthfully on Israel's conduct in Gaza. This is a war not on a single tribunal but on the very principle that law might bind the powerful.

The hypocrisy of this campaign has rarely been more exposed than in the divergent treatment of the ICC in relation to Ukraine and Gaza. When Russia invaded Ukraine in 2022, the United States and its European allies rallied around the Court — encouraging the investigation, funding the prosecution, and celebrating the eventual arrest warrant for Vladimir Putin as a triumph of law over tyranny. Yet when the same Court turned to Israel's actions in Gaza, the tone shifted entirely. U.S. officials denounced the ICC, threatened sanctions, and Congress moved to punish any cooperation with it. Law as a weapon against adversaries; an outrage when aimed at friends. The episode stripped away any remaining illusion that the so-called rules-based order was about law at all. It confirmed what much of the Global South had long understood: that for the dominant powers, legality is conditional on power, and justice is always selective.

The techniques by which law is being hollowed out form a recognizable repertoire, and naming them is itself a form of resistance.

The first is direct assault on legal institutions — the coordinated campaigns to delegitimize courts, judges, and prosecutors. In the United States, the President brands judges “corrupt” and prosecutors “deranged.” In Israel, authorities arrested the military lawyer who leaked footage of a Palestinian prisoner being sexually abused at the Sde Timan detention facility. Prime Minister Benjamin Netanyahu's coalition also embarked on a reform agenda that threatens to undermine any remaining independence of the judiciary; the effort has not yet succeeded, but neither has it been abandoned. The goal is to invert the moral hierarchy of law — turning accountability into treason and prosecutors into the accused.

The second is the manipulation of evidence and deception of courts. Germany reportedly coordinated with Israel to omit or downplay evidence before the World Court of continued arms shipments — while publicly suggesting those shipments had ceased. Trump's lawyers used comparable tactics in defending illegal deportations, misrepresenting facts to justify actions that plainly violated court-ordered constraints.

The third is the deployment of legal gibberish — preposterous and internally incoherent theories designed to rationalize the irrational. Israel designated the Gaza Strip a “hostile entity” in 2007 — a category unknown to international law — thereby seeking to justify treating Gaza as a foreign enemy rather than an occupied population, evading the responsibilities of an occupying power. The U.S. Justice Department, for its part, just filed a legal brief in defense of

the President's plan to build a new ballroom that seems dictated by the President himself, with all the hyperbole and random capitalization that characterize his social media posts. These legal maneuvers do not need to hold up to scrutiny to provide advantage. They need only generate delay and exhaust the opposition.

The fourth is the use of terrorist designations and sanctions to suppress fact-finding and dissent. In 2021, Israel designated six of its most respected Palestinian human rights organizations — including Al-Haq and Addameer — as terrorist groups, criminalizing their advocacy before international tribunals. In 2025, the United States followed suit, sanctioning Al-Haq, Al-Mezan, and the Palestinian Centre for Human Rights — the very organizations cooperating with the ICC's Gaza investigation. The United Kingdom designated Palestine Action as a terrorist organization. In these countries, what exposes state violence is treated as terrorism; what conceals it is called patriotism.

Artificial intelligence has now entered this arsenal as well. It has been reported that Israel retained a U.S. political operative to run a multimillion-dollar campaign aimed specifically at shaping what AI systems tell users about Israel and Palestine — described as the first known attempt by any government to manipulate the outputs of AI chatbots. This represents not merely a new form of propaganda but an attempt to control not just what appears in the news, but what appears to be true.

Together, these tactics represent the everyday mechanics of law's undoing — the slow replacement of judicial reasoning with propaganda, and of legal process with performance.

TWO STATES, ONE LOGIC

The United States and Israel do not merely coordinate against international law. They share a structural relationship that explains the depth and durability of their partnership.

The United States has long wrapped Israel in a cocoon of impunity: scores of Security Council vetoes, billions in annual military aid, political cover at every international forum. Without that protection, Israel's systematic violations of international law would have faced far greater consequences. American power made Israeli impunity possible.

But the relationship is not simply that of patron and client. There has also been direct legal borrowing. When the Obama administration sought legal justification for its targeted killing program — drone strikes against individuals far from any recognized battlefield — its lawyers explicitly cited Israeli precedents. Israel had developed the doctrine of "targeted killing" over decades of occupation, and the United States adopted its framework. The architecture of

administrative detention, collective punishment, and demographic control — Israeli innovations refined through occupation — found American echoes from Guantánamo to the southern border.

What makes the relationship deeper than borrowing, however, is that both states share a common structural logic. Both are settler-colonial projects built on the dispossession of Indigenous populations and the assertion that one group's sovereignty justifies the subordination of another's rights. That underlying logic produces similar legal instincts: the conviction that our security is categorically superior to others', that our existential claims override ordinary legal constraints, that law is for everyone else.

In the Trump era, U.S. imperial exceptionalism has fused with white Christian nationalism, producing a distinctly American form of ethnonationalism. The Muslim ban, the equivocations after Charlottesville, the preference for white South African "refugees" over Black Sudanese ones fleeing active war — these are not anomalies. They are expressions of a politics that defines belonging through blood, race, and creed: the same politics that has governed Israel's relationship to Palestinians from the beginning. American white Christian nationalism and Israeli ethnonationalism recognize each other because they are, at root, the same kind of project. As American white nationalist Richard Spencer stated in a 2017 interview: "You could say that I am a white Zionist—in the sense that I care about my people, I want us to have a secure homeland for us and ourselves. Just like you want a secure homeland in Israel".

From Modi's India to Milei's Argentina, from Europe's far right to — until very recently — Orbán's Hungary, the same pattern unfolds: law as a tool of the dominant group, sovereignty as a privilege of the strong, accountability as punishment for the weak. In Brazil, the Bolsonaro years offered a vivid parallel: the invocation of national purity, contempt for minorities, the assault on environmental protections and Indigenous communities — all expressions of the same authoritarian ethos. That Brazil has since prosecuted Bolsonaro for his role in the January 8 insurrection is a significant marker of how seriously a democratic society can take the rule of law, even against the most powerful, when it has the political fortitude to do so.

Israel has exploited American impunity to new and more flagrant extremes. In the summer of 2025, it bombed six countries in seventy-two hours — Syria, Lebanon, Iraq, Iran, Yemen, and Gaza. Then the United States joined Israel in a direct, unprovoked strike on Iranian territory. Under the Nuremberg principles — the framework under which Nazi leaders were prosecuted — aggressive war is the supreme international crime. Iran had not attacked the United States. Iran posed no imminent threat to it. The strike was not authorized by the Security Council. It was a war of aggression.

What followed was almost surreal. Iran — struck without provocation — responded

in kind. Bahrain then introduced a Security Council resolution condemning Iran's retaliation, making no mention of the U.S.-Israeli strikes that had triggered it. The resolution passed thirteen to zero. Russia introduced a balanced alternative that named no parties and simply called for de-escalation. The United States voted it down. The body that exists to restrain aggression had been turned into an instrument for condemning the victim of aggression while shielding the aggressors from any scrutiny. The episode showed, with brutal clarity, how completely the rules-based order has been reduced to a language of domination.

THE MIRAGE OF STRENGTH

These displays of force look like power. Bombers over Tehran, naval strikes across the Caribbean, seven Security Council vetoes — a nation apparently too strong to be constrained. But what they actually reveal is weakness and decline.

Empires that endure do so partly through force, but also through legitimacy — the sense, however manufactured, that their dominance serves some broader purpose. Despite its shoddy record of foreign interventions, the U.S., since 1945, has projected an image as the “leader of the free world” — and that claim has been largely accepted in the Global North. When that legitimacy erodes, raw force is all that remains. Both the United States and Israel are suffering a deep erosion of moral authority — what Joseph Nye once called soft power — the capacity to lead by example rather than coercion. That authority took decades to construct. It is being discarded, strike by strike, veto by veto.

Force can produce obedience. It cannot produce respect. And without respect, even the most powerful states grow brittle — feared but not admired, capable of destruction but not of building anything that lasts.

The consequences are concrete and immediate. Before the war on Iran, the Strait of Hormuz was one of the most critical waterways on earth — a narrow channel through which roughly a quarter of the world's seaborne oil and a fifth of its liquefied natural gas moved freely each day, because international law said they must. The U.N. Convention on the Law of the Sea establishes the right of transit passage through international straits. No state, including Iran, has the legal right to close them.

But Iran clearly felt no obligation to uphold a legal framework from which the country that attacked it had exempted itself. When Iran moved to close the strait, tanker traffic dropped by roughly seventy percent, producing what has been called the largest oil supply disruption in history. The costs are being paid now — by ordinary people in Brazil and around the world at the

fuel pump and in the price of goods. This is what “might makes right” looks like in practice. It does not merely harm the weak. It destabilizes the entire system, including the powerful. Israel and the United States created the conditions that closed the Strait of Hormuz. Now the world pays the price. Iran is purporting to maintain its control over the Strait of Hormuz indefinitely, in violation of international law. That is what our own lawlessness has wrought.

The picture of declining moral authority is vivid in other arenas as well. At COP30, last November in Belém, Brazil, the United States declined to send any senior delegation — the first time in decades it effectively vacated the global climate stage. Far from lamenting the absence, several governments and environmental leaders welcomed it, believing that discussions could finally proceed without the obstructionism long associated with U.S. negotiators. That the world’s largest historical emitter of greenhouse gases is now seen as an impediment rather than an indispensable participant captures a deeper truth: moral authority, once squandered, is not easily recovered. The architects of the rules-based order now find themselves unwelcome in the very forums they once dominated.

TOWARD RESISTANCE AND RENEWAL: THE RESPONSIBILITIES OF SCHOLARS

If law lies in ruins today, it is not because its ideals failed. It is because power refused to honor them. Our task is not to eulogize law but to reclaim it — to recover the possibility of legality as a language of liberation rather than domination.

Before turning to that task, let me acknowledge something held back until now — because raising it earlier would have felt like false comfort before you had seen the full picture. The picture, at this moment, is not entirely dark.

Viktor Orbán — the model European ethnonationalist — has just lost an election. After sixteen years of dismantling Hungarian democracy, rewriting the constitution, packing the courts, strangling the press, and marketing “illiberalism” to admirers worldwide, he was voted out. That is not a small thing. In the United States, there are signs that the project of dismantling constitutional governance is generating serious resistance — from courts, from states, from a public that did not anticipate how rapidly and recklessly the dismantling would proceed.

There is a phrase that circulates in moments like this — “the darkest hour comes just before dawn” — and we, who wish to realize law’s promise, however elusive, must not lean on it. The dawn is a celestial event. It happens on its own schedule, without human effort. Political change is nothing like that. There is no guaranteed sunrise in politics. There is only

what people choose to do — or fail to do — with the openings that circumstances create. Orbán didn't lose because history tilted in Hungary's favor. He lost because enough Hungarians organized, showed up, and refused to accept that his grip was permanent. The fracturing of political coalitions built on impunity will not automatically produce something better. What comes next depends entirely on what people are willing to build.

This is why the language of inevitable arcs bending toward justice, or pendulums swinging back to self-correct, should be resisted. That language substitutes celestial mechanics for human agency. And human agency is the only thing that has ever actually changed anything.

There is encouraging work already underway. South Africa brought Israel before the World Court under the Genocide Convention. Brazil has engaged this question with moral seriousness, and hosted COP30 at the very moment the United States has abandoned the field. Nations of the Global South are building alliances to restore international accountability from outside the institutions that have failed. The Hague Group — Bolivia, Colombia, Cuba, Honduras, Malaysia, Namibia, Senegal, and South Africa — represents precisely this effort: nations that once experienced the underside of the rules-based order now claiming the moral authority to reconstruct it on more genuinely universal foundations.

This brings me to what I believe is a question this audience — scholars, jurists, and legal academics — should take seriously: what do we owe this moment?

I raise this not to be prescriptive, but because the crisis of international law is partly a crisis of ideas — of the theories, doctrines, and conceptual frameworks through which power justifies itself. Scholars have a particular role to play in a moment when propaganda works by replacing legal reasoning with performance, and when the manipulation of language — including the language of law — is itself a tool of domination.

At a minimum, that role means producing work that names clearly what is happening: that calls aggressive war aggressive war, that refuses to launder crimes through procedural euphemism, that holds analytical standards steady under political pressure. The scholarly community that produced the Nuremberg principles, the Genocide Convention, and the foundational texts of humanitarian law was not above the fray — it was engaged with it, shaped by it, and in some measure shaped it. The present moment calls for comparable engagement.

It also means working across the borders that power uses to divide. The transnational networks already forming — among scholars in Brazil, South Africa, the Arab world, Europe, and the United States — are doing more than producing comparative legal analysis. They are constructing a shared jurisprudential framework from below, grounded not in the preferences of dominant states but in the experiences of those who have borne the costs of impunity. That

project is among the most important legal scholarship being done in the world today. Believe me, forces on the political right are engaged in just this kind of cross-border collaboration — not always on the level of production of scholarship, although not excluding it — as we have seen in the connections between the Trump and Bolsonaro worlds, or in those linking Hindu nationalists and Zionists in the United States. Working across borders is not just about building stronger alliances, but also about illuminating causes and forces that are sometimes obscured when viewed in isolation.

There is also the question of institutional courage. Universities and law schools in the United States and elsewhere have come under sustained pressure to suppress certain forms of speech and inquiry related to Palestine, Gaza, and the critique of U.S. foreign policy. In the United States, the Trump administration has weaponized federal funding to force compliance with its ideological priorities at the most eminent institutions of higher education. Resisting that pressure is not merely a matter of academic freedom in the abstract. It is a condition for the possibility of honest legal scholarship at all. If the academy capitulates — and the signs of capitulation are already widely visible — the space for the critical analysis this crisis demands will narrow further.

Finally, there is the question of what genuine universalism requires. The dominant legal order was built on a false universalism — principles announced as universal but applied selectively, protecting empire while exposing the colonized to violence without remedy. Scholars from the Global South have been the sharpest critics of that false universalism and the most creative builders of alternatives. The task now is to advance that work — to elaborate a jurisprudence genuinely grounded in equal dignity, reciprocal obligation, and the experiences of those for whom the existing order has provided neither security nor justice.

Reform cannot mean simple restoration. We cannot return to the status quo ante — to institutions that contained within them the seeds of their own failure. Constructing a new legal order will require imagination: the courage to draw from what was valuable in the past while envisioning what has never yet been tried. Every act of genuine reconstruction is, in that sense, an act of creation — part memory, part invention, part faith that humanity can still govern itself by reason and solidarity rather than domination and fear. We urgently need this reform. Every war is at once a human tragedy and an environmental disaster, at a time when we seem to be hurtling toward planetary death.

Brazil and the nations of the Global South now face the opportunity — and the burden — of imagining what a truly universal legality might look like: one grounded not in dominance but in reciprocity, not in victor's justice but in equal accountability. That is a project for states,

for social movements, for citizens — and for scholars.

It is, I believe, the defining legal project of our time.

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