

PRUDENCE IN ENVIRONMENTAL TEACHING IN LEGAL EDUCATION IN TIMES OF COMPLEXITY

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ABSTRACT

Society is experiencing an unprecedented health crisis, with COVID-19, in the 21st century. In parallel, the environment remains distant from the care translated into the Brazilian legal system. In this context, it is estimated that environmental education is capable of favoring the social and political transformation necessary for a social change in the man-nature relationship. To this end, we propose an analysis of the interaction between environmental teaching in higher education, the virtue of prudence, and the ethics of understanding in legal education. From this perspective, the question is: How can prudence act in the environmental teaching in legal education in order to favor the formation of legal professionals committed to the construction of fair and sustainable societies? This is a descriptive, exploratory, bibliographic, and documentary research, based on the hypo-

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thetical-deductive method. It is concluded that prudence in environmental education in legal teaching is capable of contributing to the formation of social actors who are aware, motivated and capable of promoting effective changes in favor of building fairer and more sustainable societies.

Keywords: complexity; environmental education; legal teaching; ethics of understanding; prudence.

PRUDÊNCIA NA EDUCAÇÃO AMBIENTAL DO ENSINO JURÍDICO EM TEMPOS DE COMPLEXIDADE

RESUMO

A sociedade vivencia uma crise sanitária sem precedentes, com a COVID-19, no século XXI. Em paralelo, o meio ambiente permanece distante dos cuidados traduzidos no ordenamento jurídico brasileiro. Nesse contexto, estima-se que a educação ambiental é capaz de favorecer a transformação social e política necessária para uma mudança social na relação homem-natureza. Para tanto, propõe-se uma análise da interação entre a educação ambiental no ensino superior, a virtude da prudência e a ética da compreensão, no ensino jurídico. Nessa perspectiva, indaga-se: como pode a prudência atuar na educação ambiental do ensino jurídico de modo a favorecer a formação de profissionais do Direito comprometidos com a construção de sociedades justas e sustentáveis? Trata-se de pesquisa descritiva e exploratória, de cunho bibliográfico e documental, pautada no método hipotético-dedutivo. Conclui-se que a prudência na educação ambiental do ensino jurídico é capaz de colaborar para a formação de atores sociais conscientes, motivados e capazes de promover mudanças efetivas em prol da construção de sociedades mais justas e sustentáveis.

Palavras-chave: complexidade; educação ambiental; ensino jurídico; ética da compreensão; prudência.

INTRODUCTION

In the 21st century, and in the face of the pandemic scenario experienced, contemporary thinkers around the world debate the man-world relationship. For centuries, the idea prevailed that nature constituted an invulnerable whole. With this logic, man enjoyed natural goods and services as if they were unlimited. However, this reasoning has been refuted both by science and by the environment itself, which responds to human intervention through increasingly frequent natural disasters. Nevertheless, the effectiveness of public policies of an environmental nature remains far from reality, while the health crisis exacerbates the uncertainties and risks then revealed.

There is the crisis of bonds and limits, so called by François Ost. The human being no longer recognizes what brings him closer and what distances him from the environment of which he is a part. On the one hand, the personification of nature is defended, as a subject of rights; on the other hand, the environment is objectified, according to human interest and need.

In this context, values and ethics also face a significant transition: the behaviors hitherto accepted, in the relationship with the environment, are redefined, in a scenario that goes beyond the limits of traditional ethics, centered on the man-man relationship. In the Brazilian legal system, the rules point to the protection and promotion of the environment, classified as a third generation fundamental right and as a legally protected asset.

As a substitute, it is observed that there are Brazilian constitutional and infra-constitutional devices that regulate human action, in its individual and collective scope. From this perspective, new responsibilities arise for the Government (on the federal, state and municipal levels), universities, schools, non-profit civil organizations, and public and private companies. This is because it is necessary and urgent to think about the reform of human thought itself, as Edgar Morin well warns.

In this journey, environmental education (EE) plays an important role in the search for the thorough development of man, which does not require the existence of a synchronized set of intellectual, physical and moral activities. It is necessary to form the ecological subject, according to the logic of the responsibility principle, by Hans Jonas. Amid this challenge, the implementation of legal norms that govern human-nature interaction is mandatory, which demands a new approach, especially in the context of legal teaching, namely: to educate for prudence.

Prudence is presented, at this point, as the virtue that operates over all other virtues, since it leads man to right decisions and brings him closer to the concept of fairness. For this reason, prudential education stands out as a goal in the environmental education of legal teaching in times of complexity. In this context, one asks: how can prudence act in the environmental education of legal teaching in order to favor the training of legal professionals committed to the construction of fair and sustainable societies? In order to reach the adequate answer to the presented problem, a qualitative, documentary and bibliographical research is carried out, based on the hypothetical-deductive method.

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1 ECOLOGICAL CRISIS AND MAN-NATURE RELATIONSHIP

Faced with the growing role of man in the face of nature and the urgency of the debate relevant to the reform of human thinking about the man-nature relationship, Guimarães (2001, p. 43-44) points out that “the relationships between modernity and the environment constitute the real tensions provoked by the trajectory of Western civilization [...]”. To this extent, if the civilizational source that originates and gives the current outline of the highlighted expressions is the same, it is timely to discuss the value content or ethics that connects these two magnitudes in the current ones (GUIMARÃES, 2001).

There is a “structural and systemic crisis of capitalism”, in the words of Silva (2013, p. 119), consisting of three other crises: economic-financial, social and ecological. According to the author, these, in turn, unfold on several other levels, in order to reach the food, energy, work, cultural and ethical context, etc. Therefore, we would be facing a crisis of civilization. In this sense, Morin and Viveret (2015, p. 15) state that “the greatest contribution of the 20th century in the field of knowledge was the notion of the limits of our knowledge. Uncertainty is where we move, not only in action but also in knowledge.”

With regard to the ecological crisis, specifically, François Ost (1995, p. 8) highlights it as the “deforestation and systematic destruction of animal species, indeed; but, first and foremost, the crisis of our representation of nature, the crisis of our relationship with nature”. By this logic, man is no longer able to identify his similarities and differences with animals, with what has life, with nature.

Ost (1995, p. 10) warns that “Western modernity transforms nature into an ‘environment’: a simple scenario in the center of which man reigns, who proclaims himself ‘owner and lord’”. Thus, as long as man cannot recognize what distances him and what brings him closer to nature, the “[...] so relative effectiveness of Environmental Law and the so modest effectiveness of public policies in this domain will persist” (OST, 1995, p. 9). It is, according to the author, the crisis of the bond and the limit.

Although it is not a simple task, faced with the challenge of complexity (MORIN, 2005), human beings need to understand and identify the practical contours of the bond and the limit that permeate their interaction with the physical world that receives them (OST, 1995). The opposite path, artificialism, does not allow conscious decision-making. Furthermore, the abandonment of problematic experiences with reality leads to meaninglessness in life (AMARAL, 2011), which ends up contributing to the growth of the ecological crisis, which needs to be faced responsibly in the face of the forks and gears that lead to the worst/better (MORIN; VIVERET, 2015).

On the one hand, defenders of nature advocate the replacement of individualism with universalism, of the laws of the city with the laws of nature, in a movement known as deep ecology (OST, 1995). On the other hand, bonds and limits between man and nature are totally disregarded, in attention to man’s interests and needs, in a fragmented view of the world. It so happens that the construction of the most inappropriate and inopportune sophistry results from thinking about two different meanings, without a previous analysis of what they have in common (PERELMAN, 2005). In other words, the bond between them.

In fact, instead of better enabling the human being to react to the reality that surrounds him, the ideologies strongly concentrated at the end of the 19th century came to a boil, potentiated the opposite direction and fully reaped a society devoid of ethical apparatus that could resist the social engineering formulas typical of the 20th century (AMARAL, 2011, p. 59).

Along the same lines, François Ost (1995, p. 15) understands as “[...] two opposing and, nevertheless, solidary errors: naturalism and

anthropomorphism”. Between these two opposites, there is the challenge of understanding without justifying, as a measure of finding the intermediate position (OST, 1995). It is necessary to restore to the world what had been put into the self (VIVEIROS DE CASTRO, 2011): human beings must understand the objective reality that surrounds them, find the meaning of their relationship with the environment, and thereby identify the values that should permeate such interaction. For that, it is necessary to question their exacerbated role in the environment and look for an intermediary.

Critical of the technocratic ideal and the Marxist utopia, Hans Jonas (2006) approaches the intermediary proposed by François Ost (1995), while proposing the rescue of conscience as a requirement for the debate on responsibility. In addition, he understands man as the subject responsible for the creation of human life, able to shape the circumstances that surround him in attention to his wants and needs. It is at this point that the importance of the virtue of prudence stands out.

Modern man presents a neurosis embodied in the meaninglessness in life, ignorance about the direction to take, in addition to a lack of concern relevant to the lack of knowledge of reality, which makes it impossible for the will to adhere consciously to a certain direction. The foundation of this awareness, according to him, is practical reason itself, which is directly related to the virtue of prudence (AMARAL, 2011). Education stands out here among the possible ways to do so.

Indeed, “Education is not only useful for citizenship. It prepares people for work, which is essential for a meaningful life”, as Nussbaum (2006, p. 10) points out, for whom a substantial educational commitment is essential, at all levels of education, including in the family scope. Education enables a conception about the need to exercise conscious decision-making, capable of meeting human needs without this representing irreparable damage to the environment.

Environmental education stands out in this context, a complex and multidisciplinary topic that cuts across the different spaces and times of Higher Education Institutions in Brazil. Along these lines, we start from the study of Opinion CNE/CP No. 14/2012, of the National Council of Education (CNE)/Ministry of Education, of June 6, 2012, which lists, as priorities for Higher Education Institutions, specifically: (a) “institutionalization of EE in higher education”; (b) “effects on institutional dynamics”; and (c) “knowledge production in EE and training of specialized personnel” (BRASIL, 2012a, p. 16-17).

In order to understand the bases of environmental education in higher education in Brazil, it is necessary to observe, in the Brazilian legal system, what is provided for by the Federal Constitution of 1988, the National Environmental Policy (Law No. 6.938/1981), the National Education Policy Environmental Law (Law 9795/1999), the Law of Guidelines and Bases for National Education (Law 9394/1996), and the Law establishing the National Higher Education Assessment System (SINAES, Law 10861/2004).

2 ENVIRONMENTAL TEACHING IN HIGHER EDUCATION IN BRAZIL

In the scope of higher education, the Federal Constitution of 1988 guarantees didactic-scientific autonomy to Universities, in its art. 207, which gives them necessary freedom to organize courses, curricula and programs in different areas of knowledge. On the matter, the Federal Supreme Court, in Writ of Mandamus 22,412, reported by Minister Carlos Velloso, rendered the following decision:

[...] the university autonomies inscribed in art. 207, of the Constitution, must be interpreted in accordance with the provisions of art. 209, of the same Charter, expressly establishing that education is free to private initiative, provided, however, the following conditions are met: *a) compliance with the general norms of national education*; *b) authorization and quality assessment by the government* (BRASIL, 2002a).

On the other hand, the exercise of this autonomy by public or private universities involves compliance with the provisions of the Law of Directives and Bases of National Education (LDBEN) – Law 9,394, of December 20, 1996. Art. 53 of the LDBEN lists the attributions of HEIs in the exercise of their autonomy, such as: organizing higher education courses and programs provided for in this law, in accordance with the general rules of the Federation and, when applicable, with the respective education system (item I); establish the curricula of its courses and programs, observing the relevant general guidelines (item II); establish plans, programs and projects for scientific research, artistic production and extension activities (item III), among others.

Furthermore, being the cradle of scientific production, HEIs must be concerned with the defense, illustration and promotion, in the social and political world, of values intrinsic to university culture, such as the *autonomy of conscience* and *problematization*, essential to the production of

scientific knowledge, without leaving aside the ethics of knowledge (MORIN; ALMEIDA, 2005).

Thus, it is up to the teaching and research bodies of the HEIs, observing the available resources, to prepare the programming of higher education courses in Brazil, as a substitute for their didactic-scientific autonomy. In this task, Gordillo (1997) points out that it is necessary to consider the global programming of content as a great pedagogical advantage, which enables the balance of what is taught in the different learning activities.

It is necessary to plan in advance what will be done in each of the classes of a course, because this effectively contributes to the organization of the entire learning activity of the course.

This is a task in which the full professor and his adjuncts, or the adjuncts and the Department's management, etc., must work as a team, in order to take advantage of each one's experiences and ensure consensus and coherence in the execution stage (GORDILLO, 1997, p. 228).

This individual and collective responsibility to plan the global programming of the content taught in Brazilian higher education favors the effectiveness of art. 46, VI, of the LDBEN, whereby universities and faculties should stimulate “knowledge of the problems of the present world, in particular national and regional ones, provide specialized services to the community and establish a relationship of reciprocity with it [...]” (BRASIL, 1996), on and off campuses.

In this sense, universities must face the challenge of promoting the organization of *environmental education courses and programs*; to fix the curricula of its courses through the approach of current problems, especially in the national and regional scope; in addition to establishing plans, programs and projects for scientific research, artistic production and extension activities aimed at the study of human interaction with the environment.

As seen before, the 1988 Constitution refers to the promotion of environmental education on all levels of education, in item. VI, of §1, of art. 225, located in Chapter VI, dedicated to the Environment, a good for common use by the people and essential to a healthy quality of life. To this extent, it is the constituent itself that recognizes EE as “[...] one of the factors that ensure the right to an ecologically balanced environment” (BRASIL, 2012a, p. 3).

Furthermore, in addition to its status as a legal asset, the environment constitutes a fundamental right “of the third generation (or of a very new dimension) that enshrines the postulate of solidarity” – as described by the

Federal Supreme Court, in the judgment of the Direct Action of Unconstitutionality 3540, published in the *Diário de Justiça* on February 3, 2006, by Minister Celso de Mello's rapporteur. Its purpose focuses on the quality of life of current and future generations, based on an ecologically balanced environment and the self-determination of peoples (MATOS, 2001). Due to its legal nature as a fundamental right, the ecologically balanced environment also translates into a stony clause, under the terms of art. 60, § 4, IV, of the Federal Constitution.

Classified as a legal asset for common use by the people (art. 225, of CF/88), the environment enjoys protection at the constitutional level, in several sparse articles, as is the case of art. 5, LXXIII, which guarantees any citizen the filing of popular action with the objective of annulling acts harmful to public property, including the environment. For Matos (2001, p. 94), this “[...] represents the strengthening of citizenship, when it makes available to citizens a control mechanism to guarantee the integrity of an asset that belongs to them, the environment”.

In this perspective, art. 170, VI, of the 1988 Constitution, enumerates, among the principles that govern the economic order, the defense of the environment; the art. 173, paragraph 5, establishes the possibility of liability of those who attempt against the economic order (legal or natural persons), which includes, as a consequence, attacks against the environment; and § 1, of item VII, of art. 225, prohibits, in the form of the law, practices that jeopardize the ecological function, cause the extinction of species and/or subject animals to treatments marked by cruelty (MATOS, 2001).

With regard to environmental education, specifically, Law no. 6,938, of August 31, 1981, which first dealt with the matter, treating it as a principle of the National Environmental Policy, whose scope is the preservation, improvement and recovery of environmental quality favorable to life, with a view to ensuring conditions for socioeconomic development, the interests of national security and, also, the protection of the dignity of human life (art. 2, X, of Law no. 6,938/1981). On that occasion, the legislator already referred to environmental education at all levels of education, and went further. He mentioned the education of the community, with the objective of promoting their training to enable an active participation in the defense of the environment (BRASIL, 1981).

Indeed, the National Environmental Education Policy (PNEA) was only instituted, by Law 9,795, on April 27, 1999, and determines, in its art. 2, that the promotion of environmental education must be an “essential and

permanent component of national education”, in all spheres and modalities of the educational process, in its formal and non-formal sense (BRASIL, 1999).

In higher education, arts. 9 and 10 of the PNEA stand out, which determine the inclusion of the environmental educational process in the curricula of public and private Higher Education Institutions (HEIs), through an integrated, continuous and permanent educational practice also in formal education (BRASIL, 1999). Art. 13, sole paragraph, II, of Law 9,795/1999 establishes, for HEIs, the role of formulating and executing programs and activities based on non-formal environmental education, such as “educational actions and practices aimed at raising awareness of the community about environmental issues and its organization and participation in the defense of the quality of the environment”, with the encouragement of the Government (BRASIL, 1999).

As can be seen, the university must promote the organization of courses and programs of environmental education, in accordance with the general norms of the Federation and with the respective education system; establish formal and non-formal environmental education in the curricula of its courses and programs, observing the general guidelines applicable to the subject; establish plans, programs and projects for scientific research, artistic production and extension activities that deal with the subject; plan environmental education programs and campaigns; develop programs and activities linked to non-formal environmental education; build partnerships with public and private companies, schools and non-governmental organizations focused on environmental education.

The recognition of the relevance of the matter is implicitly registered in Law no. 10,861, of April 14, 2004, which establishes the National Higher Education Assessment System (*Sistema Nacional de Avaliação da Educação Superior* – SINAES), with a view to ensuring the national evaluation process of HEIs, undergraduate courses and the academic performance of their students. According to art. 2 of the aforementioned diploma, SINAES promotes the internal and external evaluation of institutions, through a global and integrated analysis of the dimensions, structures, relationships, social commitment, activities, purposes and social responsibilities of the HEIs and their courses (art. 2, I) (BRAZIL, 2004). In addition, student performance must also be evaluated, as part of the whole entitled “University”.

Such assessment consists, under the terms of art. 3 of Law no.

10,861/2004, in the identification of the profile and the meaning of the performance of the evaluated university, its activities, courses, programs, projects and sectors, in a way that is coherent with its institutional dimensions. It is important to highlight, in the relationship between SINAES and environmental education, that item III of that article clarifies the scope of the concept of *social responsibility* of HEIs as their “contribution in relation to social inclusion, economic and social development, the *defense of the environment*, cultural memory, artistic production and cultural heritage” (BRASIL, 2004). Therefore, in order to be considered socially responsible, Universities must effectively contribute to the defense of the environment, which is an object of evaluation by the Government.

The evaluation of environmental education in higher education is regulated by Decree no. 4,281, of June 25, 2002, which establishes the creation of a Management Body, pursuant to art. 14 of the PNEA, which will be directed by the Ministers of State for the Environment and Education (BRASIL, 2002b). Responsible for coordinating the Policy in question, the Management Body is competent, under the terms of art. 3 of the Decree, to “indicate qualitative and quantitative criteria and methodologies for evaluation of Environmental Education programs and projects” (inc. VII); “stimulating the development of instruments and methodologies aimed at monitoring and evaluating Environmental Education projects” (inc. VIII); “define criteria, including sustainability indicators, for institutional support and allocation of resources to projects in the non-formal area” (item X); “to ensure that the following objectives are included in the monitoring and evaluation of initiatives in Environmental Education: (a) the guidance and consolidation of projects; (b) the encouragement and multiplication of successful projects; and (c) compatibility with the objectives of the National Environmental Education Policy” (item XI); among others (BRASIL, 2022).

Through a systematic interpretation of the devices mentioned so far, it is possible to conclude that HEIs have the responsibility to plan environmental education in their curricular matrix, in the formal and non-formal scope, with the didactic-scientific autonomy necessary to establish criteria capable of contributing to the formation of responsible citizens, agents of social transformation able to collaborate for a sustainable future, attentive to the urgent need to preserve and promote the environment.

In other words, it can be seen that HEIs have the complex mission of planning, ordering and discriminating the contents and initiatives to be

worked on within the scope of formal and non-formal environmental education in higher education, under the terms of current legislation, and must do so in order to promote the conservation, memorization, integration and ritualization of a cultural heritage of knowledge, permeated by ideas and values, as highlighted by Edgar Morin (2005).

To this end, they must observe the formal guidelines that deal with the subject, as determined by art. 53, II, of LDBEN. To this extent, Resolution no. 2, of June 15, 2012, of the Ministry of Education, which establishes the *National Curriculum Guidelines for Environmental Education* (DNEA) in Brazil. The diploma justifies, at first, that

The “environmental” attribute in the tradition of Brazilian and Latin American Environmental Education is not used to specify a type of education, but constitutes a structuring element that demarcates a political field of *values* and *practices*, mobilizing social actors committed to a transformative and emancipatory political-pedagogical practice capable of promoting ethics and environmental citizenship; The recognition of the transformative and emancipatory role of Environmental Education becomes increasingly visible in the current national and global context in which the concern with climate change, the degradation of nature, the reduction of biodiversity, local and global socio-environmental risks and planetary needs are evident in social practice (BRASIL, 2012b, emphasis added).

Among the *values of environmental education*, we highlight freedom, equality, solidarity, democracy, social justice, responsibility, sustainability and education as a right of all, provided for in the caput of art. 12, of Resolution no. 2/2012, from the Ministry of Education. In the field of *practices*, that article points out that they should be committed to building fair and sustainable societies (BRASIL, 2012b).

Furthermore, as a principle of the PNMA, environmental education also includes, in its universe of meaning, its own principles, listed in the same device, namely:

Art. 12. Based on the provisions of Law no. 9,795, of 1999, and based on practices committed to the construction of just and sustainable societies, based on the values of freedom, equality, solidarity, democracy, social justice, responsibility, sustainability and education as a right for all, *are principles of Environmental Education*:

- I – totality as a category of fundamental analysis in training, analyses, studies and production of knowledge about the environment;
- II – interdependence between the natural, socioeconomic and cultural environment, under a humanist, democratic and participatory approach;
- III – pluralism of pedagogical ideas and conceptions;
- IV – linking ethics, education, work and social practices in guaranteeing the continuity of studies and the social quality of education;

V – articulation in the approach of a critical and transforming perspective of the environmental challenges to be faced by current and future generations, in the local, regional, national and global dimensions;

VI – respect for plurality and diversity, whether individual, collective, ethnic, racial, social and cultural, disseminating the rights of existence and permanence and the value of the country’s multiculturalism and pluriethnicity and the development of planetary citizenship (BRASIL, 2012b, emphasis added).

Such principles must be carefully observed by Higher Education institutions, in their management and in the teaching, research and extension actions promoted by them, which must also be oriented to the objectives of Environmental Education, covered in arts. 13 and 14 of the DNEAs.

Environmental education is a continuous process, under construction, characterized by its critical and emancipatory character, by its focus on social and political transformation, by breaking with the fragmented developmental model (BRASIL, 2012a). For this reason, art. 11 of Resolution no. 2/2012, and its sole paragraph, establish that the socio-environmental dimension must be included in the initial and continuing training curricula of education professionals, with awareness and respect for the country’s multiethnic and multicultural diversity. As it is a continuous process, these professionals, in activity, must continue to receive complementary training in their areas of work, with attention to compliance with the principles and objectives of Environmental Education (BRASIL, 2012b).

According to Opinion CNE/CP no. 14/2012, of the National Council of Education/ Ministry of Education, a document of outstanding relevance on the subject, which contextualizes the theme in the local and global scenario, and which proposed to the Full Council of the CNE the Draft Resolution that originated the National Curricular Guidelines for Environmental Education, environmental education constitutes “[...] a fundamental factor for citizenship and for the perspective of creating a better world” (BRASIL, 2012a, p. 11).

Furthermore, the document expressly acknowledges the complex and multidisciplinary approach of EE, and states that,

In the scope of Higher Education, Environmental Education is not very present in the Curriculum Guidelines for undergraduate courses, *deserving that the norms and guidelines of the Chamber of Higher Education, which guide the various offers of higher education, come to incorporate indications on its inclusion in its different types of courses and programs* (BRASIL, 2012a, p. 14, emphasis added).

In view of this, Law no. 13,005, of June 25, 2014, which approves the National Education Plan (PNE), indicated, in its art. 2, X, as a guideline of the PNE, among others, the “promotion of the principles of respect for human rights, diversity and socio-environmental sustainability” (BRASIL, 2014).

Such a device, in line with the *values of environmental education* provided for in the caput of art. 12, of Resolution no. 2/2012, was later regulated by Resolution no. 7, of December 18, 2018, which establishes the Guidelines for Extension in Brazilian Higher Education, in compliance with Strategy 12.7, of the PNE Goals and Strategies Annex, which established, for higher education, the duty to “ensure, in the minimum, 10% (ten percent) of the total curricular credits required for graduation in university extension programs and projects, prioritizing their action in areas of great social relevance” (BRASIL, 2018). This social relevance, in turn, refers again to art. 3, of the SINAES Law, which integrates the defense of the environment into the concept of social responsibility of HEIs.

However, only Resolution no. 7/CNE/2018 expressly refers to the Guidelines for Environmental Education, in its art. 6, III, as a structuring element of the conception and practice of the Guidelines for Extension in Higher Education. In view of this, and once the relations between environmental education and HEIs are clarified, especially with regard to values and practices of higher education, it is necessary to register the need to think about the creation of “*sustainable educational spaces*”, assumed as a principle of integral education, pursuant to art. 2, V, of Decree no. 7,083, of January 27, 2010, in higher education, based on a reflection centered on the virtue of prudence.

3 BETWEEN THE VIRTUE OF PRUDENCE AND THE VALUES OF ENVIRONMENTAL EDUCATION: TOWARDS A PRUDENTIAL ENVIRONMENTAL EDUCATION

In the hyperconnected society, the wide access to information of all kinds, through the dissemination of the mass media, recklessly attributes the same degree of importance to serious and relevant news (such as issues related to human existence) and irresponsible critical content. For Amaral (2011), this lack of hierarchy between pieces of information influences the values that currently make up the social reality, and leads man to get lost amidst the confused manipulated masses, in the interest of a minority of politicians and economists who are in power at any given time. Indeed,

Environmental degradation and the deepening of social inequalities engender one of the greatest crises of modernity, and also the urgent need to overcome it. Contrary to what the supposedly neutral scientific knowledge and conciliatory social theories claim ideologically, science, technology and capitalism are not natural – ahistorical – forms of social development, but concrete, historical and, therefore, forms of social development. with possibilities of overcoming through human actions (BRASIL, 2012a, p. 12).

From this perspective, the threat to the environment must be understood from the following scenario: at the political and social level, man has the capacity to fully exercise the prerogatives, rights and guarantees inherent to atrophied citizenship (AMARAL, 2011); in the field of ethics, the human being is faced with the need to redefine the ethical contours assimilated by him over time (WOLKMER; PAULITSCH, 2011), in order to identify the criteria (fundamentals) to be considered valid and fully applicable to the man-nature relationship.

Thus, the relevance of environmental education is highlighted as a fundamental factor for citizenship, for the creation of a better world and to ensure the efficacy and effectiveness of the right to an ecologically balanced environment (BRASIL, 2012a), for current and future generations.

In this effort, investment in environmental education based on prudence (in its classic sense) is proposed as a means of re-signifying the man-nature relationship, previously guided by the logic of the market (WOLKMER; PAULITSCH, 2011). By prudence, it is understood, according to Amaral (2011), the *virtue of intelligence focused on practical reason, which involves an appreciation of objective reality and the achievement of the good*. This reflection is justified by the need for “[...] up-to-date educational references that take into account the reality data and, equally, its legal framework, contributing to the educational systems and institutions to adapt to their times, spaces and curricula” (BRASIL, 2012^a, p. 12).

The criteria to be adopted in this relationship must therefore observe the *quasi-integral* parts of the virtue of prudence, according to the teaching of Amaral (2011, p. 118), inspired by Thomas Aquinas, and transcribed in the following lines:

When dealing with the *quasi-integral* parts of prudence (*de singulis prudentiae partibus quasi integralibus*), in II-II, 49, Thomas divides them into eight parts, namely:
memory (*de memoria*);

intellect or intelligence (*del intellectu vel intelligentia*),
 docility (*de docilitate*);
 wit (*de solertia*);
 reason (*de ratione*);
 providence (*de providentia*);
 circumspection (*de circumspectione*); and
 precaution (*de cautione*)⁴.

It is proposed, through the application of such criteria, to promote a change in the current political and economic parameters, in order to avoid the uncontrolled exploitation of natural resources and the real danger of their depletion on the planet (WOLKMER; PAULITSCH, 2011). It is understood, by this logic, that prudence meets the fundamental thesis of François Ost (1995, p. 10), for whom “[...] our time has lost, at least after modernity, the sense of bond and the limit of its relationships with nature”.

Indeed, Capra and Mattei (2018, p. 27) warn that “[...] human civilization, along with many other higher forms of life, could disappear from the planet unless we manage to reverse our extractive and destructive patterns in time”. Therefore, it is necessary to rethink the maintenance of compartmentalized, isolated forms of knowledge, in a scenario of hyper-specialization, in which Morin and Almeida (2005, p. 32) emphasize that

[...] a juxtaposition of compartments makes us forget that the communications and solidarities between specialized forms of knowledge that constitute the reign of experts, that is, of specialist technicians who treat problems in isolation and forget that, in this era of globalization, the great problems are transversal, multidimensional and planetary.

And it is precisely because of its transversal, multidimensional and planetary character that the principles of EE show, in social practice, a concern of the human being “[...] with climate change, the degradation of nature, the reduction of biodiversity, local and global socio-environmental risks, the planetary needs” (BRASIL, 2012a, p. 10). To this extent, environmental education

- aims to build knowledge, develop skills, attitudes and social values, care for the community of life, socio-environmental justice and equity, and the protection of the natural and built environment;
- it is not a neutral activity, as it involves values, interests, worldviews; in this way, it must assume, in educational practice, in an articulated and interdependent way, its political and pedagogical dimensions;

⁴ For further clarification on each of these criteria, which make up the virtue of prudence, the reader is referred to the book “Ensino jurídico e método do caso: ética, jurisprudência, direitos e garantias fundamentais”, by Antônio Carlos Rodrigues do Amaral, p. 116-127.

- must adopt an approach that considers the interface between nature, socio-culture, production, work, consumption, overcoming the depoliticized, uncritical, naive and naturalistic vision still very present in the pedagogical practice of educational institutions;
- must be integrative, in its multiple and complex relationships, as a continuous process of learning about issues related to the space of multidimensional interactions, whether biological, physical, social, economic, political and cultural. It provides a change of vision and behavior through knowledge, values and skills that are necessary for sustainability, protecting the environment for present and future generations (BRASIL, 2012a, p. 10).

In this context, the command of prudence in environmental education translates into the search for practical knowledge, which must be assimilated as the opposite of indecision, ineffectiveness and inaction. Amaral (2011) points out that it is education that can promote the increase or decrease of recklessness due to pragmatism, utilitarianism and inconsistency through the absence of teaching moral values relevant to a territorial and cultural context situated in time.

It is emphasized here, in place of the *moral values* mentioned by the author, the importance of thinking about prudence based on the values of *environmental education*, namely: freedom, equality, solidarity, democracy, social justice, responsibility, sustainability and education as a right for all, provided for in the caput of art. 12, of Resolution No. 2/2012, from the Ministry of Education (BRASIL, 2012b).

In the field of *practices*, prudence in environmental education leads HEIs to the search for practical knowledge, able to promote concrete changes, instead of the indecision, ineffectiveness and inaction that characterize the maintenance of the status quo of the crisis that humanity is going through. Prudence and environmental education, together, must be committed to building fair and sustainable societies (BRASIL, 2012b).

Therein lies the importance of the pedagogical function of bringing students closer to the fundamental values of environmental education, since the exercise of prudence cannot be conceived as an innate habit of human beings. In addition, the principles of environmental education provided for in items IV and V of Law no. 9,795/1999, which are: “link between ethics, education, work and social practices in guaranteeing the continuity of studies and the social quality of education”; “articulation in the approach of a critical and transforming perspective of the environmental challenges to be faced by current and future generations, in the local, regional, national and global dimensions” (BRASIL, 1999).

In this situation, it is rational to overcome the us-them opposition and recognize the other as a partner, not an enemy to be destroyed. The logic of risk directs its gaze to the explosion of plurality in the world, which the friend-enemy gaze denies. The world risk society opens up a moral space that could (although by no means necessarily will) give rise to a civic culture of responsibility that transcends old antagonisms and creates new alliances as well as new lines of conflict (BECK, 2018, p. 63-64).

Faced with this challenge, Amaral (2011) proposes that man should perform three acts to follow the path of prudence, namely: (a) deliberating on a given subject; (b) carrying out the judgment of the facts; and (c) carrying out the command achieved, as a result of a practical action (AMARAL, 2011). In this process, there is an important caveat, compatible with the political and emancipatory character of EE: there must be “[...] the intention to judge the effectiveness of a thought” (BACHELARD, 1996, p. 21), beyond the facts.

Therefore, it is the thinking that must undergo a judgment process, with the purpose of escaping from certainty and unity through the historical and cognitive uncertainties referred to by Morin and Viveret (2015). The importance of the scientific spirit is thereby highlighted, which potentiates dynamic thinking, favored by the verbs to need, rectify, diversify; and instigated by the desire for knowledge, but a knowledge that immediately leads it to better questioning. Along these lines, universities must move towards a building, management and curriculum typical of “sustainable educational spaces”⁵.

In this sense, and translating Amaral’s (2011) understanding of the environmental education process, which “[...] continues indefinitely throughout life, improving and incorporating new social and scientific meanings” (BRASIL, 2012a, p. 12) the following three acts are proposed to follow the path of prudence in environmental teaching in higher education: (a) deliberating on a certain subject, with a view to building knowledge, developing skills, attitudes and social values, caring for the community of life, justice and socio-environmental equity, and protecting the natural and

⁵ The National Conference on Education – Conae/2010 approved a motion in favor of building sustainable educational spaces to face global socio-environmental changes. The motion also supports the report on Sustainability and Energy Efficiency of the Energy Matrix Working Group for Development with Equity and Social and Environmental Responsibility of the Economic and Social Development Council (CDES), which states: “for Environmental Education to be effective and contribute to the mitigation of the effects of climate change and the formation of a new citizenship, there was a consensus in the discussions among the counselors that educational institutions are incubators of concrete changes in social reality, articulating three axes: buildings, management and curriculum” (Report No. 1, Sustainability and Energy Efficiency, approved in November 2009) (BRASIL, 2012a, p. 13).

built environment; (b) carrying out the judgment of the facts and thoughts that motivate them, through the integration of the multiple and complex relationships involved, as a continuous process of learning about issues related to the space of multidimensional interactions, whether biological, physical, social, economic, political and cultural; and (c) carrying out the command achieved, as a result of a practical action that considers the interface between nature, socio-culture, production, work, consumption, through a complex and multidisciplinary approach (AMARAL, 2011; BRASIL, 2012a, p. 10).

The possibility of a change of vision and behavior is thereby envisaged through the exercise of the virtue of prudence and the knowledge, values and skills necessary for sustainability, which makes it possible to protect the environment for present and future generations (BRASIL, 2012a). This is because, by recognizing that man is capable of giving voice to nature (OST, 1995), it is necessary to invest in the interaction between prudence and the critical and emancipatory character of environmental education, as an instrument of social and political transformation committed to change (BRASIL, 2012a), at all levels of education.

4 PRUDENCE IN ENVIRONMENTAL TEACHING IN LEGAL EDUCATION: TOWARDS AN ETHICS OF UNDERSTANDING

In the words of Capra and Mattei (2018, p. 27), “[...] legal theory, together with science, contributed significantly to the mechanistic view of the world”. In fact, “it was not simply a law that changed, but our social horizons – our very being in the world”, as Beck (2018, p. 59) rightly emphasizes. Thus, there is a need to think about prudence in environmental teaching in legal education as a possibility to contribute to the effective exercise of citizenship and the creation of a fairer and more sustainable society.

Characterized by a transforming and grounded action, environmental education stands out for its ability to promote the formation of a conscience translated into behavior change, in favor of an ethical posture linked to education, work and social practices (item IV of Law No. 9,795/1999) (BRASIL, 1999).

Thus, a philosophical discussion arises focused on the study of what is conventionally called *environmental ethics*, able to guide environmentally responsible behaviors (WOLKMER; PAULITSCH, 2011), in favor of the

full realization of man: his existential realization (AMARAL, 2011).

In this sense, Environmental Ethics can be considered as one that arises from the need to reexamine our values and principles due to environmental problems and the need to understand the reasons that define the relationship between man and nature. An awakening of individual conscience is not enough, we need a redefinition of the ethical framework (WOLKMER; PAULITSCH, 2011, p. 221).

It is exactly these values and principles, located in the Brazilian legal system, that justify the investment of the national legislator in a continuous process of environmental education, capable of overcoming this crisis scenario, especially at the moment we live, in the midst of the COVID-19 pandemic.

It so happens that, in addition to re-examining values and principles and understanding the reasons that define man-nature interaction, one must resume, with Morin and Viveret (2015, p. 15), the notion pertaining to the limits of our knowledge. For an effective redefinition of the ethical framework, it is necessary to start from uncertainty, both in the context of action and in the construction of knowledge.

It is in these circumstances that the figure of the ethics of understanding stands out, which includes cognitive and historical uncertainties, and invites the researcher to think about the need for reflection focused on efforts to understand the misunderstanding, the fruit of different origins, such as “[...] error, indifference to others, misunderstanding across cultures, possession by gods, myths, ideas, egocentrism, abstraction, blindness, the fear of understanding [...]” (MORIN; VIVERET, 2015, p. 15).

It so happens that the still predominant ethics is based on the human condition and understanding of what is good for man, focusing on the scope of human action. Prudence, as an exercise and a virtue, points to the need to face the loss of validity of the traditional assumptions of anthropocentric ethics. Both ethics and prudence are related to action. It is thus necessary to face the fact that, in the 21st century, nature is modified by man who demands a different ethical posture from the very human being (JONAS, 2006).

Thus, instead of a process of moral education, the ethics of understanding favors the investment in a responsible socio-environmental vision, through the construction of relationships of permanent interaction between the communities of life: (a) social human; and (b) nature, as recommended by Opinion CNE/CP n. 14/2012, of the National Education Council (BRASIL, 2012a).

On the other hand, it is through environmental education that Law students are given an adequate understanding of ethics, which enables the effective exercise of citizenship (SPAREMBERGER; PAZZINI, 2011) and, as a consequence, the implementation of the current environmental policies and the fundamental right to a balanced environment.

However, it is certain that the science of Law is not capable of predicting and regulating all the possibilities of interaction between human beings and the environment that surrounds them, given the dynamism that permeates this relationship. For this reason, in addition to its constant reformulation, an urgent change in the way of thinking and human consciousness is necessary, capable of motivating attitudes consistent with the challenges inherent in the scenario of complexity (WOLKMER; PAULITSCH, 2011).

This becomes possible from the prudence in the environmental teaching of legal education. In this movement that favors the creative process, prudence, environmental education and ethics of understanding enable the creation of synergies, strategies and innovative initiatives in legal education in the face of the ecological crisis and the need for urgent solutions to transform reality. The Federal Constitution of 1988, the National Environmental Education Policy, Resolution no. 2, of June 15, 2012, of the CNE, the LDBEN and Resolution no. 7, of December 18, 2018, of the CNE, which establishes the Guidelines for Extension in Brazilian Higher Education, support this change.

Universities and faculties should stimulate, in students, the search for knowledge of the problems faced in the world in which they live, especially in their national and regional scenarios (BRASIL, 1996). This is because environmental education is not limited to the formal aspect of teaching, in the classroom; it must comprise non-formal education practices, translated into “popular education experiences, with an emphasis on training for citizenship through social practices” (MARANDINO, M. *et al*, 2009, p. 9).

Environmental education finds support in current legislation, in the encouragement of public policies in the environmental (PNMA) and educational (PNEA) areas and in the very force of reality that, in times of pandemic, makes a reflection based on the ethics of understanding imperative. It thereby becomes possible to dialogue between the natural and social environment, the political system, technology, the arts and the values on which society is based, referred to in art. 32, II of the LDBEN, when dealing with compulsory elementary education. In the same way, it is possible to understand the scientific-technological foundations of the productive

processes, able to give rise to a relational understanding between theory and practice, in the teaching-learning process of each high school subject, under the terms of art. 35, IV, of the LDBEN.

To this extent, such movements of thought cannot be restricted to compulsory primary education and secondary education; they must reach higher education, especially legal education, in an integral and permanent, continuous and transformative environmental education. With this, it is envisaged that the professionals and jurists of tomorrow will be able to create and interpret laws that favor the maintenance of commercial relationships based on a socio-environmental vision, with social and environmental justice, from concepts emanating from the sustainability value.

To this extent, thinking about prudence in environmental teaching in legal education presupposes taking an active role in the intellectual process, in the most diverse knowledge areas, aimed at communication, understanding and solving the problems faced by individuals, in the individual and collective sphere (VIGOSTKY, 1991).

In legal education, it is necessary to provide students with a reflection/understanding about the interaction between the theory of law, the “laws” of the environment, science and fragmented rationality that contributed significantly to a mechanistic view of the world. Along these lines, prudential environmental education portrays an education for citizenship, in which students are encouraged to think about solutions not only in the context of legislative changes, but also for the deconstruction/construction/reconstruction of social and individual horizons that brought humanity to here, with this way of being in the world.

The virtue of prudence favors such reflections/understandings about the possibilities of reaching the fairest and most adequate solution for the specific case, in favor of social good, in the light of the Constitution. Thus, the proposed interaction between environmental education, the virtue of prudence and the ethics of understanding is capable of promoting the formation of professional citizens as social vectors for the transformation of thinking about the man-nature relationship.

Therefore, it is necessary to conceive the expansion of the spectrum of legal education and research beyond the bibliographic and documentary aspect. Attention should be paid to the circular movement of the following interdependent imperatives: the reconsideration of what appeared to be the solution; the reform of the very act of thinking, in favor of a complex thought, able to connect, contextualize and globalize; and an effective

transdisciplinarity, capable of expanding the possibilities of knowledge (MORIN; ALMEIDA, 2005, p. 22).

The connection of all this with the question about the being of the University now becomes quite clear: the human spirit, when dealing with a question philosophically, at the university level, realizes its potentiality of '*convenire cum omni ente*', of relating to everything that is. And this is, as we said, the great experience, the great intuition that takes place institutionally at the University: [...] (LAUAND, 2011, p. 39).

For law students, there are many challenges. A new paradigm is imposed on legal research: it is necessary to empirically study the social environment, in order to assess whether the norm is applicable, what are the reasons for its emergence or disappearance, as well as the detailed reasons for its effectiveness or ineffectiveness (HENRIQUES, 2017). In other words, it is necessary to judge the thoughts inherent to the processes of construction of legal knowledge, in order to move towards a systematic, connected, prudent knowledge.

To this extent, Lauand (2011) highlights Pieper's lessons, according to which what differentiates the university from other institutions is precisely the absence of links with utilitarian desires. This, for him, is the true academic freedom, which allows it not to be a simple instrument in favor of power. It is up to the university, therefore, to reexamine, update and transmit this heritage to current and future generations, which ends up producing a regenerating effect on the production of scientific knowledge and society itself (MORIN; ALMEIDA, 2005).

Thus, instead of training legal practitioners, who assume ideas as facts, it is necessary to think about prudence in environmental teaching in legal education from the conception of the legal researcher as an epistemologist, able to face facts as ideas that can be inserted into an open thinking system (BACHELARD, 1996; MORIN, 2015), focused on complexity.

This is because, "[...] conflict and collaboration occur simultaneously between invention and production" (MORIN; VIVERET, 2015, p. 17), so that the professional of the 21st century must be open to the new and prepared to question and reflect on the unexpected. Thus, it is possible to promote, in each context, the real notion of bonds and limits between man and nature that must be incorporated by law students, and by all others, so that they can act, in the future, as agents of social transformation, in favor of sustainability and sustainable development.

To encourage this line of reasoning is, therefore, to educate for

prudence. In this process, the student starts to conceive the nuances of the man-nature relationship and to give them the proper meaning, in a previously situated “[...] antagonistic and complementary relationship” (MORIN; VIVERET, 2015, p. 17).

CONCLUSION

It turns out that the impacts of the accumulation of human modifications towards nature harmed the planet’s ability to sustain itself, based on the logic then sustained, which was strengthened by the science of Law, in a context in which the understanding reached by the human being pointed to the invulnerability of the environment, which took care of itself and also of the human being.

On the other hand, it is observed that the duality between naturalism and anthropomorphism has also not been able to build favorable solutions for a healthy coexistence with the environment. For this reason, it is necessary to identify what connects these two opposites, as a means of enabling the construction of bridges to overcome the crisis experienced.

It has been found that the constitutional and infraconstitutional protection outlined in the Brazilian legal system demonstrates an effective concern of the Brazilian legislator with the urgency of changing the existing parameters in the relationship built between man and the environment. On the other hand, the difficulty faced for the realization of the fundamental right to an ecologically balanced environment and for its preservation and promotion as a legally protected good remains latent, given the global health crisis of COVID-19.

It is verified, therefore, that man needs to resignify his way of thinking and acting towards nature. As a possible solution to this impasse, in the medium and long term, it is concluded that prudence in formal and non-formal environmental education is important as a strategy capable of overcoming the educational standards that represent the development of the human being’s intellect from a dualist, separatist perspective, as a result of a fragmentation of knowledge.

Thus, the relevance of the interaction between prudence and environmental education is highlighted as a fundamental factor for citizenship, for the creation of a better world and to ensure the efficacy and effectiveness of the right to an ecologically balanced environment, for current and future generations.

On the other hand, there is a need to build/deconstruct/reconstruct the knowledge then propagated in the political, social, ethical and even personal field, in the face of human reality, increasingly connected to technologies and further away from face-to-face relationships with one another and with the environment.

Therefore, it turns out that the university appears as an appropriate place to act as a “sustainable educational space”, in which prudential environmental education portrays an education for citizenship and students are encouraged to think of solutions for the construction of just and sustainable societies.

With regard to environmental teaching in higher education, it appears that the PNMA, the Federal Constitution, the PNEA, the LDBEN, the National Curriculum Guidelines for Environmental Education and the Guidelines for Extension in Brazilian Higher Education systematically base, in the Brazilian legal scenario, the possibility of interaction between the virtue of prudence, environmental education, and the ethics of understanding in Brazilian higher education.

It is concluded that formal and non-formal environmental education should not be the object of an isolated discipline, but rather permeate the content of all university disciplines, as a means of bringing the students closer to their surrounding reality and enabling them, from the virtue of prudence and the ethics of understanding, to carry out an appropriate judgment, based on a coherent decision-making process, as an effective exercise of their citizenship.

To this end, it is pointed out the need for reflection on the values of environmental education (freedom, equality, solidarity, democracy, social justice, responsibility, sustainability and education as a right for all) in the field of practices, in which the exercise of prudence and environmental education must be committed to building fair and sustainable societies, in a process of social and political transformation, committed to social change. It is therefore concluded that an ethics of understanding is relevant, capable of favoring the building of a fair relationship in the individual and collective context of man’s interaction with nature.

Rightly, the democratic development of the citizen depends on a full existential realization provided by knowledge, which allows for the reasoned and logical questioning of the inadequate maintenance of decisions made by a minority of politicians and specialists, of abstract and fragmented visions of reality that disregard the transdisciplinarity of

human existence itself, in its connection with the physical environment that receives it.

To this extent, it is concluded that prudential environmental teaching in legal education is highlighted as a path to be followed for the construction/deconstruction/ reconstruction of knowledge, capable of changing the current reality. In this task, it appears that the university assumes the role of providing the reconsideration of previously found solutions, the adoption of complex thinking and transdisciplinarity in the study of contents.

It has been found that the HEIs are responsible for educating their educators and students to the challenge of thinking and implementing, in their research, the three acts to follow the path of prudence in environmental teaching in higher education, namely: (a) deliberating about a certain subject, in order to build knowledge, develop skills, attitudes and social values, care for the community of life, socio-environmental justice and equity, and protect the natural and built environment; (b) carrying out the judgment of the facts and thoughts that motivate them, by integrating the multiple and complex relationships involved, as a continuous process of learning about issues related to the space of multidimensional interactions, whether biological, physical, social, economic, political and cultural; and (c) implement the command achieved, as a result of a practical action that considers the interface between nature, socio-culture, production, work, consumption, through a complex and multidisciplinary approach.

Thus, the relevance of planning and promoting prudential environmental education within the university is glimpsed, especially in the field of environmental legal training, given the lack of effectiveness of the laws on the subject.

By this reasoning, the law student must consider the concept of complexity, the logic of interconnection, contextualization and globalization of knowledge, when analyzing the man-nature relationship. However, this challenge must be shared with the Government (in all its spheres of action), universities, schools, non-governmental organizations and public and private companies, in a multilateral and transdisciplinary effort.

Prudence in environmental teaching in legal education is found to provide a movement of thought favorable to a reflection/understanding about the contributions of legal theory, science and fragmented rationality to a mechanistic view of the world. An education for citizenship is thereby promoted, in which future legal professionals are encouraged to think about solutions not only in the context of legislative changes, but also for the

deconstruction/construction/reconstruction of current social conditions, in favor of building a fairer and more sustainable society.

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