

# CRITICAL ENVIRONMENTAL EDUCATION AND THE PARADIGMATIC TRANSITION OF ENVIRONMENT LAW IN DISOBJECTIFYING ANIMALS

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## 1. Introduction

Discussion about the relationship between human beings and animals has both historical and philosophical roots as old as the tradition of western thinking. Although human is an animal being the term non-human is avoided for it implies denying humanity instead of the intrinsic value (LOURENÇO, 2008).

Humans have ruled their behavior on religious and scientific knowledge, reinforcing the belief on human superiority above all species and, even with the increasing concern about environment, the reductionist way of understanding the world was endured, reflecting on the model of nature domination and exploitation. According to Dulley (2004, p.17), nature means natural world and is conceptually different from environment. Human is simultaneously born on natural and sociocultural environments. Human environment includes all aspects of society such as politics and economics. The deliberate concept of nature is anthropological since it is a human representation, although one can make a sincere effort to recognize and value other species perspectives, against anthropocentric perspective.

Anthropocentrism states dignity is a human intrinsic value because our species is the only one able to think and act reasonably. For Meneses e Silva (2016) it is nothing but a feature of human narcissism according to which the animal, object of environmental tutelage, has an instrumental value to preservation or according to either direct or indirect advantages it offers to human communities.

Animals Rights are a quiet research zone on Environmental Education (EE), which still takes animal subjugation as something superficial. Animals' invisibility and the violence legally inflicted on them are paradoxically linked to the replication of exploitation, criticized by critical Environmental Education (cEE) (SPANNRING, 2017).

In the formal ambit, despite the existing curricular guidelines and standards including environmental issue, aspects of Animal Rights are not clear, so that it is necessary to search those matters in all levels of learning, arguing in favor of including categories such as empathy, ethics, non-violence, and criticism to the discussion. In the informal

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ambit there is already a rich empirical and theoretical body about animals on EE, but still as a side issue.

Even though it is becoming stronger in Brazil, the doctrine of Animal Rights needs real implementation besides comprehension and discussion of the theoretical point of view, which according to Silva (2007) will take place only by changing the basis of law ordering and their applicators, aspect on which EE has a relevant role.

To Loureiro (2005, 2014), critical, emancipating, and transforming Environmental Education is that one in which dialectics takes place in such a way that changes on human activity linked to educational acting imply both individual and collective changes. It occurs because, when social and historically situated, free from neutrality, it allows denying and overcoming truths established by the running system. By means of organizing social groups, it aims at both autonomy and freedom of the agents through the transforming intervention of oppression relations, looking for a society change on civilization standards (LOUREIRO, 2005, 2014).

So, the theme Animals Rights is not a local manifestation of a particular problem but a radical political agenda that takes to the analysis of the sociopolitical context and transformation.

More than crucial to democratizing the environmental problem, cEE is a political education since it must aim at raising a critical consciousness looking for changing reality. Searching for elements to support the comprehension of real and possible impacts of such change on animals' protection, this essay proposes the establishment of a dialogue with the upcoming paradigmatic new possibility, from animalist theories, with the contributions brought by cEE and the ethical challenges presented when accepting animals as right subjects and limitators of their own cEE.

Qualitative research with documental, bibliographical theoretical foundation was chosen to develop this essay from law projects mentioning animals as right subjects (PL nº 6799/13; PL nº 7991/14 e PL nº 351/15) and authors of animalist theories, especially Singer (1998), Regan (2006) and Francione (2013).

In this way we will discuss the importance of sentience as an argument for building the concept of animals' dignity, to be used by Law as a justification for the transition on the means of their law treatment. We will also discuss the approach of cEE with the process of animals' desobjetification as a motivation for changing minds.

## **2. Sentience in building the argument of animals' dignity from their intrinsic value**

Environmental Law has enlarged or moderate anthropocentrism as its main feature. It means that, although the human being settles rules for animal protection, his intends to preserve them for use as a current or future resource. Including animals in our morality circle does not guarantee entitling their rights (ALMEIDA JR, COUTINHO, 2006).

There are some perspectives that give animals an intrinsic value, that is, a possibility of self-valuation, independent from economical, aesthetical, and scientific concerns given by human society, such as biocentrism and sentiocentrism, recent concepts proposing a

new ethic posture as to animals. Biocentric perspective takes the self-wellbeing of moral patients into account, considering the highest value to be preserved in the actions supposedly ethical. In turn, sentiocentric ethics is given by emphasizing sentience as a parameter for accessing the community of beings that deserved to be morally considered (FELIPE, 2009, p. 16).

Sentience, a concept established in 2012 by researchers at the University of Cambridge, is the capability of experiencing physical pain and suffering, pleasure and joy, and be aware of the difference among them (LOW, 2012). It is a complex issue that triggers major discussions all over the world due to its recent character and yet unclear limits.

Sentience exists in a range of complexity degrees among different species and, thus, it is not a yes or no question but a gradual evolution with a hard scientific determination. It is based on studying animal well-being and relates to behavioral and neurological matters, being possible to link it to genome complexity, a case in which vertebrates would be in the most complex side of the scale (MOLENTO, 2006). Based on the complexity of the central nervous system and the behavioral complexity associated, human being is on top of the list.

All animals have all neurological substrates needed to have consciousness levels, being able to show intentional behaviors and have related feelings, at a higher or lower level. To Molento (2006), traditional Cartesian science must evolve from a simple stance and, once there is no clear answer about what animals are sentient, there is a moral duty to give animals the benefit of doubt and treat them as if they were.

In this context, acknowledging animals are sentient beings is enough to put them inside the sphere of similar interests consideration and whether sentience is real, so Environmental Law must agree with it.

Stating an animal is sentient is accepting it suffers and is aware of its suffering. Writing it down under a legal text means legitimating a new law aspect not used yet which must be more than an adornment, becoming a real obstacle to the abuses committed against animals, aligned with the commitment of citizens and the State to care for the effective respect to their interests, often as basic and evident that resume to live with dignity (GIMÉNEZ-CANDELA, 2017).

Currently representatives of Animals Rights fight for a serious, scientific discussion about the matter as an attempt to open space for such field. As one advances deeper into animals objectification, domination becomes normal and takes place. In this sense a problematization about the moral sense of humans acts as to animals in order to include them in our moral sphere, from which they were historically withdrawn is needed, including EE discussions.

Considering sentience an established concept, it is not possible to step back as to Animals Rights. So, we discuss how it can be materialized on legal texts, from the intrinsic value and respect of the other as an argument to understand how dignity can go further than human meaning, becoming a proposal of animals' dignity. Sarlet (2012) says dignity is:

The intrinsic, distinctive quality recognized in each human causing him to deserve the same respect and consideration by both State and

community, in this sense implying a complex of fundamental rights and duties to prevent the individual against any degrading, inhuman act, as well as guarantee minimum existence conditions for a healthy life besides providing and promoting the active and co responsible participation on the fate of his own existence and life with other human beings (SARLET, 2012, p. 60).

The concept of moral dignity among humans came from a long historical process, consolidated in the conception of a rule written as a general, uniform one, indistinctly applicable to all members of an organized society (SILVA, 2009). Dignity of the human person figures as a fundamental principle in Brazilian state. With such understanding, the rule of human person dignity has been taken as a principle of pre-constituent value and supraconstitution hierarchy, both to Federal Constitution (FC) dated 1988 and to most constitutional letters, (GORDILHO, 2009).

To Alexy (2008), such understanding takes to the notion that there is an absolute principle, although he considers any principle, not even the one protecting life, is absolute, since in events where an individual's principle of life is confronted to a group's one, the last would win. Based on this view, Human Rights are so absolute they could move other ordinary intentions, such as an animal not to be an object for human entertainment or perversity. So, Alexy (2008) highlights it is not possible to give dignity an absolute value because the effects caused by the intense human dispute can cause savagery to be defended if supported by relativization theory. Difficulties resulting from religious, philosophical, and historical rooting of the human person dignity and the dependence on civilizational and cultural global status establish a limit between dignities: our ability to expand it to animals.

We understand giving animals dignity as it is built for human beings is not a desired process, being necessary to search constitutional fundamentals to make that guarantee effective. The challenge is transcending the instrumental established view of animals in a perspective designed always from health a life quality of human beings because:

Any attempt to comprehend nature from the will of dominating it is not considered as interpretation, since for interpretation to occur it is necessary that the meaning of the other party can remain as a self-presentation, because dictating nature's meaning for prediction and control is not a comprehension act (GRÜN, 2007, p. 183).

It is imperative to move law and social anthropocentrism and recognize that, for representing a value themselves, animals must have their rights recognized because they have a value in their existence and deserve law tutelage. Aiming at saving such value on FC and guarantee an intrinsic value to be respected and recognized, it is necessary to enlarge the concept of person, ceasing to be an exclusively human attribute, which can be so called animals' dignity (SILVA, 2007).

FC already has the fundament for the Animals Rights theory when it recognizes in its art. 225, §1º, VII, that animals are very sensitive and prohibits cruel practices. Silva

(2009, p. 2891) suggests a change on law hermeneutical rectifying that Law is not a social institution addressed to humans only, but for all subjects of communication, enlarging the range of moral consideration.

In this case, considering animals as Law subjects is based on the conception that, as much as natural persons have a personality upon their birth alive and juristic person have it when registered at the competent department, being able to ask for their rights at the court, animals become Law subjects when laws protect them even if represented similarly to relatively or absolutely unable beings and juristic persons.

It is challenging to establish a minimum equality standard between human beings and animals from the perspective of rights subjectivation, but different psychological capabilities would not justify different treatments. If not even humans are physical and psychically equal because some of them lack the capability of manifesting himself and, even so, they have their rights recognized, it is our moral duty to guarantee the natural expectation of any living being as to well-being and life, because it is not possible to go on denying the main similarity between humans and animals: the capability of suffering.

### **3. The historical process of animals' objectification and the change in its law status: links to Critical Environmental Education**

From traditional ethics, Environmental Law treats animals as environmental assets, according to its goal and utility to human being (FIORILLO, 2004, p. 102-103). Grün (2001) considers this ethic is based on a match of Cartesianism and Christianity because it helped establishing the idea that human beings were created to dominate all things on Earth. Over time the importance given to human species has increased and promoted the much known dichotomization between nature and culture, as if our species could not belong to nature no more and as if they were antagonist among them.

Exploiting coexistence and internalizing the idea we own nature became more intense as a result of the constitution of human thinking since the production of primitive tools and the development of agriculture until the current days (FOLADORI E TAKS, 2004).

Prevalence of human over all other creatures had its philosophical landmark on Descartes thinking, with the mechanistic paradigm, by giving up the organic nature in favor of the mechanical nature. Descartes, considered the father of modern rationalism, has defined nature as the object of reason, being this the radical basis of the split subject-object, featuring the dualism considered as the genesis of socioenvironmental crisis and being the proposal of scientific research with higher validity currently.

By highlighting reason, this model excluded animals from the moral community, and became the main influence in the contractualist paradigm prevailing in Law, stating only humans can take part of the social contract (ARAÚJO-NETO, 2011; PAREDES, 2006). In this sense, Silva (2014) states that:

Human life has perennial roots in a man's world or a world of man-made things, when natural world is valuable as long as it benefits human concerns, and Law is produced in order to rule such relations (SILVA, 2014, p. 165).

However, throughout history, the changes experienced by scientific thought reached a new version that nowadays differ from the distinction between human and animal cognitive structures. The initial mechanistic concept was proven little by little, especially by the evolution theory and organisms common ancestry. With Darwin studies, a natural process can be taken as the origin of the reason by means of small, successive genetic variations along time, causing a deep change in the scenario of the discussion about Animal Rights. So, human reason was not the only one or the especially developed one but a progressive manifestation of ordinary capabilities of other living beings:

From Darwin, scientists started agreeing there is not a magical, essential difference among humans and other animals, biologically speaking. Why, then, such moral distinction, almost absolute, takes place? If all organisms share a physical continuum, so must we also share it? Lions and tigers can crossbreed and reproduce. Under special laboratorial conditions maybe it will be soon possible to crossbreed a gorilla and a Biology teacher – the offspring should be held in a cage or a cradle? (RYDER, 2011, p. 50).

So, Darwin can be considered as a watershed between the idea of reason as a definitive difference from humans to other animals, overcoming the notion of a remarkable cognitive difference from human to other living beings towards a gradual cognitive similarity, resulting in the destitution of humans from their privileged spot.

Besides Darwin, Humphry Primatt, Jeremy Bentham, and Henri Salt were crucial to clear the refusal to the rationalist paradigm of not accepting direct duties as to animals and established the bases to the dawn of a new theory enticing a possible change in the paradigm and conception of the world regarding the treatment dedicated to animals (PAIXÃO, 2001). Those authors delimited the emergence of theories other than the dominating ones since they did not provide answers no more, making it needed to accept the emergence of a new perspective. For Kuhn (2003) a new paradigm is the reconstruction of a given area of study from new principles, with the restructuration of some fundamental elements of the previous paradigm.

The theory currently established as paradigm is not enough to assist the demands related to Animal Rights when only conceives dignity to humans. The transition to an environmental regulation based on either biocentrism or sentiocentrism, both instituted on the moral respect by nature and preconizing the same value to all beings requires breaking up with the traditional theoretical matrix, implying a total reformulation of Law theory from its most basic concepts.

There are two philosophical currents as the advent for the emergence of that new paradigm determining the discussions on Animals Rights. The first current focuses on well-being, and denies all manifestation of unnecessary suffering to animals, claiming the control of institutional exploitation by adopting actions to cease such suffering. Singer (1998), its major philosopher, was responsible for making the term speciesism popular, which was defined as a discrimination based on species, where an individual concern is less important because it is not human, transmitting the idea that an animal is available

as wellbeing supplier, in an instrumental concept (SINGER, 1993). The author highlights that in the discussion about Animals Rights, compared to any other freedom-prone actions, the fact that the members of the group under exploitation cannot protest in an organized way against the treatment addressed to them puts them in a disadvantage position, needing third parties to raise their flags.

Singer had a crucial role in evidencing those great failures in the current paradigm, showing this system cannot stand no longer, and the core of his philosophical argument criticizes the fact that human practices require the sacrifice of important concerns of other species in order to favor trivial ones of ours (SINGER, 1998).

The second current is the so called abolitionism, which defends the exclusion of all ways of using animals, and states the institutional exploration of animals is analogue to slavery. It claims for the total abolition of that condition from recognizing animals have an intrinsic value and they are law subjects. In this current we have philosophers Tom Regan and Gary Francione. Regan (2006) claims for a change on perception once we are used to the dominating paradigm and we see animals as culture sees them: beings existing only to attend our needs and desires, legitimating the most diverse ways of violence in nowadays society, because their suffering is ignored in favor of human wellbeing.

Certainly Regan (2006) is the one who started this Exchange process from the rationalist paradigm to a solidarity concept as to other species. He created the term subjects-of-a-life, which defines animals as being their own goal, with the right to be respectfully treated, with dignity. The respectful relation synthesizes fundamental rights (life, physical integrity, and freedom) expressed by dignity, to be thought including animals.

That category is proposed by the author as an essential requirement to the idea of a moral subject, with an intrinsic value, having beliefs, desires, perceptions, memories, and an emotional life involving sensations such as pleasure and pain, not related to the fact of being useful or not.

Another important philosopher who deserves to be mentioned is Francione (2013), who created the term moral schizophrenia, defined as an attempt to elaborate protection or life quality improvement measures to some animal species, disregarding some others, based on importance levels established according to the economical or emotional relevance of such species to humans.

Abolitionism and wellbeing are new ways to see the world guided the concept of sentience, which will require transformations on stagnant points of view of nowadays society. Both currents establish that the criteria to value beings depend on the capability of distinguishing and choosing experiences, avoiding the bad ones while looking for the good ones, trying to avoid suffering.

However, abolitionism is closer to EE for it radically questions the current society paradigm and for rethinking the dichotomy between subject and object, since it is a basic problem, being a support able to implicate itself the possibility of an EE.

It is important to emphasize that even though being part of the process of animal abolitionism, wellbeing is close to a traditional EE if it makes no radical questions about the relationships between humans and animals, the same way in EE very often processes

have no concern with the deepening and critical reflection (CASTELLANO; SORRENTINO, 2014).

Both currents aim at significant changes in the treatment addressed to animals, providing subsides to law changes in their treatment so society can have a positive action on the lives of those creatures. Anyway, it is important to understand that, as the relationship between two individuals happens in a dialogical way, the fact that a given individual changes his behavior does not guarantee the change of its reality or the society modification, so individual behavior change does not guarantee the social change as to Animals Rights. In this sense, Loureiro (2014, p. 55) says that:

Defending that changing behavior means a change on reality is betting relationships will always take place from an individual to the other by sum and good example, and from individual to society, which is the collective expression of individual behaviors (2014, p. 55).

The simple fact that we change our way of living, even aligned to millions of people, may not change the world or the social structures managed for serving their own purposes. EE must, for example, answer suitably and responsibly to mutual meeting, deconstructing ambiguous messages that prioritize romantic or anthropocentric perspectives that reinforce our idea that the humans are not connected to other animals.

Nowadays Animals Law is included in Environmental Law. Environmental Law is taken as a third-dimension law and developed simultaneously with the raising of environmental movements, until being sedimented with the FC, making the right to an ecologically balanced environment a fundamental right. Linked to Environmental Law, the evolution of Animals Rights is jeopardized because the speech of Environmental Law insides on the need for preserving biotical communities as an environmental resource. Thus, animal protection is only morally highlighted when it becomes a risk to the species, ecosystems, and humans. As suggested by Pazzini (2010) it is necessary to detach animal protection from Environmental Law aiming at allowing its evolution and the generation of an autonomic branch, parallel to Human Rights.

Currently our legal rules not only legitimate the use and the right to use animals but also unlimited abuses on their lives and physical integrity. Because of this, Philosophy, Ethics, and animal wellbeing Science started questioning the legal status of animals as things. EE opens space to a discussion on such limited epistemic responsibility because the process of decolonization of thinking requires questioning social constructions about animals that shape human attitudes and behaviors, including in Law.

Assigning animals the status of things is a creation of the Roman law technique and, when the first Law theories were issued, the perception about world was different as the reflex of a historical process of those subjects. Currently, in another historical moment, with other ways of seeing the world, our constructions must be reviewed and transformed, if necessary. The movement pro Animals Rights is not a trend but the dawn of a new consciousness, on which several researchers and law experts are working very seriously.



The movement was started as a way to deny animals are things, given the “non-thing” status in Ecuador (PACHECO, 2012) and some European countries. In 1988, Austria was the pioneer by establishing a federal animal protection act based on humans responsibility on lives protection and wellbeing of animals as sentient beings, followed by Sweden, which recognized in 1992, under article 24, “creature dignity”. In Spain, the parliament approved a resolution assuring legal rights to big primates. That normative document obliged Spanish State to legislate on animal protection laws in order to prevent using big primates in circuses and scientific researches. In 2002 Animals Rights conquered an important position at German law system since that rule becomes a state obligation to the legislator in order to develop animals protection politics (MENESES; SILVA; 2016).

In this context, substantiating Constitutional Animals Rights is a duty of Law operators to overcome the level of formal abstraction of Brazilian constitutional legal order. Law projects (LP nº 6.799/2013 and nº 7.991/2014 appended to nº 351/2015, founding Brazilian Code for Animal Protection, converted into nº 3670/2015 at the House of Representatives – BRAZIL, 2015) in process in Brazil, deal with the change on Civil Code with regards to the change in the law status of animals, show that even positive Law is submitting to the initial idea of animal dignity trying to give them the status of law subjects.

The justification of the texts has two main arguments. The first one refers to the worry about recognizing non-human animals have both biological and emotional nature, being sentient beings subject to suffering. The second argument aims at looking for building a more conscious and helping society considering that animals have a different legal nature, that is, they must be considered as de-personified law subjects and must get juristic tutelage in case of violation, preventing their treatment as things.

Declaring animals will not be things is a rule opening to develop an intermediate law regimen as to animals, for taking them as sensitive beings. The importance of such projects is more symbolic than practical because it is a step towards comprehending we must consider that the human condition shares sentience with animals, the capability of suffering, and the legitimate concern about avoiding cruel treatment.

The proposal, by means of EE, is making animals subjectivity visible so one can look for more empathy in society both for animals and human animal condition itself, which we try to hide so we become different from them. Critical EE approach requires, then, developing the capability of making animals voices audible. It is not an easy task but it must be promoted aiming at producing counter-hegemonic narratives.

Animals’ protection is under a change in law scenario because dignity is needed so protection can be effective. This is not an easy task since it calls for deep cultural changes in all the things we know as well the way we establish relationships with animals.

We do not intend to equate animals at a level of subjective rights as for humans, but as to treatment of animals in the field of law application, assuming they are sentient beings. Changing animals’ legal status, considering they are under a legal category that admits changes, improvements, and suppressions, means greater importance given to animals as individuals even though there are circumstances in which we cannot think of them out of their collective.

So, EE can contend animals' invisibility in social and humans sciences generated by anthropocentrism which treats them as things, excluding from the areas of research concern and the humanistic model that restricts the subjective experience to humans, since such reinforcing ways of oppression are linked to the dominating concept of reason.

The self-concept of a new biocentric and sentiocentric ethics would be based on human as a being integrated to nature, whose specific note would not be on reason, will, or self-conscience but in the capability humans have to get out of himself, recognize the other as an equal, using language and dialoguing (SANTOS BRAZ; SILVA, 2015). Such new rights must be materialized and built under a helping perspective among species.

Transforming the practices of such animal exploration based society takes time and processing. A new truth will not triumph convincing their opponents and showing them the light, but when a new generation grows familiar to it (KUHN, 2003).

The condition of a paradigm change is crucial for making animals protection effective by establishing its dignity despite limitations in wellbeing, seeing the intrinsic value of animals. Theorizing about the essence of suffering or searching for cautiously establishing suffering frontiers while animals are still suffering, once respecting legal limits is not desobjectifying.

It is necessary to critically review traditional moral philosophy and adopt a single principle to morally consider all beings, addressing criteria posed by Law, that is, equal treatment for similar cases, since the definition of the criteria to exclude animals from moral and legal consideration took to staggering, illogical ways of treating those beings.

EE must challenge conventional assumptions that pedagogical effort can only be addressed to humans, and all the rest is only content or a way to its education and prioritizing activities not focused only on acquiring knowledge.

#### 4. Conclusions

Even with all the discussion about Animals Rights brought by the animal abolitionist movement, the reductionist model of comprehending the world remains intrinsic in our society and keeps the current standard of relationships established with animals, setting a dominating paradigm. It is imperative to think about such rationality, not yet built on ethical assumptions as to animal treatment when the basic measure, which is suffering, is common to all beings. Based on the principle of equality, if a being suffers, there are no reasons not to taking such suffering into account in the same degree among similar beings. All animals, including human ones, have instincts and goals such as survival and procreation, so this cannot be the criterion used for making legal differentiation among them.

For that, it is important to overcome the speech of animals as environmental resource, towards comprehending all animals, including human ones, have values that give them a single right: to be respectfully treated as individuals. By overcoming our species selfishness, by means of information, discussion, and thinking, EE can contribute to Animals Rights, as far as it breaks down the self-statement of human species at the cost of the other ones, illegitimizing their moral privileged dominating status.

The scientific interest on this matter is recent and there is strong resistance to it in some areas, especially those where no contact with the issue has been made yet.

EE can provide dialogue about the matter, bringing problematizations and proposals both at pedagogical and public politics field, which pedagogical challenge is the paradigm transformation. So, it is EE role to question and trigger the critical reflection about the way animals are explored, contesting the hegemonic naturalness that legitimates cruelty in our society, as well as mechanisms of domination and oppression associated.

Animals Rights occupy a silent area of society, demanding EE thematization, approaching this matter from an ethic-historical perspective, linking the problem here exposed to the dynamics that caused it. EE, when aims at going against moral philosophy and hegemonic sciences, proposes breaking up discrimination and oppression on all kinds of life, being it human or not.

The pathway of recognizing the subjectivation of Animal Rights involves overcoming the supremacy or arrogance status amongst species, given the conventional condition and the self-cultural manifestation involved on producing and making Law effective. In such scenario, only ways of educative entertainment under capitalist conditions, incompatible to EE, can be developed.

On the other hand, it is important to militants and researchers of Animals Rights to remain open to discussions, not to reduce rights conquered but to make the communication flow possible with other sectors and sources within the movement, in name of mutual understanding. This way, consistent methodological bedrock can be built in a collaborative way in order to expand and potentialize such ideas, in a dialogical comprehension from different understandings.

The State, as a dynamic entity, must point out new directions and make new constitutional system values real according to the demands established by society. So, in the current frame this debate becomes important and the constitutional rule must reflect a transition into the commitment to values not perceived by society before. EE allows finding new sensitiveness in the subjects, promoting transformations that will allow a change in the look on animals that can lead to a change in law, a reality needed as soon as possible.

Under the perspective of Animals Rights, EE requires breaking up our social foundations and our epistemological and ontological assumptions about other species, as well as an analysis of political structures, cultural and ideological practices involving animals.

For ethical aspects it is not possible to disregard animals moral value anymore because further than speciesist, this perspective do not value the theoretical and activist movement in defense of their interests, pointing to a possible scientific revolution with the dawn of a new paradigm for Law. So, including sentience in the legal text with the only aim of declaring animals are not things means legitimating the inefficacy of the measures for animal protection, making them impossible to apply, with no real advances on animal protection.

The paradigm transition approach in this essay agrees with EE requests and can contribute to that moral recreation, problematizing the conjuncture and claiming dignity to animals. While we do not extinguish the social machine imprisoning both humans and animals, the best we can wait to come to emancipation consists in a relative, transitory freedom.

## Referências Bibliográficas

- ALEXY, Robert. **Teoria dos direitos fundamentais**. São Paulo: Malheiros, 2008.
- ALMEIDA JR., Antônio Borja de; COUTINHO, Francisco da Nóbrega. A matriz teórica do Direito Ambiental: uma reflexão sobre o fundamento da necessidade de preservação do meio ambiente. In: **Direito e Liberdade**, Mossoró, v. 3, n. 2, p. 79-94, 2006. Disponível em: <https://goo.gl/PYj4p5>. Acesso em agosto de 2013.
- ARAÚJO NETO, José Aldo Camurça de. O contratualismo na perspectiva crítica de Hegel. In: **Intuitio**. Porto Alegre Vol.4; nº. 1; julho de 2011; p.75-90. Disponível em: <https://goo.gl/aGj5WT>. Acesso em abril de 2017.
- BRASIL. Projeto de Lei nº 3.670 de 18 de novembro de 2015. **Altera a Lei nº 10.406, de 10 de janeiro de 2002 (Código Civil), para determinar que os animais não sejam considerados coisas, mas bens móveis para os efeitos legais, salvo o disposto em lei especial**. Brasília. Câmara dos Deputados, 2015c. Disponível em: <https://goo.gl/5T42Cw>. Acesso em abril de 2016.
- CASTELLANO, Maria; SORRENTINO, Marcos. Como ampliar o diálogo sobre abolicionismo animal? Contribuições pelos caminhos da Educação e das Políticas Públicas. In: **Revista Brasileira de Direito Animal**, Salvador, v. 8, p. 133-160, 2014. Disponível em <https://goo.gl/5URmzR>. Acesso em maio de 2017.
- \_\_\_\_\_, Maria; SORRENTINO, Marcos. Devemos aproximar questões sobre ética e Direitos Animais à Educação Ambiental? O que pensam educadores ambientais brasileiros sobre esse tema. In: **Pesquisa em Educação Ambiental**, São Paulo, vol. 10, n. 1 – págs. 88-103, 2015. Disponível em <https://goo.gl/i2u46K>. Acesso em maio de 2017.
- DIEGUES, Antônio Carlos. **O mito moderno da natureza intocada**. 6ª. ed. São Paulo: Hucitec NUPAUB, 2008.
- FELIPE, Sônia. Fundamentação ética dos direitos morais. O legado de Humphry Primatt. In SANTANA, H. J. SANTANA, L. R. (coord.). **Revista Brasileira de Direito Animal**. v. 1, n. 1, janeiro; 2006. Salvador: Instituto de Abolicionismo Animal, 2006. p. 208-209. Disponível em <https://goo.gl/vTiu3u>. Acesso em maio de 2016.
- \_\_\_\_\_, Sônia. Antropocentrismo, sencientismo e biocentrismo: Perspectivas éticas abolicionistas, bem-estaristas e conservadoras e o estatuto de animais não-humanos. In: **Revista Páginas de Filosofia**. São Paulo. v. 1, n. 1, jan-jul/2009. Disponível em <https://goo.gl/R72FD8>. Acesso em setembro de 2017.
- FIORILLO, Celso Antonio Pacheco. **Curso de Direito Ambiental Brasileiro**. 5. ed. São Paulo: Saraiva, 2004.
- FOLADORI, Guillermo; TAKS, Javier. Um olhar antropológico sobre a questão ambiental. In: **Maná**, Rio de Janeiro, 2004. 323-348. Disponível em <https://goo.gl/LW9EvF>. Acesso em fevereiro de 2016.

FRANCIONE, Gary. **Introdução aos Direitos Animais: Seu Filho ou o Cachorro?** Campinas: Editora da Unicamp, 2013.

GIMÉNEZ-CANDELA, Marita. La descosificación de los animales. In: **Revista Eletrônica do Curso de Direito da UFSM**, Santa Maria, RS, v. 12, n. 1, p. 298-313, abril, 2017. Disponível em: <https://goo.gl/irdPgZ>. Acesso em setembro de 2017.

GORDILHO, Heron José de Souza. **Abolicionismo Animal**. Salvador: Evolução, 2009.

GRÜN, Mauro. **Ética e educação ambiental: uma conexão necessária**. Campinas: Papirus, 2001.

\_\_\_\_\_, Mauro. **Em busca da dimensão ética na educação ambiental**. Campinas: Papirus, 2007.

KUHN, Thomas. **A estrutura das revoluções científicas**. Trad. Beatriz Vianna Boeira e Nelson Boeira. 9ª ed. São Paulo: Perspectiva, 2003.

LOUREIRO, C. F. B. Complexidade e dialética: contribuições a práxis política e emancipatória em educação ambiental. In: **Educação e Sociedade**, Campinas, 26, setembro/dezembro 2005. 1473-1494. Disponível em <https://goo.gl/kFsDv8>. Acesso em junho de 2016

\_\_\_\_\_, Carlos Frederico Bernardo. Sustentabilidade e educação ambiental: controvérsias e caminhos do caso brasileiro. In: **Sinais Sociais**. Rio de Janeiro - v.9 n. 26 - p. 39-71 - set.-dez. 2014. Disponível em <https://goo.gl/P76MtM>. Acesso em novembro de 2017.

LOW, Philippe. Declaração de Cambridge. In: **Conferência Francis Crick Memorial sobre a Consciência em animais humanos e não humanos**. Universidade de Cambridge, Reino Unido, 2012. Disponível: <http://www.labea.ufpr.br>. Acesso em agosto de 2016.

MENESES, Renato Carlos; SILVA, Tagore Trajano de Almeida. A. O especismo como argumento filosófico da não aceitação do animal como sujeito de direitos. In: **Revista de Biodireito e Direitos Animais**. São Luís do Maranhão. v. 2, n. 2. 2016. Disponível em <https://goo.gl/s8CiZ5>. Acesso em setembro de 2017

MOLENTO, Carla. **Senciência animal**. Curitiba: Conselho Regional de Medicina Veterinária do Paraná-CRMV-PR. 2006a. Disponível em: <https://goo.gl/te2vPz>. Acesso em novembro de 2013.

PACHECO, Cristiano de Souza. A Constituição do Equador e o direito dos animais em um mundo em transformação. In: **Revista Brasileira de Direito Animal**, Salvador, v. 10, n. 7, p. 345-364, 2012. Disponível em <https://goo.gl/7vx2QQ>. Acesso em fevereiro de 2015.

PAIXÃO, Rita. **Experimentação animal: razões e emoções para uma ética**. Tese de Doutorado. FIOCRUZ. Rio De Janeiro, 2001. Disponível em <https://goo.gl/9T1Qez>. Acesso em abril de 2017.

PAREDES, Edesmin. **A liberdade e a igualdade do homem, no estado natural e social, segundo Jean-Jacques Rousseau**. Dissertação de Mestrado em Filosofia. Universidade de São Paulo. São Paulo. 2006. Disponível em <https://goo.gl/DVBZsw>. Acesso em abril de 2017

PAZZINI, Bianca. **Direitos animais e literatura: leituras para a desconstrução do especismo**. Rio Grande: Dissertação de Mestrado. Universidade Federal do Rio Grande. 2010. Disponível em <https://goo.gl/npGh6P>. Acesso em abril de 2017.

REGAN, Tom. **Jaulas vazias: encarando o desafio dos direitos animais**. Tradução: Regina Rheda. São Paulo: Lugano, 2006.

RYDER, Richard. Speciesism Again: the original leaflet. In: **Critical Society**, Tartu, Estônia. Issue 2, 2010. Disponível em <https://goo.gl/yAaF9Z>. Acesso em novembro de 2017.

SANTOS BRAZ, Laura; SILVA, Tagore Trajano. O processo de coisificação animal decorrente da teoria contratualista racionalista e a necessária ascensão de um novo paradigma. In: **Revista Brasileira de Direito**, Passo Fundo, v. 11. Nº 2. 2015. Disponível em <https://goo.gl/iTBvMe>. Acesso em setembro de 2017

SARLET, Ingo. **A eficácia dos direitos fundamentais: uma teoria geral dos direitos fundamentais na perspectiva constitucional**. 8.ed. Porto Alegre: Livraria dos Advogado, 2007.

SILVA, Tagore Trajano de Almeida. Direito animal e os paradigmas de Thomas Kuhn: reforma ou revolução científica na teoria do direito? In: **Revista Brasileira de Direito Animal**, vol. 2, n. 3. Salvador: Instituto do Abolicionismo Animal, 2007. Disponível em <https://goo.gl/6iHpUv>. Acesso em setembro de 2017.

\_\_\_\_\_, Tagore Trajano de Almeida. Fundamentos do Direito Animal Constitucional. Novembro, 2009. In: **Anais do XVIII Congresso Nacional do CONPEDI**, São Paulo, 2009. Disponível em: <https://ssrn.com/abstract=2352085>. Acesso em maio de 2017.

\_\_\_\_\_, Tagore Trajano de Almeida. Direito animal e pós-humanismo: formação e autonomia de um saber pós-humanista. In: **Revista Brasileira de Direito Animal**, Lisboa, 2014. 161-262. Disponível em <https://goo.gl/8ce4f7>. Acesso em maio de 2017

SINGER, Peter. **Ética Prática**. 2. ed. São Paulo: Martins Fontes, 1998. 129 p.

SPANNRING, Reingard. Animals in environmental education research. In: **Environmental Education Research**. Worcester, UK. Vol. 23, 1ª ed. 2017. Disponível em <https://goo.gl/4ADFZ2>. Acesso em novembro de 2017

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Original Article

# CRITICAL ENVIRONMENTAL EDUCATION AND THE PARADIGMATIC TRANSITION OF ENVIRONMENT LAW IN DISOJECTIFYING ANIMALS

**Abstract:** Animal Rights is a zone of silence within the research on Environmental Education, which still superficially considers the subjugation of animals. Looking for elements that support the understanding of the real and possible impacts of the alteration of the legal status of the animals for their protection, we aim to debate the new paradigmatic possibility that establishes, from the animalistic theories, with the contributions brought by Critical Environmental Education and with the ethical challenges coming from accepting animals as subjects of law and limiting the Critical Environmental Education itself. We chose as a methodological approach the documentary and bibliographic research. Based on the arguments of sentience and solidarity, we conclude that Critical Environmental Education is consistent with the disobjectification of animals, given their counter-hegemonic character.

**Keywords:** Critical Environmental Education; Animal Rights; Disobjectification of animals.

**Resumo:** Os Direitos Animais são uma zona de silêncio dentro da pesquisa em Educação Ambiental, que ainda considera superficialmente a subjugação dos animais. Buscando elementos que apoiem a compreensão dos impactos reais e possíveis da alteração do status jurídico dos animais para a sua proteção, objetivamos debater a nova possibilidade paradigmática que se instaura, a partir das teorias animalistas, com as contribuições trazidas pela Educação Ambiental Crítica e com os desafios éticos advindos de aceitar animais como sujeitos de direito e limitadores da própria Educação Ambiental Crítica. Escolhemos como abordagem metodológica a pesquisa qualitativa de cunho teórico documental e bibliográfico. Com base nos argumentos da sentiência e da solidariedade, concluímos que a Educação Ambiental Crítica coaduna com a desobjectificação dos animais, tendo em vista seu caráter contra-hegemônico.

**Palavras-chave:** Educação Ambiental Crítica; Direitos Animais; Desobjectificação dos animais.

**Resúmen:** Los Derechos de los animales son una zona de silencio dentro de la investigación en Educación Ambiental, que todavía considera superficialmente la subyugación de los animales. En cuanto a elementos que apoyen la comprensión de los impactos reales y posibles de la alteración del status jurídico de los animales para su protección, objetivamos debatir la nueva posibilidad paradigmática que se instaura, a partir de las teorías animalistas,

con las contribuciones aportadas por la Educación Ambiental Crítica y con los desafíos éticos que vienen de aceptar animales como sujetos de derecho y limitadores de la propia Educación Ambiental Crítica. Hemos escogido como enfoque metodológico la investigación documental y bibliográfica de los proyectos de ley que proponen esa transición. Con base en los argumentos de la sencillez y de la solidaridad, concluimos que la Educación Ambiental Crítica coaduna con la desobjetificación de los animales, teniendo en vista su carácter contrahegemónico.

**Palabras-clave:** Educación Ambiental Crítica; Derechos de los animales; Desobjetificación de los animales

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