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Tagore Trajano de Almeida Silva

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ARTICLE

Origins and Development of Teaching Animal Law in Brazil

TAGORE TRAJANO DE ALMEIDA SILVA

I. INTRODUCTION

The Brazilian law system needs to be open to advances in science and changing social values arising from frameworks of neuroscience, behavioral science, philosophy, and genetics.¹

Post doctorate at Pace Law School. Brazilian Ph.D. Professor and Master in the Federal University of Bahia, Brazil with master trainee as Visiting Scholar at Michigan State University/USA. President of Animal Abolitionism Institute, and Coordinator of Brazilian Animal Rights Journal. Regional Coordinator of Brazil-American Institute for Law and Environment – BAILE. Lawyer in Salvador/Bahia. Initially, I would like to thank Professor David Cassuto for working with me, inspiring me, and giving me good life's tips during my postdoc at Pace. I wish to thank a number of people who helped with researching and editing the material contained in this article, including Professor David Favre, Lin Harmon, and Ann Bartow as well as Donna Clark, Deborah Zips, and Leslie Crincoli. I wish to express my appreciation to Daniel Castelo Branco, Rafael Wolff, Gabriela Mello, Maria Antônia Tigre, and Juliana Marcussi as well as all of the visiting scholars and students at Pace who helped in this particular period in my life, especially Megan Hopper-Rebegea, Barbara Santisteban, Lisa Weinstein, Steven E. Gavin, and Ben Lowenthal. I also wish to thank Professor Peter Singer, Kathy Hessler, Steven Wise, and Pamela Frasch for inviting me to visit their universities to help me exchange knowledge with students there. Also, I am grateful for the opportunity to give lectures on Water Law and Animal Law at Pace, as well as Environmental Law and Policy at Williams College and Animal Clinic at Lewis & Clark. Finally, I would like to thank my family that supports me to go a little further. View the author's research on SSRN Author page: <http://ssrn.com/author=1855392>.

1. The necessity to open law schools to new debates was one of the themes of the Yale University Conference hosted December 6-8, 2013. The issues talked about were the necessity to improve old law concepts with the goal of including great apes, cetaceans, and elephants in the notion of personhood through the frameworks of neuroscience, behavioral science, philosophy, and law. The Nonhuman Rights Project and the Institute for Ethics and Emerging Technologies in collaboration with the Yale Interdisciplinary Center for Bioethics sponsored the conference. For more information, see *Personhood*

In this context, seminars, courses, lectures, congresses, and research groups have been offered in universities to encourage students and researchers to develop animal law as a new field within Brazilian law schools. Still, a large number of law schools have inadequately trained students and researchers who finish their courses without ever discussing significant question points: How can Brazilians expand this field of knowledge? What are the steps to introduce a new law paradigm that is pro-animal?

Historically, the relationship established between humans and animals was founded on the criterion of domination, that is, “under traditional conceptions of law, animals were typically regarded as objects of rights vested in their human owners but not as the holders of rights against human beings.”² Non-human animals serving as instruments of human desire over the years has been the message delivered to law students in law schools throughout the world. Animal law courses have been offered as elective subjects at a time when students have already been deeply rooted in the basics of law concepts. How can animal law professors explain that animals are not property if they themselves have approached the subject differently since attending law school? At this moment a conflict exists between professors, students, and the law. Managing this engagement is one of the obstacles facing animal law professors. The first requisite is to bring the matter to first year law students in the required property law course so that graduates and professors can debate the issue.³

With the goal of changing the way of thinking about law, some universities have begun constructing a new framework for how students regard and learn law. They propose to establish an interaction between students and this new moment where the interests of others need to be considered.

Beyond the Human, YALE U., <http://nonhumanrights.net/schedule/> (last visited Feb. 24, 2014).

2. See RICHARD EPSTEIN, *Animals as Objects, or Subjects, of Rights*, in ANIMAL RIGHTS: CURRENT DEBATES AND NEW DIRECTIONS 143, 144 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004).

3. See *generally* Tagore Trajano de Almeida Silva, *Direito Animal e Ensino Jurídico: formação e autonomia de um saber pós-humanista* [Animal Law and Legal Education: Rising and Autonomy of a Posthumanist Knowledge] (Evolução, 1th ed. 2014).

Under this scenario, institutions and professors around the world have mobilized their structures and programs to expand the development of animal law, providing an international exchange of knowledge with new methodologies and comparative perspectives among different legal systems.

This paper examines the strategies utilized on each continent and shows the path made for these scholars to build a framework to discuss animal law within law schools. The conclusion is that this movement produced by such scholars has changed the way law schools are teaching law and is affording new opportunities to solve animal concerns, and likewise, social problems in Brazil and around the world.

Therefore, this article first discusses the philosophical Brazilian background to teach animal law, and how the animal rights movement creates a framework for professors and students working in this field. It then summarily explores the Brazilian and United States dialogue and how this partnership has expanded the animal law debate in South America, followed by an examination of the civil law countries that have historically influenced the Brazilian system. That section focuses on Portugal, Spain, and France to define new pedagogy to legal education in Brazil while looking at the Brazilian experience in teaching animal law. Some universities have begun to open discussion and create centers to debate this area. The challenge is to change the way of teaching law by showing students that human and non-human interests need to be considered by the law. Finally, this article proposes a direction and some perspectives for the immediate future and explains that it is time to overcome the obstacles and enjoy the atmosphere already shaped to teach animal law as an autonomous subject, that is, as part of the *minimum curriculum* in Brazilian law schools.

II. PHILOSOPHICAL BACKGROUND: A FRAMEWORK FOR THE BRAZILIAN ANIMAL MOVEMENT

Brazilian professors have not yet measured the impact of philosophy in legal education. The number of law schools that have incorporated this debate into their curriculum remains few; however, the Brazilian movement has been influenced by

philosophical framework coming from British heritage, especially in relation to studies that came out of Oxford.⁴

Indeed, these ideas have expanded based on the work of Brazilian researchers and in contact with Brazilian society, particularly after the publication of Mary Winckler's translation of Peter Singer's book, *ANIMAL LIBERATION*.⁵ She is one of those responsible for propelling the Brazilian animal rights debate into an international dimension by popularizing the theme of "meatless Mondays" and taking the helm of the Vegetarian Society, an institution that promotes and advocates for animal rights.⁶

In the past twenty-five years, since the promulgation of the new 1988 Constitution, the Brazilian animal rights movement changed legislation to restrict the use of animals. Today, it is possible to say that there is not only a philosophical framework, but also a time sequence for developing animal law as a field of practice and as a legitimate academic subject.⁷

In England, the paradigm shift was encouraged by an underlying social movement driven by animal protection agencies. At the same time the first International Organization for the Protection of Animals (UIPA) was founded in 1895 in Brazil, following the model of the American and British Society for the Prevention of Cruelty to Animals. As in England, a social movement stimulated the emergence of the core laws to protect animals.⁸

4. Oxford group "is a title used by Richard Ryder to describe those intellectuals associated with the city of Oxford, England, who ignited the modern interest in the moral status of animals." RICHARD D. RYDER, *The Oxford Group*, in *ENCYCLOPEDIA OF ANIMAL RIGHTS AND ANIMAL WELFARE* 261 (Marc Bekoff & Meaney Carron eds., 1998).

5. See PETER SINGER, *LIBERTAÇÃO ANIMAL* [*ANIMAL LIBERATION*] (2004).

6. The Brazilian Vegetarian Society(SVB) has been operating since 2003, promoting vegetarianism as an ethical, healthy, and sustainable food option. Through campaigns, conventions, events, research, education, and political action, the SVB pushes its activities to increase people's access to vegetarian products and services. See *SOCIEDADE VEGETARIANA BRASILEIRA* [*BRAZILIAN VEGETARIAN SOCIETY*], <http://www.svb.org.br> (last visited Feb. 24, 2014).

7. See generally Megan A. Senatori & Pamela D. Frasch, Symposium, *The Future of Animal Law: Moving Beyond Preaching to the Choir*, 60 *J. LEGAL EDUC.* 209 (2010) (discussing the U.S. system).

8. See generally Tagore Trajano de Almeida Silva, *Brazilian Animal Law Overview: Balancing Human and Non-Human Interests*, 6 *J. ANIMAL L.* 81 (2010).

To be sure, since early 1640, British researchers have created an atmosphere to provide for a shift in attitude toward animal abuses. At that time, Robert Boyle proposed a new reading of the René Descartes theory that animals – human and non-human – were products of divinity. Further, he asserted that cruelty imposed on animals could cause damage by generating negative effects on the personality of human beings.⁹

Boyle's main point was that no one had the right to cause unnecessary suffering to animals, and that practices such as cockfighting, hunting bears and hares, mistreatment of domestic animals, wild animal imprisonment, and brutal methods of slaughter and vivisection, were all considered atrocities committed against non-humans.¹⁰

Boyle opposed René Descartes' theory of automata animals, in which they were considered as non-sentient beings. This Cartesian consideration removed any moral significance from animals, creating a fictional category for humans.¹¹ Even though Boyle tried to show similarities between the anatomical structures of humans and non-humans, he still acceded to Descartes' concept that humans were the sole rational animal.¹²

This dispute between the British (common law system) and the French (civil law system) philosophy symbolized between Boyle and Descartes also shows the differences between legal education, and the manner in which law is formulated in each culture. While countries such as Brazil, Portugal, Spain, and France were reluctant to raise the law debate, this field has been deeply discussed in common law systems for decades.¹³

When a law structure is organized in a way that allows individuals to discuss new ideas, and create new law as a result, the ball rolls quickly, creating a more dynamic environment for

9. See KEITH THOMAS, *O HOMEM E O MUNDO NATURAL: MUDANÇAS DE ATITUDE EM RELAÇÃO ÀS PLANTAS E AOS ANIMAIS, 1500-1800* [MAN AND THE NATURAL WORLD: CHANGING ATTITUDES IN RELATION TO PLANTS AND ANIMALS, 1500-1800] 202 (Edição de Bolso ed., 2010).

10. See Malcolm R. Oster, *The 'Beame of Diuinity': Animal Suffering in the Early Thought of Robert Boyle*, 22 *BRITISH J. FOR THE HIST. OF SCI.* 151, 151-52 (1989).

11. See Peter Harrison, *Descartes on Animals*, 42 *PHIL. Q.* 219 (1992).

12. *Id.* at 227.

13. See generally BRUCE A. WAGMAN & MATHEW LIEBMAN, *A WORLDVIEW OF ANIMAL LAW* 39 (2011) (discussing both animal law legal systems).

professors and students to share ideas. Creativity and exploration become inherent in the classroom. This type of dynamic serves as an “iron horse”, pushing any legal system to create new alternatives and stay abreast of an evolving society.¹⁴

Another key event that took place in England was the entrance of religion into debates on animal suffering. In 1772, priests such as James Granger, cleric of Shiplake, Oxford, gave a sermon against animal cruelty.¹⁵ Similarly, John Henry Newman, clergyman of the University Church of St. Mary, in his homily on Good Friday 1842, held that the suffering of animals was morally equivalent to the suffering of Christ on the cross.¹⁶

When opportunities exist for open discussions in a community, greater possibilities exist to spread ideas, to learn, and to change the standard education. In other words, societal changes begin with a community determination of right and wrong. Religion attempts to wield influence and organize a societal framework in order to spread notions of compassion and altruism.¹⁷

As the largest Catholic nation in the world, Brazil is still waiting to be more open to new debates in areas such as animal law, bioethics, and religion.¹⁸ The Church no longer interferes in the cultural debates, but maintains an “eloquent silence” about questions that trespass on religion or the patriarchal Brazilian

14. See generally Kathy Hessler, *The Role of the Animal Law Clinic*, 60 J. LEGAL EDUC. 263, 263-67 (2010).

15. See JAMES GRANGER, AN APOLOGY FOR THE BRUTE CREATION, OR ABUSE OF ANIMALS CENSURED, in SERMON ON PROVERBS XII 10 (3d ed., London, 1772).

16. Animals and Oxford, Oxford Centre for Animal Eth., <http://www.oxfordanimaethics.com/about-the-centre/animals-and-oxford/> (last visited Feb. 25, 2014); see also John Henry Newman, Sermon Notes, 1849-1878 113 (Fathers of the Birmingham Oratory eds., 1913).

17. David G. McAfee explains why we should teach religion to children. For him, when we teach religion, children can learn about the origins of myths and the histories of various religious institutions, so they can see all religions as part of the same phenomenon and not see one as inherently superior to all others. See David G. McAfee, *Why We Should Teach Religion to Children*, Richard Dawkins Foundation (Sept. 28, 2013), http://www.richarddawkins.net/foundation_articles/2013/9/28/why-we-should-teach-religion-to-children#.

18. See DAVID N. CASSUTO, *Animal Sacrifice and the First Amendment*, in THE CASE OF LUKUMI BABALU AYE 50 (Thompson, West 2008).

society.¹⁹ Until recently, university professors have maintained no debate among their students about the necessity to use animals. Brazilian culture retains an attitude that frowns on change, preferring the status quo.²⁰

In contrast, British professors in the nineteenth century, such as Lewis Carroll (Charles L. Dodgson) – an Oxford mathematics professor and critic of animal experimentation – evidenced the abuses happening to animals in his article titled *Some Popular Fallacies about Vivisection*.²¹ The discussions and heated debates have today created a favorable environment for the consideration of animal interests and provide a framework to be used by researchers as well as the animal liberation movement.²²

This background stimulated an atmosphere for debate and further development in this area not just for British, but also for American and Brazilian professors. The concepts found in *Animals, Man and Morals* by Stanley and Rosalind Godlovitch, and edited by John Harris, and in Peter Singer's 1973 review titled ANIMAL LIBERATION in the New York Review of Books, have come to Brazil, garnering a favorable response among scholars in the beginning of the twenty-first century. The work of these professionals in this area has led to the development of research and an agenda for animal interests.

III. BRAZILIAN AND U.S. DIALOGUE

U.S. law schools were the best places to raise animal law issues. In fact, organizations, associations, and faculties of law schools have been writing about and developing this field for

19. To understand Brazilian culture, see SÉRGIO BUARQUE DE HOLANDA, RAIZES DO BRASIL: EDIÇÃO COMEMORATIVA 70 ANOS [ROOTS OF BRAZIL: COMMEMORATIVE EDITION 70 YEARS] (2^a Reimpressão ed., 2006).

20. Gilberto Freyre, *A Consideration of the Problem of Brazilian Culture*, 4 PHIL. & PHENOMENOLOGICAL RES., 171, 171-75 (1943).

21. See Lewis Carroll, *Some Popular Fallacies about Vivisection*, 17 FORTNIGHTLY REV. 847 (1875).

22. Pierluigi Chiassoni, *L'Inescusabile Specismo del Mangiatore di Tartare* *Divagazioni sui Diritti Degli Animali*, 7 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. J.] 13, 26 (2010).

years. Now, hundreds of schools are offering this subject as compulsory or elective in their curricula.²³

The first course in animal law in the United States, "The Law and Animals," was taught by Theodore Sager Meth in 1977, at Seton Hall Law School in Newark, New Jersey.²⁴ The objective of the course was to provide a means in the curriculum to present students with the animal rights issues raised by Peter Singer in his book *ANIMAL LIBERATION*.²⁵ Subsequently, professors Les MacRae and Geoffrey R. Scott offered a course at the Dickinson School of Law at Penn State University in 1983 called "The Law of Animals." In addition, Jolene Marion at Pace Law School offered an Animal Law Seminar in 1985.²⁶

Between the years 1970 and 2000, few law schools in the United States offered a course in animal law. However, the national attitude towards animal law has recently changed, largely as a result of the exchange of ideas at conferences, the publication of journals, the creation of specific funds for research and development, and training for graduate programs and research in the field of animal law. In addition to these factors is the important role performed by the American Bar Association's Animal Law Sections and Committees, and the work of the Animal Legal Defense Fund (ALDF).²⁷

The United States became an important reference in the field of animal law because of four factors:²⁸ (1) The number of U. S. institutions offering animal law courses increased dramatically; (2) animal law was recognized as a unique subject requiring a full time professor; (3) publications were encouraged; and (4) animal law became a principal subject in more conservative colleges such as Duke, Harvard, and New York, which helped foster the creation of research groups to study the legal considerations surrounding animals.²⁹

23. See Peter Sankoff, *Charting the Growth of Animal Law in Education*, 4 J. ANIMAL L. 105, 109 (2008).

24. See Joyce Tischler, *Building our Future*, 15 ANIMAL L. 1, 2 (2008).

25. *Id.*

26. See Joyce Tischler, *A Brief History of Animal Law, Part I (1972-1987)*, STAN. J. ANIMAL L. & POL'Y 1, 10 (2008).

27. See Tischler, *supra* note 24, at 2.

28. See Sankoff, *supra* note 23, at 109.

29. See Bruce A. Wagman, *Growing Up with Animal Law: From Courtrooms to Casebooks*, 60 J. LEGAL EDUC. 193 (2010).

The development of this new field in Brazil has been stimulated by many U.S. professors who have established partnerships with Brazilian faculties in order to create an infrastructure that is helping to support the shift to a post-human perspective. The path to teaching animal law has been built with a comparative construction that supports, encourages, and pushes Brazilian culture to fight for a new pro-animal agenda and a change in societal values.

Professors such as David Favre (Michigan State University College of Law),³⁰ David Cassuto (Pace Law School),³¹ Steven Wise (The Nonhuman Rights Project), Pamela Frash (Lewis & Clark Law School), and Kathy Hessler (Lewis & Clark Law School) have reinforced the necessity to work together to exchange knowledge and support argumentation for cases around the world. It is time to create and share opportunities, and to expand law concepts in order to give everyone – human or non-human – a better life.

This international networking between professors has fostered a more rich animal law debate, and has encouraged more dialogue among nations, ultimately creating a shift in the legal property status of non-human animals.³² The stimulation of new

30. David Favre, since 1983, has taught Animal Law in Michigan State University College of Law and began offering a Wildlife Law course, with guided questions related to legal, procedural instruments and treaties concerning animals not human. Today, he is in editor-in-chief of the Animal Legal & Historical Center, the largest legal website devoted to animal issues in the world. The website publishes the Brazilian Animal Right Journal at *International Materials*, ANIMAL LEGAL & HISTORICAL CENTER, <http://www.animallaw.info/#international> (last visited Feb. 24, 2014).

31. David Cassuto, professor at Pace Law School, is one of those responsible for the exchange of knowledge between Brazil and the United States. Cassuto, director of Brazil-American Institute for Law and Government (BAILE), teaches at the only American institution that has a doctorate program (SJD Doctor of Juridical Science) focused on environmental and animal law issues. In the last year, BAILE has contributed to the interrelationship with universities such as Federal da Bahia and the Faculty Getúlio Vargas (FGV/RIO), where Cassuto has taught classes and participated in discussions on progress in animal rights in Brazil. More information is available at *Brazil-American Institute for Law and Environment (BAILE)*, PACE U. SCH. OF L., <http://www.law.pace.edu/BAILE> (last visited Feb. 24, 2014).

32. See William Glaberson, Legal Pioneers Seek to Raise Lowly Status of Animals, N.Y. Times (Aug. 18, 1999), <http://www.nytimes.com/1999/08/18/us/legal-pioneers-seek-to-raise-lowly-status-of-animals.html?pagewanted=all&src=PM>.

methodologies and the necessity to hear different opinions has challenged the commonly accepted theory of animal law, secularly built and written down in statutes or in decisions in civil law or common law systems.³³

This movement has created some positive outcomes for both the United States and Brazil, specifically an increasing demand for professional training, as well as materials to organize framework to teach,³⁴ plan, and publish in animal law.³⁵ In the United States, Lewis & Clark Law School has played an important role through its publication of the first journal devoted exclusively to animal law issues,³⁶ and its creation of a line of research focused on the debate in favor of animals. The creation of the Center for Animal Law in 2001 institutionalized a graduate program focused on concerns about non-human animals, with the goal of providing theoretical and practical material for training new law professionals.³⁷

The Federal University of Bahia (UFBA) has worked in a similar manner in Brazil. UFBA published the first animal rights journal in Latin America and organized the first international conferences for collaboration on the comparative pedagogy of teaching animal law.³⁸ UFBA has been in charge of the leading Brazilian pro-animal law debates, and has produced a framework to use for all Latin American countries. Since 2008, not only has it has created animal law research groups that have contributed to educating Master's and Ph.D. candidates all over

33. See Paul Waldau, *Law & Other Animals*, in *TEACHING THE ANIMAL: HUMAN-ANIMAL STUDIES ACROSS THE DISCIPLINES* 218 (Margo DeMello ed., 2010).

34. See Joyce Tischler, *A Brief History of Animal Law, Part II (1985–2011)*, 5 *STAN. J. ANIMAL L. & POL'Y* 27, 35 (2012).

35. See Fran Ortiz, *Animal Law in the Classroom*, 74 *TEX. B. J.* 902, 903 (2011).

36. See Nancy V. Perry, *Ten Years of Animal Law at Lewis & Clark Law School*, 9 *ANIMAL L.* ix (2003).

37. *Center for Animal Law Studies*, LEWIS & CLARK L. SCH., http://law.lclark.edu/centers/animal_law_studies/about_us/ (last visited Feb. 24, 2014).

38. See *About BAILE, Staff*, PACE U. SCH. OF L., <http://www.law.pace.edu/staff-0> (last visited Jan. 28, 2014); see also *ANIMAL LEGAL & HIST. CENTER*, <http://www.animallaw.info/#INTERNATIONAL> (last visited February 25, 2014) (publishing Brazilian animal rights journal online).

Brazil, but it is also working to garner support for the Brazilian Abolitionist Movement for Animal Liberation.³⁹

Both the United States and Brazil face the challenge of shaping a unique syllabus of textbooks in the field of animal law, and sharing educational content and pedagogy with other institutions.⁴⁰ It is time to design an animal law curriculum that: (1) offers students diverse perspectives on animal treatment instead of simply concentrating on existing law, and (2) does not prioritize philosophical or personal approaches.⁴¹ What is necessary is a new focus on discussions from the theoretical and philosophical, to the practical and legal based problems that could be found during the professional development of students.⁴²

In addition, it is necessary to recognize that the expansion of the animal law debate requires equal tools to approach this subject as well as the common core. Animal law courses need to be offered at the same time as standard law courses. This establishes the importance of the field and gives professors the opportunity to discuss the root doctrine of animal law. Thus, law students will regard the subject more substantively when they are provided an overview of the themes in animal law, preferably in the first year of law school as a panorama of events and issues in this new field of study. For Master's and Ph.D. candidates, there is the possibility of deepening each topic panorama seen at the graduate level, strengthening themes in the field of philosophy, epistemology, and general theory.⁴³

According to David Cassuto, in the context of law students, the minimum curriculum should establish a connection between environmental and animal issues, thereby proposing a new interpretation of legal subjects with such topics as: (a) the movement for animal rights, (b) the development of anti-cruelty

39. Tagore Trajano de Almeida Silva, *Direito Animal e Pós-humanismo: Formação e Autonomia de um Saber Pós-humanista* [Animal Law and Legal Education: Rising and Autonomy of a Posthumanist Knowledge] 14 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], 2013, at 161, 176.

40. Cf. Sonia S. Waisman, Pamela D. Frasch & Bruce A. Wagman, ANIMAL LAW: CASES AND MATERIALS (Carolina Academic Press, 3d ed. 2006).

41. Cf. Maneesha Deckha, *Teaching Posthumanist Ethics in Law School: The Race, Culture, and Gender Dimensions of Student Resistance*, 16 ANIMAL L. 287, 289 (2010).

42. See Senatori & Frasch, *supra* note 7.

43. Trajano, *supra* note 39, at 168.

laws, (c) the improvement in state and federal laws, (d) animal experimentation and vivisection, (e) the use of animals for entertainment, religious, or educational purposes, and (f) the humane slaughter of animals. These issues should always be addressed in order.⁴⁴

The vision of animal law as an autonomous discipline is already a reality in several countries such as the United States, Canada, Australia, New Zealand, Portugal, Spain, India, and Brazil. The experiences of each of these nations has enriched the debate and provided a real revolution in the concepts in the Brazilian civil law system.

IV. TEACHING ANIMAL LAW IN CIVIL LAW COUNTRIES

Some European cultures, especially the Iberian, are marked by centuries old traditions of mistreatment of animals.⁴⁵ Events such as the festival of the oxen, rodeos, and bullfights are known for suffering caused to non-humans. However, despite the fact that the social landscape has changed, with popular support of these events declining steadily in recent years, these events are still being organized and supported as an essential cultural manifestation.⁴⁶ Because manifestations of animal abuse that have taken place in Brazil are especially reflective of aspects of Portuguese and Spanish origin, it is important to understand what happened in these countries. Spain and Portugal were once the favorite places for Brazilian scholars to do research and exchange knowledge. Cultural, and therefore legal, attitudes in the two countries were incorporated into the legal attitudes and practices the scholars were bringing back to Brazil.

44. A copy of David Cassuto's syllabus can be accessed by contacting his office at *David N. Cassuto*, PACE U. SCH. OF L., <http://www.law.pace.edu/faculty/david-n-cassuto> (last visited Feb. 24, 2014).

45. See María Teresa Gimenez-Candela, *¿Por qué Estudiar Derecho Animal?* [*Why Study Animal Law*], DERECHO ANIMAL [ANIMAL RTS.] (Oct. 2, 2013), <http://www.derechoanimal.info/esp/page/2858/¿por-que-estudiar-derecho-animal>.

46. See Romana Borja-Santos, *Sintra Proíbe Touradas e Espectáculos de Circo com Animais* [Sintra Prohibits Bullfighting and Circus Shows with Animals], *Publico* (Port.), Apr. 27, 2009, <http://www.publico.pt/sociedade/noticia/sintra-proibe-touradas-e-espectaculos-de-circo-com-animais-1377028> (showing that, as a result of citizens' growing opposition to these events, some countries have begun prohibiting them).

Surprisingly, Portuguese law schools have realized the seriousness of this discussion within the legal system, and have incorporated specialization courses or degrees in animal law. Likewise, there is a growing public interest among Portuguese citizens in matters involving non-humans, and the Portuguese legal system has been challenged to adapt the animal laws similar to those of the European Union. Antonio Maria Pereira, a Portuguese member of Congress introduced a bill called Law No. 92, on September 12, 1995, which focused on the defense of animals.⁴⁷ Popularly known as the Portuguese Animal Protection Act, or 1995 Act, it has advanced the debate on animal cruelty in Europe.⁴⁸

Another highlight in Portugal favoring of the discourse on animal law came with the publication of TIME FOR ANIMAL RIGHTS (A HORA DOS DIREITOS DOS ANIMAIS) by Fernando Araújo in 2003.⁴⁹ A professor of law at the Lisbon University College of Law, Araújo has actively participated in the Portuguese discourse and been responsible for the advancement of legal protection for animals in Portuguese-speaking countries. The efforts of Professor Araújo and the Lisbon law school have extended to South America, where there has been collaboration with the supervision and guidance of Brazilian professors.⁵⁰

Arguably, after Fernando Araújo began teaching animal law in Lisbon, animal law classes in Portuguese-speaking countries started to materialize, which was fundamental to changing the dialogue regarding non-human animals.⁵¹ A study conducted by

47. See Fernando Araújo, *The Recent Development of Portuguese Law in the Field of Animal Rights*, 1 J. ANIMAL L. 61, 62 (2005).

48. See Fernando Araújo, *The Recent Development of Portuguese Law in the Field of Animal Rights*, 1 J. ANIMAL L. 61, 62 (2005).

49. See generally FERNANDO ARAÚJO, *A HORA DOS DIREITOS DOS ANIMAIS* (Almedina, 2003).

50. Fernando Araújo (Portugal) and Anderson Furlan (Brazil) organized some conferences at the Lisbon Law School (Portugal) in January 2014 to discuss the relationship between Animal Law issues in Portugal and Brazil. The goal was to demonstrate similarities and differences between both systems, and development in this field of study by Portuguese speakers' professors. For more information about the conference, see Eventos, Instituto do Direito Brasileiro, <http://www.idb-fdul.com/projecto.php?pid=283&sid=50&ssid=111> (last visited Mar. 2, 2014).

51. For an example of this in Brazil, see generally LAERTE FERNANDO, *DIREITO DOS ANIMAIS, O DIREITO DELES E O NOSSO DIREITO SOBRE ELES* [ANIMAL

the Centre for Research and Studies in Sociology (CIES) found that the overwhelming majority of respondents thought that animals were seldom, or not at all, protected in Portugal, and that the role of public institutions was to change this abuse and ill-treatment of animals.⁵²

Portuguese professors demanded a set of interdisciplinary standards for animal law teaching; in other words, a framework that parallels with other areas of law such as criminal, civil, administrative, environmental, and constitutional.⁵³ Therefore, they proposed a Portuguese animal code, revising the concept in environmental law of animal species as objects, conceiving a paradigm shift in the Portuguese legal system to recognize the new legal status of an animal considered individually and, therefore, moving away from concepts that weigh only the animal's value to the need of the human being.⁵⁴

Along these lines, Portuguese professors proposed a revision of the Civil Code and the Portuguese Constitution in order to include an interpretation that recognizes the fundamental interest in safeguarding animal welfare interests, even in the private sphere.⁵⁵

Likewise, Spain has taken firm steps to mitigate the incessant violations of the animal rights and interests by adapting its laws to mirror those of the European Union. The Spanish Parliament approved Law No. 32, 2007, establishing the Animal Welfare Act, which is an effort to balance the interests of

RIGHTS: THE RIGHT OF THEM AND OUR RIGHT OVER THEM] (Campos do Jordão: Editora Mantiqueira 1998).

52. See Teresa Líbano Monteiro, Verónica Policarpo, & Francisco Vieira da Silva, *Valores e Atitudes face à Protecção dos Animais em Portugal - Inquérito Nacional [Values and Attitudes Towards the Protection of Animals in Portugal-National Survey]*, CENTRO DE INVESTIGAÇÃO E ESTUDOS DE SOCIOLOGIA (CIES) DO ISCTE- INSTITUTO SUPERIOR DE CIÊNCIAS DO TRABALHO E DA EMPRESA 61-62 (2007).

53. See generally VASCO PEREIRA DA SILVA, *VERDE COR DE DIREITO: LIÇÕES DE DIREITO DO AMBIENTE [GREEN COLOR OF LAW: LESSONS OF ENVIRONMENTAL LAW]* 63-64 (Almedina, 2004).

54. See Miguel Moutinho, *O Direito dos Animais e os Direitos dos Animais [Animal Rights and Animal Welfare]*, OS ANIMAIS E A LEI [ANIMALS & THE L.] (Apr. 11, 2009, 8:49 AM), <http://osanimaisealei.blogspot.com.br/2009/04/o-Direito-dos-animais-e-os-Direitos-dos.html>.

55. See generally FÁTIMA CORREIA LEITE & ESMERALDA NASCIMENTO, *REGIME JURÍDICO DOS ANIMAIS DE COMPANHIA [LEGAL REGIME OF PETS]* (Almedina, 2004).

human and non-humans in the use of animals.⁵⁶ Another important step in the animal rights movement was the ban on the practice of bullfighting in Catalonia in 2010. In this popular initiative, nearly 180,000 signatures were obtained to eliminate animal abuse in public spectacles.⁵⁷ This increasingly popular Spanish movement for animal rights has pushed the state to review its laws in order to prohibit cruel behavior directed toward non-humans, thus prompting further discussion of the matter in universities.

Spanish researchers have studied animal law from two perspectives: (1) law view – raising and analyzing the legal provisions in force as well as other possible interpretations for the solution of outstanding issues; and (2) ethics view – discussing ethical arguments against abuse of an animal in order to consider the reasons that may lead a person to be cruel to another being.⁵⁸ The animal law debate has drawn attention in Spanish universities, and has driven an increasingly intense search for a political solution to the resolution of emerging social demands. Popular concerns have broadened, ranging from stray dogs to experimentation, animal abuse, and animals as a food source.

The reformation of Spanish animal law has received strong support from professors around the world. The headquarters of this debate has been the Autonomous University of Barcelona, which since 2011, has offered the only graduate course of study in animal law in Europe: the Masters in Law and Society Degree taught by Professor Teresa Giménez-Candela.⁵⁹

The progress in Spain has been made possible thanks to a change in European legislation. On December 13, 2007, Article

56. See María Teresa Giménez-Candela, *New Rules to Ensure the Protection of Animals in Spain: Spanish Animal Welfare Act 32/2007*, 14 REVISTA DE BIOÉTICA Y DERECHO [BIOETHICS & L. J.] 25, 26 (2008) (Spain).

57. See Anna Mulà, *La Iniciativa Legislativa Popular de Abolición de las Corridos de Toros en Cataluña* [The Popular Legislative Initiative for Abolition of Bullfights in Catalonia] 20 REVISTA DE BIOÉTICA Y DERECHO [BIOETHICS & L. J.] 27 (2010) (Spain).

58. See Marta Tafalla, *La Apreciación Estética de los Animales: Consideraciones Estéticas y Éticas* [The Aesthetic Appreciation of Animals: Aesthetic and Ethical Considerations] 28 REVISTA DE BIOÉTICA Y DERECHO [BIOETHICS & L. J.] 72, 74 (2013) (Spain).

59. *Presentación* [Presentation], DERECHO ANIMAL [ANIMAL RTS.] (July 29, 2011), <http://www.derechoanimal.info/esp/page/1667/presentacion>.

13 of the Treaty of Lisbon modified the legal status of animals, designating them as sentient beings deserving of care.⁶⁰ The ruling was inflexible in that the signatory countries of the European Union had about two years to adapt their laws, promulgating laws for animal advocacy.

The legitimacy of the political and social debate has allowed the growth of research especially among legal professionals. A course offered by the Autonomous University of Barcelona employs a post-human and interdisciplinary methodology in order to conduct a comparative analysis of international legal systems in defense of animals.⁶¹ The program is designed to encompass questions about the new models of integration of animal protection laws, their constitutional analysis, and practical activities for students to encounter issues that involve the interests of animals and the related court process.

With the same perspective, Jean-Pierre Marguénaud founded the Centre for Institutional Change Law called *L'Observatoire des Mutations Institutionnelles et Juridiques* at University of Limoges/France in 2009.⁶² In collaboration with professors Jacques Leroy and Florence Burgat, Marguénaud publishes the French journal of animal law called *Revue Semestrielle de Droit Animalier*,⁶³ which is divided into two parts: (1) legal issues pertaining to the relevance of non-human animals for French society; and (2) special reports on various topics involving the interests of animals such as animal experimentation, bullfighting, and maltreatment among others.

Professors at the University of Limoges have established partnerships with foreign universities in Turkey, Belgium, Italy, Greece, and particularly Spain, through the Autonomous University of Barcelona, that have increased the number of publications related to animal law. This cooperation between

60. Consolidated Version of the Treaty on the Functioning of the European Union art. 13, Mar. 30, 2010, 2010 O.J. (C 83) 54.

61. See DERECHO ANIMAL [ANIMAL RTS.], <http://www.derechoanimal.info/> (last visited Feb. 25, 2014).

62. *Observatoire des Mutations Institutionnelles et Juridiques* [Monitoring of Institutional and Legal Changes], UNIVERSITÉ DE LIMOGES [U. OF LIMOGES] (Dec. 10, 2013) (Fr.), <http://www.unilim.fr/omij/>.

63. *Revue Semestrielle de Droit Animalier* [Biannual Journal of Animal Law], Université de Limoges [U. of Limoges], <http://www.unilim.fr/omij/publications-2/revue-semestrielle-de-droit-animalier/> (last visited Jan. 28, 2014).

educational institutions has already generated positive effects on the French legal system. The French Civil Code reform brings changes in the legal status of animals that take into consideration the interests of non-human social demands.⁶⁴

In this manner, the French legal sphere has proposed a change in the legal status of animals. Bill No. 4495 establishes the creation of a specific book of the Civil Code to address animal issues. The goal of this new chapter of the Civil Code is to amend domestic laws to comply with the directives of the European Union, stating that non-human animals are sentient beings, occupying a cachet between men and things, but yet separate.⁶⁵

Indeed, French claims argue for the personhood concepts and introduce the *tertius* gender of animal personhood,⁶⁶ a way to demonstrate the relevance of non-humans in the legal system. Olivier Le Bot has asserted that countries such as France should borrow some experiences from the Brazilian, Swiss,⁶⁷ German, and Luxembourg constitutions,⁶⁸ in which there are compelling and strong provisions relating to the protection of animals and their interests.⁶⁹ As in other countries, the French animal rights movement has strong, organized social support; for example, the Animal Law, Ethics, and Science Foundation publishes DROIT

64. See Suzanne Antoine, *Le Projet de Réforme du Droit des Biens - Vers un Nouveau Régime Juridique de l'Animal?* [*The Proposed Reform of Property Law - Toward a New Legal Regime of the Animal?*], 1 REVUE SEMESTRIELLE DE DROIT ANIMALIER [INTERIM REV. OF ANIMAL RTS.] [R.S.D.A.] 11, 12 (2009) (Fr.), available at http://www.unilim.fr/omij/files/2013/10/50_RSDA_1-2009.pdf.

65. See Jean-Claude Nouët, *Régime Juridique de l'Animal* [Legal Regime of the Animal], 74 DROIT ANIMAL ÉTHIQUE & SCIENCES [ANIMAL SCI. L. & ETHICS] 4 (2012) (Fr.).

66. See Jean-Pierre Marguénaud, *La Protection Juridique du Lien d'Affection envers un Animal* [*The Legal Protection of Bond of Affection to an Animal*], 1 PARIS, RECUEIL DALLOZ [PARIS, COLLECTION DALLOZ] 3009 (2004) (Fr.).

67. See Eveline Schneider Kayasseh, *Animal Law and Ethics: Reflecting on European, American and Asian Concepts*, 29 *Alternatives to Animal Exploitation* 433, 435 (2012), available at http://altweb.jhsph.edu/altex/29_4/confReport_Schneider.pdf.

68. See Olivier Le Bot, *Direitos Fundamentais Para os Animais: Uma Ideia Absurda?* [*Fundamental Rights for Animals: An Absurd Idea?*], 7 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN J. OF ANIMAL RTS.], no. 11, 2012, at 37, 44.

69. See Olivier Le Bot, *La Protection de l'Animal en Droit Constitutionnel: Étude de Droit Comparé* [*Animal Protection in Constitutional Law: Study of Comparative Law*], 12 LEX ELECTRONICA, no. 2, Fall 2007, at 1, 3.

ANIMAL ÉTHIQUE & SCIENCES, a journal that reproduces multidisciplinary studies and reflections on animal ethics concerns.⁷⁰

All of these viewpoints have invigorated the Brazilian movement to teach animal law and expand the moral and legal interests of non-human animals. This in turn, has contributed to the introduction of new methodologies, as well as legal changes. The expansion in animal law adds enforcement to the development of legal science and its graduate programs, preparing new intellectuals with expertise to rethink the older, more classical concepts of law. Within the global scene, Brazil stands out as a country that has expanded the study of animal rights and is moving toward creating a new post-human discipline, which enables the aspirations of the 1988 Constitution to be more fully realized.

V. DEVELOPMENT OF ANIMAL LAW PEDAGOGY IN BRAZIL

The Brazilian transition to democracy between 1985 and 1988 brought with it a new charter policy, with new challenges. The outcome was a new moment in Brazil not only in the fight for human rights, but also for the animal rights debate. The 1988 Brazilian Constitution included a provision addressing animal cruelty, and provided an avenue to revise the law governing the treatment of non-humans. It also provided an opportunity to rebuild the theory of law to introduce animal law concerns.⁷¹

Under the new Constitution, the Brazilian legal system began to evolve. The Constitution provided some tools from the common law system that gave more power to judges and their decisions.⁷² Today, Brazilian Supreme Court opinions must to be

70. See, e.g., Thierry Auffret Van Der Kemp, *La Fondation LFDA: Qui? Pourquoi? Comment?* [*The LFDA Foundation: Who? Why? How?*], 75 DROIT ANIMAL ÉTHIQUE & SCIENCES [ANIMAL SCIENCES L. & ETHICS] 4 (2012) (Fr.).

71. See generally THOMAS G. KELCH, GLOBALIZATION AND ANIMAL LAW: COMPARATIVE LAW, INTERNATIONAL LAW AND INTERNATIONAL TRADE 271 (2011).

72. Antônio Herman Vasconcellos Benjamin, *O Estado teatral e a implementação do Direito Ambiental*, in 1 ANAIS DO 7º CONGRESSO INTERNACIONAL DE DIREITO AMBIENTAL 337 (São Paulo: IMESP 2003).

followed in cases relating to animals. Examples of this include opinions addressing the Festival of Oxen and cockfighting.⁷³

Moreover, Brazilian legal education has tried to change since the adoption of the 1988 Constitution. Today, the legal pedagogy in Brazil is in crisis as a result of several causes: (1) the huge number of law schools (i.e., there are currently more law schools in Brazil than in the rest of Latin America, totaling more than 1200), (2) a high level of unemployed attorneys, and (3) course pedagogy that discourages students from being creative or trying something new (e.g., in times of paradigm change they are at a loss to know how to address such obstacles). Because of this, some professors are advocating that it is time to change Brazilian legal education as it exists. One proposal is to require universities to offer, in addition to undergraduate, a graduate degree within the university, as many U.S. institutions do.

For these reasons, law schools started to adopt animal law courses as a tool to humanize the law curriculum. The situation showed the gap between social expectations of students and legal methodologies to teach law within Brazilian law schools. In relation to this issue, Boaventura de Souza Santos asserts that “crises of growth take place at the level of the disciplinary matrix of a given branch of science, that is, reveal themselves in dissatisfaction at basic concepts or methods hitherto used without objection in the discipline.”⁷⁴ In other words, lack of opportunity to acquire sufficient information can discourage students such that creative thinking is frustrated. When enough information is lacking, students can become discouraged from thinking creatively to come up with needed solutions.⁷⁵

In the beginning, critics of animal rights laws encompassed both the traditionalists and those in the animal rights

73. Cf. Heron Gordilho & Tagore Trajano de Almeida Silva, *Animais Em Juízo: Direito, Personalidade Jurídica e Capacidade Processual* [*Animals In Court: Law, Procedure and Legal Personality and Ability*], 65 REVISTA DE DIREITO AMBIENTAL [RDA] [J. OF ENVTL. L.] 333, 335 (2012) (Braz.).

74. BOAVENTURA DE SOUSA SANTOS, INTRODUÇÃO A UMA CIÊNCIA PÓS-MODERNA [INTRODUCTION TO A POST-MODERN SCIENCE] 18 (1st ed. 1989).

75. See, e.g., PAULO FREIRE, PEDAGOGY OF THE OPPRESSED (Myra Bergman Ramos trans., Continuum 1970); PAULO FREIRE, EDUCATION, THE PRACTICE OF FREEDOM (1976); PAULO FREIRE, PEDAGOGY IN PROCESS: THE LETTERS TO GUINEA-BISSAU (Seabury Press 1978).

movement.⁷⁶ As a legal subject, law professors and their students were supposed to be formal and retain the status quo of society, not to change it.⁷⁷ Progress in any area is never in a straight path; the same has proved true in relation to animal rights. The new legislation incurred many critics, both domestic and international.⁷⁸ At issue was the juxtaposition of animal rights and human rights, with the view that human rights superseded those of animals and should be addressed first. Human poverty, hunger, and violence were on the primary list of social ills that called for action.

In every society there are political disputes surrounding the definition and prioritization of individual rights, especially among those who are the protagonists.⁷⁹ For this reason, foreign researchers sometimes do not understand why scholars and research centers in Brazil seem to ignore the relationship between hunger, poverty, misery, violence, and cruelty, to animal exploitation.⁸⁰ In today's society the situation is worse. In many communities, where family relationships, work, production, friendship, and romantic relationships are being stressed, the interaction between humans and non-humans can serve as the final social bond for some individual's lifesaving.⁸¹

In Brazil, recognition of animal rights can be considered one of the last frontiers to be addressed to provide a more just and humane society. The study of Brazilian history exposed a culture of violence against slaves, natives, women, children, and the poor. Investigations into animal law indicated that the culture of violence extended into the non-human area as well, and made

76. Julie Andrzejewski, *Teaching Animal Rights at the University: Philosophy and Practice*, 1 J. CRITICAL ANIMAL STUD. 1 (2003).

77. See Tagore Trajano de Almeida Silva, *Law, Animals, and Professors*, Animal Blawg (Dec. 12, 2013), <http://animalblawg.wordpress.com/2013/12/12/law-animals-and-professors/>.

78. See TOM REGAN, *The Case for Animal Rights*, in IN DEFENSE OF ANIMALS 13, 24 (Peter Singer ed., 1985).

79. See PIERRE BOURDIEU, O PODER SIMBÓLICO [THE SYMBOLIC POWER] 75 (6th ed. 2003).

80. See generally Peter Singer, *Famine, Affluence, and Morality*, 1(3) PHIL. & PUB. AFF. 229 (1972).

81. See generally Geordie Duckler, *The Economic Value of Companion Animals: A Legal and Anthropological Argument for Special Valuation*, 8 ANIMAL L. 199, 199-221 (2002).

clear that the time had come to learn from past mistakes and move forward.⁸²

Achieving this goal requires the participation of the three branches of government, as well as awareness of the key actors in this process. The legislative branch needs to pass a law to enforce the Constitutional mandate; the executive must enforce it; and the judicial must interpret and apply the law, thereby making it respectable.⁸³

A. Animal Law as an Autonomous Subject

As mentioned previously, Brazilian animal law education is recent and relates to its democratic process. In general, with the promulgation of the 1988 Constitution, it became necessary to restructure the Brazilian legal system. These changes compel further changes in legal learning and education.⁸⁴

This process allows a change in attitude in society towards including a new subject in the legal system, one that proposes a shift in the moral scenario and legal “schizophrenia” regarding the life of an animal.⁸⁵ Non-humans are seen as products to be marketed and used by their owners, an assessment that common law and civil law systems have followed for years.

In Brazil, it wasn’t until 2001 that a professor taught the first class in animal law. Lawyer Edna Cardozo Dias participated in writing the new Constitution in the Constituent Assembly.⁸⁶ She was a director of Liga de Proteção a Crueldade Animal (League for the Prevention of Cruelty to Animals), an NGO, and proposed several amendments to the final text of the Constitution to include a section on environmental law. Professor Dias began

82. See Steven M. Wise, *Animal Thing to Animal Person – Thoughts on Time, Place, and Theories*, 5 ANIMAL L. 61, 61 (1999) (discussing the history of U.S. animal law).

83. See David Favre, *The Gathering Momentum*, 1 J. ANIMAL L. 1 (2005) (discussing the various actors involved).

84. See generally JOSÉ GARCEZ GHIRARDI, MÉTODOS DE ENSINO EM DIREITO: CONCEITOS PARA UM DEBATE [Teaching Methods in Law: Concepts for Debate] 74 (2009).

85. See generally GARY FRANCIONE, INTRODUCTION TO ANIMAL RIGHTS: YOUR CHILD OR THE DOG? (2007).

86. Edna Cardozo Dias, *A Defesa dos Animais e as Conquistas Legislativas do Movimento de Proteção Animal no Brasil*, 2 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], no. 2, Jan./Jun. 2007, at 149, 166.

teaching a course titled “Legal Guardianship of Animals” in Pontifical Catholic University of Minas Gerais (PUC/MG), but the subject was offered only two semesters.⁸⁷ In her syllabus, Dias emphasized the animal protection movement and animal welfare perspective. The idea was to create a multidisciplinary space for students and professors to address scientific and other legal repercussions, thereby providing a setting for new methodologies and approaches.⁸⁸

Dias was followed by Danielle Tetü Rodrigues, who taught environmental students a course on animal law issues, titled “Interfaces between the Human and Environmental” in the Pontifical Catholic University of Paraná (PUC/PR). Professor Rodrigues’ efforts were groundbreaking in that she encouraged law students as well as new lawyers to work in this field, publishing books and articles in order to increase access to information on the legal and ethical perspectives on animals.⁸⁹

Soon after, Heron Gordilho, influenced by doctoral studies at the Federal University of Pernambuco, proposed the course “Ethics and Animal Rights” as a means of field research. The goal was to bring the debate on animal cruelty to middle and high school students, and produce materials for them. The class was interdisciplinary and several undergraduate students from different courses could attend. At the moment, Gordilho teaches “Development Studies of Bioethics and Animal Rights” for Ph.D and Master students at the Federal University of Bahia.⁹⁰

Subsequently, Fábio Corrêa de Oliveira and Daniel Braga Lourenço designed an animal law course that would be a compulsory component of the curriculum, although the class was never implemented. The discipline was soon excluded from the curriculum, and replaced by “Environmental Ethics,” a subject taken by law school students in their final year at Federal Rural

87. Cardozo Dias, *supra* note 86.

88. See Edna Cardozo Dias, *Tutela Jurídica Dos Animais* [Legal Guardianship of Animals] (2000) (unpublished Ph.D. dissertation, Universidade Federal de Minas Gerais, Brazil) (on file with author).

89. See generally DANIELE TETÜ RODRIGUES, *O DIREITO & OS ANIMAIS: UMA ABORDAGEM ÉTICA, FILOSÓFICA E NORMATIVA* [THE LAW & ANIMALS: AN ETHICAL, PHILOSOPHICAL AND NORMATIVE APPROACH] (Curitiba: Juruá, 2d ed. 2003).

90. See generally HERON JOSÉ DE SANTANA GORDILHO, *ABOLICIONISMO ANIMAL* [ANIMAL ABOLITIONISM] (2009).

University of Rio de Janeiro (UFRRJ).⁹¹ Today, Fabio de Oliveira teaches “Animal Rights and Deep Ecology” at the Federal University of the State of Rio de Janeiro (UNIRIO) and in the Federal University of Rio de Janeiro (UFRJ) with Daniel Lourenço, and both have established a debate on the issues and concerns regarding situations where environmental and animal interests collide.⁹²

B. Brazilian Steps to Teaching Animal Law

Progress in academic studies in animal law has contributed to the emergence of a new field of practical law in Brazil. Besides the authors cited in the previous section, there are others who have contributed to this debate, such as Laerte Levai,⁹³ Luciano Santana,⁹⁴ Vania Tuglio,⁹⁵ Fernanda Medeiros,⁹⁶ Diomar Ackel Filho,⁹⁷ Anaiva Oberst,⁹⁸ Vania Nogueira,⁹⁹ Cleopas Santos,

91. Cf. DANIEL BRAGA LOURENÇO, *DIREITO DOS ANIMAIS: FUNDAMENTAÇÃO E NOVAS PERSPECTIVAS* [ANIMAL RIGHTS: RATIONALE AND NEW PERSPECTIVES] (2008).

92. Fábio Corrêa Souza de Oliveira, *Direitos da Natureza e Direito dos Animais: Um Enquadramento* [Rights of Nature and Animal Rights: A Framework], 10 *Revista do Instituto do Direito Brasileiro* [J. of the Brazilian Inst. of L.] 11325, 11346, available at <http://www.animaisecologia.com.br/download.php?id=16>.

93. Cf. LAERTE FERNANDO, *supra* note 51.

94. Cf. Luciano Rocha Santana & Clarissa Pereira Gunça dos Santos, *O Crime de Maus-tratos aos Animais: Uma Abordagem Sobre a Interpretação e a Prova de Materialidade e Autoria* [The Crime and Mistreatment of Animals: An Approach to the Interpretation and Proof of Materiality and Authorship], in *CRIMES AMBIENTAIS COMENTÁRIOS À LEI* [COMMENTS TO THE ENVIRONMENTAL CRIMES LAW] (2013).

95. Cf. Vânia Tuglio, *Rodeios e Crueldade contra Animais* [Rodeos and Animal Cruelty], 10 *REVISTA DE DIREITO AMBIENTAL* [RDA] [J. OF ENVTL. L.] (2005).

96. Cf. FERNANDA LUIZA FONTOURA DE MEDEIROS, *DIREITO DOS ANIMAIS* [ANIMAL RIGHTS] (2013).

97. Cf. DIOMAR ACKEL FILHO, *DIREITO DOS ANIMAIS* [ANIMAL RIGHTS] (2001).

98. Cf. ANAIVA OBERST, *DIREITO ANIMAL* [ANIMAL RIGHTS] (2012).

99. Cf. VÂNIA MÁRCIA DAMASCENO NOGUEIRA, *DIREITOS FUNDAMENTAIS DOS ANIMAIS: ACONSTRUÇÃO JURÍDICA DE UMA TITULARIDADE PARA ALÉM DOS SERES HUMANOS* [FUNDAMENTAL RIGHTS OF ANIMALS: THE LEGAL CONSTRUCTION OF ENTITLEMENT BEYOND HUMAN BEINGS] (2012).

Thiago Pires,¹⁰⁰ Mery Chalfun,¹⁰¹ Selma Mandruca, Renata Martins,¹⁰² Vania Rall,¹⁰³ Tiago Fensterseifer,¹⁰⁴ Alfredo Migliore,¹⁰⁵ Larissa Pinha, Anderson Furlan,¹⁰⁶ Jaime Chatkin, and Leticia Albuquerque, among others.

Animal law is unique in that it has the institutional support of public universities and NGOs in civil society. The field of animal law has been developed by dialogue based on formal and informal knowledge coming from these two groups, highlighting the plural nature of the discipline as it brings new alternatives to the teaching of law. The Brazilian Vegetarian Society (SVB) provides an example of such support. SVB was founded by Marly Wincklerin in August 2003, with the aim of spreading the vegetarian philosophy of respect for animals. Since 2006, this NGO has been organizing lectures, seminars, and debates on the subject of animals, including in the political and legal environment, and has contributed to the maturation of the issues.¹⁰⁷

During the First Brazilian and Latin American Vegetarian Congress this year, jurists and philosophers along with veterinarians and biologists joined together to found the Abolitionist Institute for Animals (IAA). Their goal was to

100. Cf. Thiago Pires Oliveira, *Redefinindo o Status Jurídico dos Animais*, 2 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], no. 3, Jul./Dec. 2007, at 273.

101. Cf. Mery Chalfun, *Paradigmas Filosóficos - Ambientais e o Direito Dos Animais*, 6 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], Jan./Jun. 2010, at 213.

102. Cf. Renata de Freitas Martins, *O Respeitável Público Não quer Mais Animais em Circos!*, 3 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], no. 4, Jan./Dec. 2008, at 117.

103. Cf. Laerte Fernando Levai & Vânia Rall Daró, *Experimentação Animal: Histórico, Implicações Éticas e Caracterização como Crime Ambiental* [Animal Experimentation: Historical, Ethical Implications and Characterization as Environmental Crime], 36 REVISTA DE DIREITO AMBIENTAL, Oct./Dec. 2004.

104. Cf. TIAGO FENSTERSEIFER, DIREITOS FUNDAMENTAIS E PROTEÇÃO DO AMBIENTE: A DIMENSÃO ECOLÓGICA DA DIGNIDADE HUMANA NO MARCO JURÍDICO-CONSTITUCIONAL DO ESTADO SOCIOAMBIENTAL DE DIREITO (Livraria do Advogado, 2008).

105. Cf. ALFREDO DOMINGUES BARBOSA MIGLIORE, PERSONALIDADE JURÍDICA DOS GRANDES PRIMATAS (Del Rey, 2012).

106. Cf. ANDERSON FURLAN & WILLIAM FRACALOSI, DIREITO AMBIENTAL (Forense, 2010).

107. See generally *About the Conference*, SOCIEDADE VEGETARIANA BRASILEIRA, <http://www.svb.org.br> (last visited Feb. 24, 2014).

provide legal support to change the legal status of animals. This meeting resulted in the publication of the first edition of the Brazilian Animal Rights Journal, a journal that pioneers the subject in Latin America.¹⁰⁸

The Abolitionist Institute for Animals was instrumental in creating an academic culture in favor of non-human animals, and is responsible for increasing the legal discourse on the subject of animals and its inclusion in graduate programs in law in Brazil. The exchange with the Federal University of Bahia has also raised the “Center for Interdisciplinary Research, and Extension in Animal Rights, Environment and Postmodernism” (NIPEDA).¹⁰⁹

In 2008, as a result of the partnership between the two institutions, the First World Conference on Bioethics and Animal Rights was held, with the participation of professors Steven Wise, David Favre, Peter Singer, Gary Francione, Maria do Céu, and Marti Keel, plus more than thirty other national speakers including Justice Eliana Calmon.¹¹⁰ The event generated concrete results, namely the creation of research on bioethics and animal rights in the graduate program in law at the Federal University of Bahia the following year.¹¹¹

Within a short time, Bahia became the center for development of animal rights materials, sponsoring the Second World Conference on Bioethics and Animal Rights in 2010, as well as developing research teams in the post graduate program to generate a cultural exchange with foreign universities such as Michigan State University, the Autonomous University of Barcelona, and Pace Law School. The expansion of this field helped other groups such as the “Center for Animal Rights, and Deep Ecology” in the Federal University of Rio de Janeiro (UFRJ)

108. The Brazilian Animal Rights Journal is the first Animal Law Journal in Latin America. It is published in partnership between Michigan State University and Federal University of Bahia, Brazil. There is free access at www.animallaw.info#international.

109. For more information about this research group, visit NIPEDA, www.nipeda.direito.ufba.br (last visited Feb. 24, 2014).

110. See, e.g., *Presentations*, MARTIN KEEL, <http://martikkeel.com/presentations.html> (last visited Feb. 27, 2014).

111. See generally Tagore Trajano de Almeida Silva, *Brazilian Animal Law Overview: Balancing Human and Non-Human Interests*, 6 J. ANIMAL L. 81 (2010).

that annually host the local conference called the Rio de Janeiro Meeting for Animal Rights.¹¹²

The strengthening of the national debate made possible the First Brazilian Conference on Bioethics and Animal Rights, held in 2011, which brought the discussion to the Brazilian Bar Association (*Ordem dos Advogados do Brasil*) in Curitiba, Parana. The importance of the issue was recognized and the Brazilian Bar Association was pressed to systematize the field and to give operators appropriate content in which they can act professionally. Moreover, with the support of the Bar Association Animal Law, commissions have created alternatives to deliver content related to animals.¹¹³

In 2012, the Third World Conference held at the Federal University of Pernambuco had the support of members of the state and federal legislature, demonstrating the important role that the political discourse had in the consideration of animal law. It was time to create new law to support animal law issues.

The foregoing groups have contributed to the progress and redesign of the curricula of law schools in Brazil. They have created new alternatives, possibilities, and understandings, important both for the defense of the non-human animals and for humans. The next step is the formation of a solid political base in order to generate effective legislative change, and thus the realization of animal law. During the year 2013, events were organized, focusing on the need to mobilize the Brazilian legislature to attend to the issue of animals. These meetings focused, both politically and legally, on the best means to support the animal law debate. It is time to insert animal law into the curriculum of the Brazilian law schools.

As a result, in 2014, Brasilia, the Brazilian political capital, will hold the fourth World Conference, with the theme Posthumanism: challenges and perspectives. The goal is to develop a future scenario for putting these ideas in practice. At the same time, the Second Global Animal Law Conference will occur in Barcelona. Both provide spaces to discuss and exchange

112. For more information about this organization, visit ANIMAIS ECOLOGIA, www.animaisecologia.com.br (last visited Feb. 24, 2014).

113. For more information about the institute and the conference, visit INSTITUTO ABOLICIONISTA ANIMAL, www.abolicionismoanimal.org.br (last visited Feb. 24, 2014).

knowledge between professors and students working in this field¹¹⁴.

VI. FUTURE OF ANIMAL LAW IN BRAZIL

It is not easy to predict the future of animal law in Brazil. There exist a number of barriers: (1) animal law is not considered a field for attorneys, (2) people still think that Brazilians have more crucial issues to address than animal law issues, (3) neither public nor private funding exists to encourage development in this field of study, and (4) disagreement among members within the movement has pre-empted efforts to achieve common goals.

These obstacles will only be overcome if the Brazilian system starts to develop practices to encourage students and professionals to work in this area. Such a system must make it clear that it is time for the animal rights debate to be an autonomous subject in law schools. Indeed, it is time in Brazil to teach animal law alongside other subjects in the first year of law school. Otherwise, law students will immediately establish the mindset that animals are property and do not merit important questions in the law. First year courses simply cannot continue to ignore the basic tenets of animal rights and adhere to rights of humans. Inserting a new subject like Animal Law towards the end of the degree program or simply in the LLM or SJD degree will not help professors or students to expand this new theme, but will create a lot of resistance in students and professionals to rethink what they have already learned.¹¹⁵

Rather than senselessly arguing over animal rights and animal welfare issues, Brazilians must adopt a strategy based around organizing a standardized agenda with which to raise awareness and gather support from members of the legislative

¹¹⁴ For more information about the II Global Animal Law Conference in Barcelona, visit DERECHOANIMAL.INFO, www.derechoanimal.info (last visited Jun. 04, 2014).

¹¹⁵ See David Cassuto, *Foreword* to Tagore Trajano de Almeida Silva, *Direito Animal e Ensino Jurídico: formação e autonomia de um saber pós-humanista* [Animal Law and Legal Education: Rising and Autonomy of a Posthumanist Knowledge]. 18 (Evolução, 1th ed. 2014).

and judiciary systems, which can facilitate, rather than hinder, changes in animal rights¹¹⁶.

A favorable atmosphere must be created to attract new attorneys, professors, and researchers to work in the animal law field.¹¹⁷ Establishing a government-subsidized research center where attorneys can work and develop this field, in addition to private support, is essential for new advocates that want to work in this field but at the same time need to develop their own lives and professional careers.¹¹⁸

It is time to organize Brazilian animal law material to include a statute book, casebook, encyclopedia, and manuals to be used for attorneys and students inside and outside law schools in Brazil. This kind of material serves as a reference and an indication of the maturation of the animal rights field as a compulsory theme and required course in law curriculum.

As discussed in the previous section, confusion surrounds the formation of animal law classes, as a result of the amorphous nature of animal law as a subject in Brazil. It is time to take a group perspective to unify these expressions in the animal law field and start a serious path to teaching this discipline. Furthermore, to achieve a shift in the paradigm, it is necessary to understand and adopt effective methods for change in society while enlisting support from various groups that can have direct impact. Thus, it is necessary to bring a new legal education methodology to law schools. Animal law is an interdisciplinary subject, related to several fields including criminal law, property law, civil procedure, and contract law. This understanding is important in opening students' minds to new perspectives and demonstrating that law is an evolutionary subject. Methodologies such as animal law clinics¹¹⁹ and externships, as well as

¹¹⁶ See generally Tagore Trajano de Almeida Silva, *Animais Em Juízo: Direito, Personalidade Jurídica e Capacidade Processual* [Animals In Court: Law, Procedure and Legal Personality and Ability] (Evolução, 1th ed. 2012).

¹¹⁷ María Teresa Gimenez-Candela, *Why Study Animal Law?*, ANIMAL RTS. (Oct. 2, 2013), <http://www.derechoanimal.info/esp/page/2858/¿por-que-estudiar-derecho-animal>.

¹¹⁸ David Favre, *O Ganho de Força dos Direitos dos Animais* [The Strength Gain of Animal Rights], 1 REVISTA BRASILEIRA DE DIREITO ANIMAL [BRAZILIAN ANIMAL RTS. REV.], no. 1, Jun./Dec. 2006, at 25, 35.

¹¹⁹ Kathy Hessler, *The Role of the Animal Law Clinic*. 60 J. LEGAL EDU. 263-84 (2010).

seminars, debates, and case and Socratic methods can be useful for Brazilians in building their own path to teach this new topic.¹²⁰ Thus, the Brazilian system can begin to be a hybrid system with common law and civil law tools.¹²¹ Understanding this moment of hybridization, this merger, is important to shift the law paradigm and, thus, the teaching of animal law in South America.

VII. CONCLUSION

As shown in the section above, the path to teaching animal law in Brazil is a result of collaboration as well as the hard work of a group of professionals in this field. Professors around the world have supported the construction of a Brazilian animal law framework. There have already been positive outcomes, but some obstacles still remain in Brazilian society, highlighting the necessity for continued efforts to expand this field.

Additional steps must be taken. A framework must be created that can accommodate the work of professors, students, and attorneys. Animal law needs to be taught as a compulsory subject, and more support needs to be offered. In Brazil it is common to say that one step pushes another one, and if this saying is true, one can say that the future of teaching animal law in Brazil will be like life: challenging, with ups and downs. Nevertheless, to improve this field of work altogether, Brazilians can push the law to a new paradigm to respect all animals, human and non-human.

The path has already been paved in the 1988 Brazilian Constitution and under constitutional laws. At present, it is important to understand the intent of the Constitution and the underlying importance for Brazilians to entertain this debate. This article has shown the path already walked, the threshold at which Brazil stands, and some perspective for addressing present

120. Trajano, *supra* note 3.

121. *See generally* LUÍS ROBERTO BARROSO, INTERPRETAÇÃO E APLICAÇÃO DA CONSTITUIÇÃO: FUNDAMENTOS DE UMA DOGMÁTICA CONSTITUCIONAL TRANSFORMADORA [INTERPRETATION AND APPLICATION OF THE CONSTITUTION: FUNDAMENTALS OF TRANSFORMING CONSTITUTIONAL DOGMA] 94 (Saraiva, 6th ed. 2004).

challenges while continuing to improve the animal law debate as a comparative construct and as an interdisciplinary debate.