

# Animals and rights: the frontiers of humanity and the subject in question

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## ABSTRACT

Through different areas and theoretical paths, some authors linked to Social Sciences reflect on the divisions that characterize modernity, such as nature and culture, human and non-human and humanity and animality. In dialogue with the reflections promoted by these authors, Brazilian Anthropology has shaped a new field of studies entitled “human-animal relations”.

From this set of discussions, the objective of the article is to analyze the mobilization of animal advocates, asking how the questioning of human exclusivism triggered by these actors takes the form of a political project. To this end, I analyzed the content of texts and lectures by defenders who claim moral and legal equality between humans and animals. And it was possible to observe that these actors activate the principles of humanism that sanctify human life in order to make animals involved with justice and morals.

## KEYWORDS

Humanism, animal law, sociology and moral anthropology, human-animal relations

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## INTRODUCTION

On August 25, 2015, in Barueri, greater São Paulo, a truck loaded with pigs destined for slaughter overturned. The animals were trapped in the bodywork for about 7 hours until the rescue was carried out. As the accident result, dozens animals died and others were injured. It called attention to the intended discussion here that in a few hours activists who defend the animals arrived at the site to help with the rescue and follow up on what would be done with the survivors. The activists also carried out a collective fundraising and managed to raise BRL 50,000 on the same day, which over the week reached the amount of BRL 280,000. In addition, they managed to negotiate with the slaughterhouse the release of more than 60 surviving pigs, and then transported the animals to the so-called Land of Animals Sanctuary, located in São Roque, SP. Finally, with the money raised, they financed veterinary treatment for the injured animals. All this action had national repercussions, resulted in commotion among the activists there and among the people who followed the “tragedy” and the “animals ‘agony” by the media.

Critical situations in animals ‘behalf like this have become commonplace and make the news pages. Before, these events were restricted to dissemination and action among the groups that share values in favor of “animal rights”. However, in present days, these events have gained public repercussions among those who do not consider themselves “militants” in the cause. Actions in animal´’s behalf are understood by the authors who consider themselves militants as a political action, arising from the objective fact that humans and animals have equal lives, and therefore not as an individual sensitivity gesture. In this sense, mobilizations in animal´’s behalf happen together and based on another militancy way carried out in the scientific and philosophical field.

The proceeding in animal´’s behalf that will be discussed here concerns the mobilization of university professors/researchers and members of the Public Ministry, being these people, who defend “animal abolitionism” as an ethic to be followed and developed, and “veganism” as an essential practice for “animal liberation” (Perrota, 2015). The terms “animal abolitionism”, “veganism” and “animal liberation” belongs the repertoire of these people and are inherent in this political mobilization method. These terms give meaning to a struggle that consists of eliminating all activities that make use of animals, from food to clothing passing through commodities that have been tested on animals. In Brazil, since the 2000s, there is what we could call an “animalist network” set up by these people and who are linked to different knowledge areas, such as law, Veterinary Medicine, History, Biology and Philosophy. The persons that make up this network are dedicated to the animal cause through research carried out and published in books, articles, dissertations and theses; promoting national and international congresses held in different regions of the country and through public actions against circus, rodeos, zoos, and etc.; under the Law. This network is notable for

making academic activities a means to build, legitimize and carry forward the struggle for “animal rights”.

The presentations at the congresses and the books and articles published by this network have a set of common content, thus also finds divergences, which aims to ensure the animals protection, proving in scientific and philosophical terms that their use for human purposes is unethical and, therefore, must be changed. The person's action is influenced by the so-called “modern animal rights movement”, which is related to the book publication by the Australian philosopher Peter Singer, entitled “Animal Liberation”, released in 1975, and also to the works of the American philosophers Tom Regan and Gary Francione. Considering these modes of political action that I identified as “academic militantism” (Perrota, 2015), it is a project with a political and epistemological purpose that aims the animal ontological transformation, so that they, like humans, have their rights.

This article will, therefore, deal exclusively with the action in animal's behalf undertaken by “academic militants” in Brazil, and who will also be referred as “animal rights activist”. From then on, the proposed objective will be to understand, from the content of their texts and lectures, the bases of “animal cosmology” that support the direct actions developed in animal's behalf, and as a reason for the claim of that changes be made in morals and in law with regard to the relationship between humans and non-humans. The significance of focusing the academic and political project in animal's behalf is justified as it clarifies the way in which, in this political situation, the confusion between the epistemological canons that give intelligibility to what is meant by human and animal; individual and object. In addition, at the same time, it allows us to understand how activists seek to legitimize what could be seen as a nonsensical project: claiming rights for animals.

The discussion on animal rights activist, under the terms proposed here, it has as a background the questioning of human and animal meaning and the recognition of who has or doesn't have rights, the issue involving the sense of humanity is the investigation target among social scientists who problematize the human conceptualization and the radical division from other living beings in modern societies. These authors belong to a different theoretical aspects and even though by different paths they are notable for the development of new perspectives on the modern understanding of the human and the social bounding, and, therefore, the division between nature and culture (Latour, 2012; Ingold, 2015; Takes off, 1998).

From the debate with these authors, the emergence studies called “human-animal relations” can also be observed in Brazilian Anthropology. Such studies take into account as an object of anthropological analysis “more being, in a repopulation beyond the anthropos” (Segata et al., 2017).

This issue already shapes the Anthropology field in Brazil and, according to the authors mentioned above, even though it is a current field, it is expanding fast.

1 | The authors would like to thank CAPES and FAPERGS for their support to the research and also very especially to the reviewers of the Anthropology journal for the careful reading of the work as well as the suggestions given to the article..

The anthropologists Jean Segata and Bernardo Lewgoy (2016) point out that one of the reference of this field is the fact that “animals are repositioned in the anthropological debate” (p. 28). In other words, they are no longer understood as simple human appendices and are brought in the ethnographies forefront. As these authors observe, this transformation in the animal’s position allows seeing the way in which the humans and animals lives interact and are co-produced.

Based on these works, there is a human exclusivism questioning (Sussekind, 2018) as an object of study in the Humanities and as a bearer of its own characteristics or competences. In this sense, the distinction between nature and culture has been destabilized based on theoretical and ethnographic works that, as Donna Haraway discusses in an interview with Nicholas Gane (2010), call into question our relationality with what is not human. Thus, considering both the broader discussions about the division that characterize modernity, and the emergence of the studies field on human-animal relations, the objective proposed here is to understand how activists place this relationship in philosophical, moral and political terms for the animal defense as rights holders. In this sense, on the one hand some of these works carry out the “multispecies ethnography”, characterized as a methodology that focuses on all organisms that have their lives and deaths intertwined with human beings (Kirksey and Helmreich, 2010); the proposal here will not be this, but it is about the understanding how animal rights activist design a multi-species policy.

About this proposal, the Tim Ingold works (1994a, 1994b) that debate on how Western thought is known as what is or isn’t human constitutes a reference for this discussion. Such author’s reflections will help us to question the implicit idea in modern and politics morals that humanity would be something of a natural kind. In dialogue with this discussion, this article intends to observe not only how animal’s activists call the human presupposition into question, but mainly as a counterpoint how human exclusivism acquires the way of an intellectual project with political pretensions. In this sense, we will argue that, on the activist’s side, this challenge is not just an epistemological issue, but consists of a political project that aims to transform morals and law regarding the standards and values that guide the relationship between humans and animals.

From the analysis of the textual production (theses, dissertations, books, scientific articles) of the so-called animal’s activists, and the participation in Congresses arranged by these actors, which will be taken up from the discussion of my PhD thesis, the main issue of this article is to understand how these political agents make “humanism” an “animal issue”, by incorporating their principles to defend the value of animal life in the frame of human life. Activists, in their research and intellectual activities, aim to establish the foundations of an ethical theory and animal rights, capable of articulating the moral duty in animal’s behalf to the institutionalization of this understanding through law. In this sense, what will be discussed here is that

activists resort to the human rights tradition, extending it to animals as a new class of beings whom we must consider as “beings of a lifetime”. It's worth emphasize that this is not about solving the problem of Social Sciences in view of the studies proliferation that attest to consciousness, social life and intelligence among certain animals species. However, to understand how this commensurability is triggered as a political project.

### PHYSICAL AND ESSENTIALIST COMMENURABILITY OF HUMAN AND ANIMALS

The review of the texts published by the activists, as well as the lectures content given at different congresses, allows us to observe that the intellectual articulation of these activists consists in establishing equivalences between human and animal life. Through the statement enunciated by activists<sup>2</sup> that animals “are sentient / conscious, have interests, concern in their well-being, to keeping their life, freedom, physical integrity, capable of experiencing physical pain, psychological suffering, depression” (Lourenço and Oliveira, 2013), these activists seek to reconstruct the understanding that there are insurmountable barriers between humans and animals. To this end, make a direct critique of Cartesian thought, which would have contributed by legitimizing, in epistemological terms, the animal's exclusion from the moral concern sphere. To illustrate this position, I use a quote from the activist Laerte Levai (2010), who explains that the philosopher René Descartes “justified the exploitation of animals by stating that they were only automatons or machines devoid of feelings, incapable, therefore, of experiencing sensations of pleasure and pain”.

From the activist criticism, the treatment we give animals through their use for food production, scientific experimentation, entertainment, etc., finds meaning in a “crisis of values” caused by Cartesian thought. This philosophical matrix would be responsible for legitimizing the treatment given to animals as objects, and therefore for their consideration as (i) moral beings (Perrota, 2015; 2016). The achievement of this discussion, as presented in the political and intellectual activist's project, is consistent with the philosophical debate on the conception of the human established in modernity. It is about claiming that activists stand against “the humanity” (Wolff, 2012) joined itself in Philosophy and Science from the 17th century with the development of the René Descartes work. In this sense, the human being who is opposed to animals and, at the same time suits as a model for activists is not a generic and neutral being. Rather, activists refer to a particular human being conception - as a thinking and rational being - which emerged from Cartesian essentialist thinking, and which would radically differ from animals.

The political articulation in animal's behalf consists, therefore, in a debate about what would be the similarities and differences between humans and animals, but which is not exclusive to the activists. On the contrary, this debate concerns a question

<sup>2</sup> | The empirical material regarding the role of animal activists, which will be analyzed here, consists, for the most part, of scientific publications. In this sense, I will always present these quotes, identifying them as having been written by activists so that they are not confused with the bibliography used for analysis.

that follows the trajectory of Western philosophical thought, and seeks to recognize the difference between humanity and animality (Ingold, 1994a). An explanation given to this questioning was elaborated by Aristotle, in Antiquity, when he established the definition that man is a “rational animal”. According to Wolff (2012), this formula crossed the centuries until the Classical Age, giving humans an essence and giving them a privileged place in the heart of the world. However, the Aristotelian answer gave way to Descartes' double man, who is constituted through the union between thought and body. By making man a thinking being, the philosopher determined the way in which he has to be more than just a body, and therefore different from the animals. Thought, an exclusive capacity attributed to humans, is constituted as a unique, necessary, universal and constant essence. About the Cartesian man, in the words of Wolff (2012: 158): “There is what is specific about it, on the one hand (thought - or culture, History, etc.) what belongs to the nature domain (the body - life).

In contrast to humans, nature sees itself as nothing but a body. Dealing specifically with animals, these would not have thought, and once deprived of consciousness; they would be an ontological radically genre different from man, as they would not share the same essence. According to this thought tradition, all the living, besides the human being, are just moving bodies. The lives of these beings would be nothing more than “a piece of mechanically organized material” (Wolf, 2012: 224). In addition, there would still be a hierarchical beings positioning, placing humans below God and above all other species.

This discussion speaks with Tim Ingold work (1994a), who states that animals have placed a main position in the Western construction of the concept of “man”, but in a specific way. According to the author, the proper conception of animality is a lack of everything that only human beings have. From these explanations, we can understand the substance of the dialogue carried out by the activists. And at the same time, through the idea of “the humanity” present in the work of Francis Wolff (2012) it is possible to seek an understanding of how these activists rethink scientific and philosophical ideas about humanity for the political and moral animals redefinition and of its relationship with humans.

According to Francis Wolff, the humanity is understood as “a philosophical conception of humanity (an answer to the question: “what would man be?”), either explicit or implicit, which is based on scientific theories or knowledge, either in the Exact or Humanities Sciences scope, and on which rules, standards and values are placed” (2012: 10). The political project elaborated by the activists is to refute the philosophical conception of humanity that emerged from Descartes' thought. This thought is developed on premises that attribute uniqueness to humans by giving them only the condition of the thinking being. Activists refute this perspective, identifying in animals the primary competence that shows the difference between both: the ability to think (Perrota, 2016). The boost in animal's behalf discussed here, leans on a new

ontological perception of animality in which there would not be a radical apart between the livings, as animals capable of mental accomplishment and, therefore, have consciousness. Based on empirical research carried out, for example, by primatologists, ethologists, psychologists and neuroscientists, activists support their argument that humans and animals alike have rationality, and therefore, competences such as language, free will, wills, etc. According to activist Heron Gordilho:

The empirical sciences have discovered linguistic abilities in the great primates that have turned out to have significant implications for moral theory, by demonstrating that the traditional doctrine that sees the human species as being ontologically distinct from animals is fundamentally false and inconsistent. (2006: 61)

In contrast to studies and scientific research that stand behavior and resources as unique to human beings, a group of neuroscientists proclaimed in 2012 that humans are not the only human beings who possess consciousness. Known as the Cambridge Statement, declaring that:

The absence of a neocortex does not seem to prevent an organism from experiencing affective condition. Converging evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of consciousness condition along with the ability to exhibit intentional behaviors. Consequently, the heavy evidence indicates that humans are not the only ones to possess the neurological substrates that generate consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also have these neurological substrates.

The terms of that statement would prove, with the legitimacy of such teaching and research institution, what the activists had already argued through other scientific studies. Since then, the use of the content of this statement in the lectures and textual productions of animal activists to reinforce the argument about the similarity between the mental conditions of humans and animals has become recurrent.

The content of the Cambridge Statement is part of a new configuration of humanity, as described by Francis Wolff (2012) and also discussed by other researchers, as we will see below. According to Wolff (2012) we have been faced since the last decades with another human concept coming from the cognitive paradigm, which was called “neuronal man”. In this paradigm, “the brain became a main character for our definition of personal identity, of individual” (Azize, 2011: 566). “The humanity” clashes with Cartesian thoughts about the double man, which confers peculiarity on humans. As Azize explains, the “brain centrality undoes the ontological dualism” (2011: 570), as the explanation for what we are is no longer metaphysical and focuses on the biological

organ study. From this perspective, we observe the emergence of the “neuronal man” as a being of nature, that is, as an animal in the same place as others.

The equality between humans and other living beings is explained from the perspective that the brain, an organ that constitutes a central element for the individual definition, does not concern “the head, nor the mind or the soul, but the physical organ itself” (Azize, 2011: 564). This naturalizing and materialist reading of the human species led Wolff (2012) to state that “neuronal man” consists of an unprecedented scientific approach, which for the first time postulates the inexistence of any properties that fundamentally distinguish humans from other natural beings. The emergence of this person's concept has the effect of excluding or denying the human essence that marked its insurmountable removal from animals. Such human mind reading assumes that “the primary characteristics of its functioning are the primary characteristics of the nature functioning as a whole” (Russo and Ponciano, 2002: 363). Thus, scientists linked to the cognitive paradigm treat the brain, thinking and intelligence of humans and animals as having a difference only in degree. And from this perspective results the thesis that “man is (indeed) an animal like others” (Wolff, 2012: 255).

Therefore, if Cartesian thought postulates a radical discontinuity between men and other beings, the cognitive sciences understand that between the animal and the human kingdoms there is no radical or essential specificity. This thinking converges with the “gradualists” position, as discussed by Tim Ingold (1994a). According to the anthropologist, this group disputes the fact that the human condition would be an existence condition open only to members of the human species, denying all others animals. As with recent debates about “neuronal man”, gradualists stand against the radical division between humans and non-humans, warning us against the underestimation of the animal's intelligence, and therefore, against the perspective that qualities such as rationality and conscience would be unique to humans. In dialogue with this debate, the new person's conception produced in the neuroscience field removes the human from its privileged position, so that the cognitive paradigm consists of an anti-hierarchical egalitarianism, as explained by Russo and Ponciano:

It is possible to see in this movement the radicalization of one of the basic characteristics of modern individualism: egalitarianism, that is, the flattening of differences through the denial of any hierarchy. The naturalization of the human/humanization nature seems to us to be clearly the exacerbation of the anti-hierarchical and leveling posture that characterizes the modern values environment. (2002: 365).

This approach contradicts the view of the Western world that thinks of animality as the exact opposite of humanity, as it makes disappear what would be the superior resources of humans towards animals. The change conception between the thinking man of Descartes and the neuronal man does not only mean a philosophical and



scientific paradigm transformation, but brings moral and political consequences, as it has the possibility of establishing new rules, standards and values that deal with the relationship between humans and animals. The understanding of this new theory indicates the emergence of new self-construction matters, as "it is possible to say that the human being naturalization is correlated to a kind of humanization and, why not say, nature enchantment" (Russian and Ponciano: 363).

We observe that the symmetry between humans and animals stood by the cognitive paradigm is politically motivated by animal activists. In this sense, this appropriation happens in different ways, as activists motivate it with a political project view with normative pretensions. However, as will be discussed, the perspective of ontological dualism will remain among the activists, but from a broader frontier capable of making humans and living animals that belong to the same significance.

#### **FILLING EMPTY BODIES: THE ESSENCE THAT DIGNIFIES THE NEURONAL INDIVIDUAL**

In modernity, we come to understand that rationality guarantees the human transcendence in which human priori is found. This issue present in Cartesian philosophy was elaborated and addressed by Emmanuel Kant as an epistemological and ethical foundation that made Man a purpose in himself. The essence idea refers to a given and definitive human nature and the values around it are respected and considered as pre-existing. Based on these ideas, the German philosopher is considered responsible for systematizing the "Cartesian revolution" (Douzinas, 2009) and making the thinking man the subject's prerogative. Kant's critical philosophy is considered responsible for the subjective modernity turn, which has a philosophical presupposition what would be the unique essence of man. Among the multiple transformations that took place in this period, the eighteenth century was made, therefore, by making the idea of persons as an autonomous agent into a sacred entity. In addition, the belief in the individual's autonomy of rationality "is the dogma of the sacred individualism system" (Joas, 2012: 82).

As Tim Ingold (1994a) adds, this prerogative over the individual as the only being that think, made only humans capable of going beyond the physical animality condition, reaching the moral condition of a person. Modernity is featured by the dogmatic denial of non-human manners of discernment and, as stated by Kantian philosophy, humans are constituted as owners of nature, having been born for this purpose (Ingold, 1994a). In this sense, we can say that the perspective that animal's rationality does not mean the attribution of a simple competence. However, it empowers them in the primordial aspect that made human beings more than material bodies, but a unique and sacralized specie, arising from the body-thought combination. Due to this similarity pointed out, animals emerge in the activist's discourse no longer as living-empty, that is, as beings that act in an automated way

(Perrota, 2015). And not just as neuronal beings, but as moral individuals. This would mean to say that, like humans, animals are also autonomous agents who make decisions based on rationality and, therefore, on self-awareness. Moreover, in the understanding of the activists, if these criteria guaranteed man his transcendence, and therefore the status of moral subject, they should guarantee it to the animals too.

Based on this humanity and animality model, we could, on the one hand, assume the abasement of human beings, since there would no longer be characteristics that would substantially distinguish them from other living beings. Nevertheless, what we see in the political articulation of the activists is that the conscience recognition as an animal competence also doesn't lose sight of the metaphysical question and the Kantian precepts about morality regarding human sacredness. Therefore, instead of the human depreciation, we have the animal's rise, as they ascend to the thinking and rational being status and would reach, according to the activists, the moral condition of person.

Understanding the political and moral consequences that can be caused by this change in the humanity aspect, animal activists dialogue directly with the notions of Cartesian and neuronal man to assert their claims for rights, based on what would be ontological animal's reparation. This repair consists in questioning the "ontological rupture" (Schaeffer, 2007) that attests to the incommensurability between men and other living beings, stating that animals and humans belong to the same being modality. Activists use, on the one hand, the aspect of the neuronal man to deconstruct the perspective on human uniqueness, however, they resort to the essentialism of Cartesian man to claim the exceptionality of animal life in the molds of human life. The activist Tagore Trajano can exemplify this perspective in the quote below:

Men and animals have common characteristics, although they are developed in different degrees. If there is continuity between men and animals, the distinction between them being only in degree and not in essence, no conceptualization that claims to be libertarian can establish an arbitrary hierarchization of life. (2008: 260)

Through studies of cognitive sciences, activists oppose the radical difference showed by Cartesian thought. However, this opposition is not absolute, as activists do not fail to argue in essentialist terms. Therefore, they argue that humans and animals share the same substance that made man unique among other living beings and, thus, a purpose in himself. The studies coming from the work of neuroscientists are not understood by activists as research only on the organic brain, but on the mind, as a metaphysical reality. Thus, by stating that animals also have rationality, activists are at the same time arguing that "animals have

attributes that are generally considered to be exclusive to the life of the spirit (mind)" (Gordilho, 2006: 62).

The ontological animal transformation is made, therefore, by the combination between mental activities in organic terms and the condition of being thinking in metaphysical terms. Such perspectives that come from different notions about the person's definition are adjusted by activists to claim that animals share with humans not only a biological and physical position, but also the moral condition of a person. From this combination, which gives rise to animals with rational capacities, and both owners of a body and spirit, activists proclaim that "the reduction of this animal for human purposes, which precisely shows the objectification of life, is not tolerable" (Lourenço and Oliveira, 2012).

According to the activists' criticism, which can be seen in the following quote, the spirit idea would have taken the animal objectification process to its ultimate consequences, constituting "the ethics root that legitimizes discrimination based on species" (Gordilho, 2006: 47). But this same notion now fulfills the opposite role: of enabling the animal to the sacralized person condition. From the activists' perspective, saying that animals "think", that they "want", "make choices", etc., deny their status as "living-empty", "object", "machine" or "automaton" (Perrota, 2015). Therefore, it does not simply offer them biological similarities to humans. Saying that animal life reproduces itself not by reflex, but by self-awareness makes it valuable and gives uniqueness to each being of the species, as stated by activist Sônia Felipe (2009a):

Animals have a specific perception, a specific intelligence, a specific language and a specific rationality. If all these abilities are what institute freedom and autonomy in the human case, why simply refuse to recognize them in animals?

Through the combination of these two models of humanity, activists characterize the opposition between individual and object beyond the limits of what is understood to be the difference between humanity and animality. Moreover, in addition to preserving Descartes' essentialist assumptions, it also activates the humanist principles associated with them in order to include animals in the ideal of the common good. The combination of these scientific and philosophical ideas constitutes a fundamental strategy to legitimize the claim of animal's rights.

The fact that animals and humans share a common interiority justifies, in the activists' critique, that the limit of humanism be expanded beyond the human species. According to this perspective, the mistake pointed out about René Descartes' philosophy is not in the essentialism that separate humans from all other living beings, but in the thesis that only these are beings who have not just a body. The activists' criticism consists in stating that, wrongly, a difference between humanity and animality was naturalized and this is not proven in real life. Activating similar mental capacities

between humans and animals, these authors argue that the difference between these beings is not natural, but historical and above all modifiable. Better saying, it consists of a difference that must be repaired.

The thesis of human exception based not on the individual as a biological species, but on the subject as a moral condition is kept. Nevertheless, making human and animal life sacred. Talk about the end of the human exception means to say that in the activists' perception, humans and animals share different bodies, but not totally since they have similar mental capacities. In addition, this similarity would be enough to guarantee the equality of moral condition, since it makes them equally bearers of a spirit.

As pointed out by Jean-Paul Sartre (2013), in his work published for the first time in 1945 and which has now become a classic, humanism attributes to man a dignity that is the only one that does not turn him into an object. By expanding humanism to encompass animals, it is intended that they are also treated morally as an individual and not as an object. Considering the action of animal activists, we understand, in a paradoxical way, humanism becomes less human (insofar as it also includes animals), but at the same time more humanitarian (insofar as it expands its principles to others classes of beings).

Humanism as a concept comes off itself from man as a biological species and is taken by activists as a moral principle to justify the animal protection. This discussion, which in Anthropology, for example, explore the moral bases around the human, becomes a normative foundation in the political struggle of animal activists, as can be seen in the following quote:

What is reasonable to think of in one case, remains reasonable to think of in another when there are similarities. Thus concludes Primatt: "While it is true that a man is not a horse, still, since a horse is a subject affected by the precept, that is, capable of being benefited by it, the duty implied there reaches the man, and similar to the rule: as a man, treat your horse as you want to be treated by its owner, if you were a horse. I do not see any nonsense or false reasoning in this precept, nor any negative consequences that might result from it, even if the barbarity of customs considers it so." (Felipe, 2006: 221).

In this sense, the ontological animal's transformation does not imply the transformation of the ontological dualism that characterizes modernity. As the anthropologist Philippe Descola (1998) has already discussed this ecological sensibility, modern humanism is used as a basis for claiming respect for animals, extending the legal principles that conduct people to a new class of beings. As the "animalist ethics" elaborated by the activists has the human as a reference point, we can say that, differently from the way the activists themselves call it, this political mobilization aims at the conception of a "humanist ethics for animals". The human being, as well as the moral qualification of its life in modernity, are references to (re)think the nature of animality through the identification of common attributes among beings. It is a matter of stating that, on

the one hand, the dimensions surrounding human nature are problematized in order to deconstruct its exceptionality towards other modes of life. But, oppositely, these dimensions are highlighted and suits as a principle for the expansion of the need for moral animals protection.

Based on these considerations, we observe a new development regarding ideas about humanity and animality in the tradition Western thought. Taking as reference for this discussion the works of Tim Ingold (1994a, 1994b), it is observed that this new development finds convergence and divergence. Convergence exists around the relationship between these two concepts, as pointed out by Ingold (1994a), who stated that from the classics to the present day, ideas about humanity have determined and been determined by perceptions about animals. In addition, the divergence is there, because unlike what the author pointed out, that the elaboration of animality is constructed as a deficiency of everything that only we humans supposedly have, what is observed in the philosophical, moral and political project of the activists is the opposite. It is not about contrasting both the conceptions of humans and animals in order to look for differences, on the contrary, it is about pointing out the similarities. Therefore, if previously animality was defined in comparison to humans by the sum of deficiencies, today the conception of animals as moral individuals is defined by the sum of human-like characteristics.

## **ANIMAL RIGHTS**

Activists' claims about the expansion of the philosophical and moral limits of humanity also result in a legal struggle. The achievement of animal rights would institutionally enshrine the resumption of their moral dignity. In this sense, activists consider it important that ideas around equality between humans and animals not only become a moral standard, but also a legal standard and, therefore, they become constitutional rights. Although not all activists talk about rights, it is generally understood that this domain is fundamental. From the dialogue with humanist values and due to its relationship with the law, the legal sphere is also called to re-accommodate itself with the purpose of guaranteeing and protecting the animal's lives as a purpose in itself.

Therefore, in dialogue with the ontological animals changes and with the moral perception that would result from this new reality, activists consider that the law must also be changed after recognizing that animals are an individual with the characteristics of an active moral subject. This new animal's reality, as discussed so far, would legitimize the origin of rights. Moreover, it would make essential the emergence of rules and standards that would guarantee legal protection on animal life as a way to repair the injustices of which they would historically be victims. This issue can be seen in the quote below by activist Sonia Felipe:

When a right is taken for granted, it means that a long trajectory of violation, exploitation, harm, pain, suffering and agony is coming to an end. The law institution ceases the freedom that was considered natural, therefore, without cost, to do with that individual what had been done until then. Thus were established human rights. It will not be different with the institution of animal rights and natural ecosystems (Felipe, 2009b).

The claim that animals are protected as individuals with rights might, at first, seem absurd if we naturalized the humanist ideals that made the words man, human beings and humanity as irreducible synonyms<sup>3</sup>. But I propose to take seriously the way in which the political struggle in animal's behalf take place, considering, as has already been said, that this topic allows us to discuss notions related to the definition of humanity, rights and values. Furthermore, the repercussion that this theme has acquired has led some researchers, such as the anthropologist Philippe Descola (2010), to claim that the animal rights matter is undoubtedly crucial and has proved to be one of the great political challenges of the 21st century. In the same sense, jurist Costas Douzinas (2011) states that the animal rights movement has firmly established the legal distinction between human and animal on the political agenda. According to the author, and in accordance with what we are discussing, important philosophical and ontological matters are involved here, which focus mainly on the idea of humanity.

In this case, it is not new in Social Sciences, as Marcel Mauss already stated at the beginning of the last century, that the way in which the idea of being human is intertwined with law and morality is neither natural nor a well-defined idea. Differently, as stated by Marcel Mauss (2003), in his classic study on the category "people", it is an idea that slowly emerged and grew over the centuries. In addition, using the anthropologist's work as a reference, we understand that human beings create a concept about themselves, altering over the centuries and in different societies. In addition to this discussion, we can understand, in the words of Michel Serres (2015), that humanism is, therefore, an abstract word that evokes the idea of a universal man who does not exist. Likewise, law, and more specifically human rights, does not have a self-evident reality, but is regarded as the greatest political and legal invention of jurisprudence and modern philosophy (Douzinas, 2009). The values associated with the moral and legal sense of the human as well as the right that belongs to it are, therefore, a historical process and by no means something already given.

We observe that if the moral individual concept and the definition of human rights do not exist a priori, the activists go after these gaps, reposing the question about which entities are the legitimate holders of rights? This same question, even with regard to human beings themselves, is not new. The history of human rights is supported by the extension of rights to new claimants, which at the beginning were

<sup>3</sup> | It could be absurd for other reasons. See FERRY, Luc and VINCENT, Jean-Didier (2011)

not considered. In this case, it is possible to understand humanity as a category that can be stretched and contracted. So much so, as Douzinas asserts, that legal recognition has rarely follows the modern understanding of humanity. According to the author, in the Middle Ages "pigs, rats, leeches and insects were accused of several offenses and formally summoned to the courts, tried with all the pomp of due process and acquitted or convicted and punished" (Douzinas, 2009: 194). In contrast, human slaves have been placed outside the borders of humanity throughout history and until recently, and are therefore excluded from the protection of human rights.

Regarding this discussion that involves legal questions around humans and animals ideas, and between people and things, the anthropologist Ciméa Bevilaqua (2011) addressed a specific topic, referring to the request for habeas corpus in favor of chimpanzees. The anthropologist analyzed the legal proceedings surrounding these requests and precisely highlighted the means ambiguity of existence defined by the legal opposition between people and things that surround human beings themselves. According to the author, the requests for habeas corpus in favor of chimpanzees challenge the long doctrinal tradition that separates humans and animals, and from the analyzed cases, some legal categories taken for granted are questioned and lawyers are "relatively free to explore a wide range of arguments, not always mutually coherent, to support claims in relation to which neither the law nor the jurisprudence offered the courts safe guidance" (Bevilaqua, 2011: 77).

Considering this open path around the legal composition of people and things, activists intend that the theory of animal rights will be able to break with what they identify as one more barrier that limits the extension of the human rights ideal. This perspective on the achievement of new rights is discussed by activist who claim that in other times the recognition that all humans have the right to equal protection was limited by racist and sexist criteria (in reference to the political mobilization for equality of women and blacks), this bounding would now occur by "species" criteria. According to this perspective, the "other" that needs to be included in legal protection is no longer thought of as just an "other" human and is also thought as "the animals". This reflection is made by the activists themselves when analyzing the situation around the defense of rights:

We are on the threshold of another group expansion of those considered to be holders of rights. Before, foreigners, children, women, slaves, blacks, Indigenous. The contemporary Era knows the demand for the animals rights, for the nature rights. In another history chapter, the field of legal subjects is extended. It is the passage from philosophy, from animal and ecological ethics to the legal field. Moreover, the portal is already being passed. Ecuador's Constitution and, in Bolivia, the Mother Earth Law have already crossed the border. The Bolivian Magna Carta itself invites us to see animals as individuals and not as objects. In Switzerland, Austria and Germany it is already known, from the explicit legal wording, at least, that animals are not things.

In parallel, interpretations of legal texts take the direction of affirming the existence of legal subjects for more than human beings. (Oliveira, 2013: 11361)

The search for answers about where humanity begins and where it ends is not simple, as we can see from the very institutionalization of the ideal of human rights. However, if the borders humanity definition has been an unstable project, the moral conditions that gave rise to human rights have become indisputable and the main ideal against violations of human life and in behalf of the fundamental guarantee of the absolute value of the individual. By conferring humanity on animals, activists appropriate the triumph<sup>4</sup> of human rights ideals, and characterize this political movement as a primary matter linked to the ethics of life (Levai, 2010). This framework is a main aspect of the fight for animals, naming one of the terminologies by which this political way action is known: Animal Rights Movement. It is observed that in the same way that the activists intend to include animals in the humanist ideology, it is also intended that they enjoy rights because they share the aspect that gives humanity to humans: the thought.

The terms of the claim for animal rights are constituted from the same parameters as human rights. A legal standard that aims to ensure freedom from the oppression and domination of humans and animals, and thus guarantee the emancipation and beings self-fulfillment. The use of human rights as a reference in the fight in animal's behalf can be observed through the proclamation of the Universal Declaration of Animal Rights, in 1978, by UNESCO, in Brussels. Comparative observation with the Universal Declaration of Human Rights, 1948, leads us to realize that the central premise between both concerns the recognition of the intrinsic dignity of all individuals. The paths to fulfill these rights, as well as the paths that would violate them, are different for humans and animals and are discussed in both. But issues around freedom, self-fulfillment and the value of life are part of the common ideal and are seen as the ultimate goal of the treatment that should be aimed at humans and animals<sup>5</sup>.

For the achievement of the legal animal's protection, in the terms demanded by the activists, the right needs to recompose itself in terms of value and put itself through laws at the service of new practices. The new value must consider unrestrictedly that actions against the lives of animals are considered criminal practices. Moreover, the new practices demand that we leave all activities that, according to their conceptions, violate the animal's lives. Activists know that this is not an easy transformation, because they understand that the recognition of this new animal makes another law conception, so that it is no longer "influenced by an anthropocentric view that excludes animals from the condition of human moral consideration" (Trajano, 2007: 245).

However, thinking about how the law treats animals is more complex than the tight duality between people and things. When we consider the different animal's

4 | It is noteworthy that the ideas about the triumph of human rights are thought of as victorious as a moral principle. However, considering life situations, these ideas are unstable even for human beings. This issue was discussed in a previous work (Perrota, 2015).



categories: production, research, domestic, wild, and the way each is legally represented, we observe different shades of this field. As I discussed in a previous work (Perrota, 2015), an example of the plural existence of animals in the legal system can be approached from an event reported in 2009 in São Paulo city.

At the time, the police identified a slaughterhouse that produced dog meat to be sold in restaurants that primarily serve the Korean community that lives in the city, and that, in their country, this practice is legally admitted. The slaughterhouse was closed and those responsible arrested by the police. The crimes committed, according to the sheriff Anderson Pires Giampaoli, were mistreatment, consumption relations and conspiracy. It is important for us to reflect on the abuse matter. In the words of the sheriff, in an interview to UOL TV, granted on November 12, 2009, the event was considered as follows: “Under the shadow of this culture they have there, they want here in our country to practice this kind of cruelty against our animals and consume its meat”

The pertinent issue to be said in this case is that the law protects dogs from being slaughtered for meat production through legislation that criminalizes cruelty committed against domestic animals, but does not protect production animals: oxen, pigs and chickens, for example. Dogs, as the case shows, are victims of slaughter. Unlike production animals, which are slaughtered daily for our consumption without considering that this practice is “cruel”. It is observed, that the criticism made by the activists is that these laws manage, at the most, in an unstable way, to place animals on the threshold of the division between people and things. Unstable, because in this situation mentioned, it was possible to see the use of Brazilian legislation for the protection of slaughtered dogs for food production. However, in other cases, this same kind of animals experiments and have their bodies manipulated in different ways, being “sacrificed” at the end of the experiment as a standard procedure. These cases can be considered contrasting, as they consist of situations in which the life of the same animal oscillates between being legally protected from death or not.

From this perspective, activists call for a displacement of animals' place in the legal world. In addition, if we consider the two poles, of people and of things, it's about bringing animals into people's world and, therefore, giving them the rights corresponding to its moral and legal existence. It is not a question of saying that animals are not represented and protected by law, but the way they are treated does not guarantee them, according to the activist's claim, their full living and dignity. In new terms, it is practically expected that animals will receive care, attention and protection from humans. For that, the right must acquire a broader scope, in order to become a social institution designed to the equal of humans and animals support. In the activist's words, the animals rights consists of the addition of “new moral values, such as respect for all modes of life, which must be absorbed in the new process of legal meaning” (Trajano, 2008: 252). It is about correcting the law, making it an

5] It is important to emphasize that for humans and animals, such definitions are neither simple nor obvious. Moreover, in this sense, it is possible to give an example that shows this complexity, which is Article 7 of the Universal Declaration of Animal Rights. This article is about how the living conditions of working animals should be. In contrast to these principles, which provide that work animals, in certain circumstances, can have a decent life, the perspective discussed here (abolitionist and in behalf of animal liberation), considers that any form of animals use by human beings it is not considered ethical.

element of unification between the species.

These matters are already reflected in the legal field through changes in the Civil Code of different countries regarding the legal nature of animals. Although in different terms from what is postulated by activists, countries like Ecuador, India, Switzerland, Germany, Austria and France promoted changes in their Codes, changing the way of legal animal's recognition. These changes break with the animal status that recognizes it as a thing and give them only economic and market value. In Brazil, the Senate Bill No. 351 of 2015 has been in progress since 2015, which provides for an amendment to the Civil Code to determine that animals will not be considered things.

With respect to such changes, it cannot be said that the new Codes promoted or would have the capacity to promote substantial changes, especially with regard to the political pretensions of the activists discussed here. However, at the same time, we cannot deny that this debate has implications for the different activities that make use of animals. The regulation of the use of animals as guinea pigs, or as a source of raw material for the food industry, for example, starts to incorporate ethical concerns about the life and death conditions of these animals. Regarding this issue, it is possible to cite Normative Instruction No. 56, of November 6, 2008, which establishes the general procedures for good welfare practices for farm animals and economic interest. And Normative Resolution No.12 of September 20, 2013 that establishes practices for the care and use of animals for scientific and educational purposes.

## FINAL CONSIDERATIONS

The mention of the accident involving pigs in the introduction to this article describes a tension over the moral responsibility that we (humans) have towards them (animals) and that has to do with the conceptions of humanity and animality claimed by animal activists. . The case repercussion was mobilized to illustrate this critical situation as a social phenomenon characterized by a new way of understanding about humans, animals and the way in which activists pressure that such relationship should be made, not only in practical terms, but fundamentally in philosophical, moral and legal terms. The theme raised by this political action can be inserted in the debate currently present in Social Sciences, which proposes the questioning about the rupture between individual and object, consequently, about the representational and symbolic paradigm with regard to animals. The activists role in the academic field directly dialogues with this discussion, but I understand that from other terms, as more than an epistemological concern, these agents turn the animal issue into a political struggle for justice and rights.

The demand that animals be included in the scope of the humanitarian sphere, both with regard to moral and legal protection, allows us to observe a political project

These distinct historical forms of "construction of the self" depend on a sterile concept of "power" as an explanatory artifact that encompasses them. Thus, the possibility of taking the divine preeminence seriously (Bialecki, 2014) in conceptions of human will and life in medieval and modern Christian worlds is neglected.

that concerns our understanding of what is human and what is animal. Without intending to finish any debate, my objective here was to understand how the activists use scientific and philosophical knowledge to make humans and animals equivalent on a moral and legal level. Francis Wolff's (2012) idea of humanity played an important role in this discussion. The author's perspective that there are different philosophical conceptions of humanity that are allied to a scientific project and a morality used as a guide for understanding the path taken by activists in their quest to change the ontological animals reality. As we have seen, in their efforts to build an ethical theory of animal rights, the activists dialogue with Descartes' essentialist perspective that think on human as a double being constituted by the conjunction between body and spirit; and with the cognitive paradigm that carries out a brain materialist study, considering that between humans and animals there is only a difference in degree.

In political terms, activists drive the equality postulated by research related to neurosciences, but inherit the Cartesian assumptions that make men more than a body. The identification of similar mental capacities between humans and animals is incorporated as an argument that lends legitimacy to the criticism that it is intolerable, in any situation, to treat animals as objects. If Cartesian thought, as Francis Wolff (2012) explains, reduced nature to a homogeneous matter and made this way of life nothing more than a portion of mechanically organized matter, for activists, the cognitive paradigm gives animals something more that made humans more than just brute matter. In order for the mental capacity identification in animals to fill their bodies with this spirit, activists resort to the third nature of Cartesian thought, which becomes existent through the union of body and soul.

It follows that the way in which activists question the modern paradigm does not entirely subvert it. The boundaries placed by the duality between individual and object, person and thing are held, albeit broadly in order to include animals in the same moral condition of person as humans. Regarding this aspect, we observe that the ontological animal's transformation follows humanistic assumptions and the legal principles that rule people. In this sense, as already discussed by Philippe Descola (1998), such concern with animals protects the species perceived as the closest to men, and, therefore, does not fundamentally call into question the modern separation between nature and culture. Therefore, activists do not undo the ontological dualism that characterizes modernity, as it is through the essence idea that they seek to make logical the extension of humanitarian ideals to animals. In this sense, what is at stake for activists is not the human essence, but the human exclusivism that makes this species the only bearer of such quality.

However, the hierarchical positions among beings that give humans a privileged place as they would be the only thinking beings are shaken, even indirectly challenging modern humanity. As animals also become another one whom we must consider morally, the political mobilizations of activists, in the terms proposed here,

strain modern human freedom, which claimed for itself unlimited powers with regard to the possibilities of interference on the planet, and with regard to their freedom from any natural determinations.

At least animals, or better said, at least animals considered closer to humans because they share common capacity, as activists claim, are displaced from their reified position and from their experimentation and control object condition, through their consideration as subjects of rights. Returning to the accident mentioned at the beginning of the chapter, we observe that this shift calls into question the legitimacy of raising pigs for slaughter, the treatment given to injured animals, and the future of animals that remained alive. Moreover, it requires a transformation of the way modern societies have come to treat animals. Therefore, the attribution to animals of capacities considered exclusively human brings a shock, which, according to the activists' perspective, requires direct commitment to a new moral and political rearrangement and which points to a specific and well-defined path in which humans and animals are equally considered subjects of rights.

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