


The actuality of Luis Alberto Warat's pedagogical proposal - Law for the teaching of law: The three densities as elements for the reading and understanding of the waratian proposal

 <https://doi.org/10.56238/sevened2024.002-035>

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ABSTRACT

This article illustrates the works of Luiz Alberto Warat on the teaching of Law, seeking to use his referential categories on the epistemological, methodological and political challenges for the creation of new parameters of the teaching of Law. The text seeks to present to the reader an innovative and informalized terminology of the theme addressed.

Keywords: Luiz Alberto Warat, Pegagic Proposal, Law Teaching, Transgression, Education and Affection.

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INTRODUCTION

In this text, we try to classify Luis Alberto Warat's concerns with legal education. As a key element of the proposal of this article, we agree to call the synthesis of his thought for legal education as the pedagogical proposal of L. Alberto Warat for law. The text is a navigation through the texts full of information, diagnoses, crisis detection and notes for an improvement in the scenario of law education. The way the article was written tried to obey the creative way of the late author to present the texts. Here, in the case of law teaching, we make use of the innovative way in which he made the allusion to the work of Jorge Amado, *Dona Flor and her two husbands*, transposed in the book *Legal science and her two husbands* to face the forms, challenges and problems of law teaching. Thus, the division into sub-items is based on the analogy to the work of J. Amado, in the reading of Warat, with 3 densities, namely, the *Teodoro* density, the *Vadinho* density, and the *Dona Flor* density. With the division into 3 and the use of the expression density we want to show something crass, the possibility of grouping the categories and scenarios with the use of this periphrasis that, we believe, is capable of translating the richness of the work into comment and observation.

DENSITIES

The problem to be faced for any classification is the existence of a common thread in the work of Luis Alberto Warat - in his abundant production, in his complex writing punctuated by a superb load of reflections and insinuations. The insinuations presented in his texts seem to have the deliberate intention of breaking with the canons established by the dominant legal discourse. These innuendos can be described as the unaffected and intimate relationship with which the reader is treated. They do not lead to the banal or the self-sufficient and persuasive monologue. The unaffected relationship allows for relaxation in reading. Intimacy leads the reader to a situation of complicity with the scribe. The reflections arise in the waves of the two great insinuations. There is no commitment to linearity, but to themes that explode at alternate moments. A greater distance between the themes and the author could make them uniform, dogmatically arranged, easy to arrange them in comprehensive, objective schemes. The umbilical link between the text and the author, however, does not authorize such reductions. The insinuations end up leading the reader to reflections that do not lend themselves to modular constructions, to arrangements, but rather place reader and author side by side, as co-authors. Those who work with the sand book must accept the risk of mastering it with their own eyes, with its construction, participating in the final work.³ The contributions of L. Alberto Warat's reflections on legal education are appropriate for our considerations on the margins in

³ "I remind the reader that this book of sand was imagined with such a nature that, when someone read one of its pages again, they already said other things. (...). The book of sand is the book of autonomy. In it, you can insert the story with a certain margin of participation." WARAT, Luis Alberto. *Legal science and her two husbands*. Santa Cruz do Sul: Faculdades Integradas de Santa Cruz do Sul, 1985. p. 58.



which utopias for the teaching of law can be pursued, both at the moment and in the future horizon of transformation. Trying to scrutinize a homogeneous thread puts us at risk of reductionism. It is better to understand that we have captured certain densities that suggest reflections on legal education⁴. We take advantage of the characters of *The Legal Science and Her Two Husbands* to gather the densities into three major points: a) the density of *Teodoro*, b) the density of *Vadinho*, and c) the density of *Dona Flor*⁵. Each density enables the complex and, why not say, carnivalized gathering of reflections on legal education. The densities only show a certain degree of concentration in the work, which does not allow for reductionist or geometric divisions, nor do they serve as if they were isolated points, but rather are the intercurrent themes of the work.

DENSITY THEODORE

There is a common - traditional - matrix of legal education. Brazilian law schools were born under the aegis of jusnaturalism. In the nineteenth century, they served the formation of the elite of the Brazilian bureaucracy, imbued with the ideals of liberalism, sometimes mimetic, sometimes caricatured, sometimes adapted to local realities, providing the elements for the formation of the newly sovereign State. From 1872 onwards, theoretical ruptures with jusnaturalism began to emerge with juspositivism, especially the works of Tobias Barreto and the Recife school. From the proclamation of the Republic until the seventies, Brazilian legal education oscillated between the two schools and their developments, displacements and theoretical accommodations.⁶ In a nutshell, we can affirm that the theoretical matrices of national legal courses ended up producing the same result: a low-quality teaching, detached from social reality.

Jusnaturalism and positivism ended up insulating the teaching of law from the complex reality of Brazilian society. The second works with dogmas of an omnipresent and articulated state law, serving as an alleged parameter of a dominant culture of consensus - that of the dominant groups entrenched in power. Questioned by the impossibility of responding to the changing transformations

⁴ These concentrations serve for the author to discuss legal education using Warat's works as sand books. The idea of "moments of Warat's work" has already been exposed by Dilsa Mondardo, who divided them as follows: 1) technical-instrumental and anti-dogmatic, 2) epistemological, 3) political-affective, 4) the carnivalization of legal teaching and discourse, and 5) psychoanalytical. They are moments "because they show the five most significant displacements, in terms of pedagogy and philosophy, in Warat's discourse." MONDARDO, Dilsa. Twenty rebellious years: the Law in the light of L. A. Warat's philosophical-pedagogical proposal. Dissertation (Master's Degree in Human Sciences - specialization in Law). Postgraduate Course in Law at UFSC. Florianópolis, 1992. p. 5 - 6. The author accepts that the moments she uses are more temporal references that enable the organization of the material. *Ibid.*, p. 65-66.

⁵ We gather inspiration in chapter 1 of *Legal Science and Her Two Husbands*. Importing the characters from Jorge Amado's novel (and from the later film), Warat establishes a critical confrontation with the canons of legal science, with the undisputed foundations of modern Western reason. It fights for a space of law open to the emotional and pleasurable drives of the subject, a space of *Vadinho* - reveler and drunkard. She values *Dona Flor* for finding a dialectic of bodies, between the security of the phlegmatic apothecary *Teodoro* and the boldness and spirituality of the party animal *Vadinho*. WARAT, Luis Alberto. *loc. cit.*, p. 18 *passim*.

⁶ FALCÃO, Joaquim Arruda. *The Method and Reform of Legal Education*. *Contradogmatics*, Santa Cruz do Sul: FISC, ALMED, v. 1, n. 2/3, 83. RODRIGUES, Horácio Wanderlei. *Legal education - knowledge and power*. São Paulo: Acadêmica, 1988. p. 15-26.



of the world, incapable of living with plurality, the positivist model lost the prudence of working with the norms historically established to stage the puppet discourse of the Dominant - illegitimate, exclusionary and authoritarian in many cases. Jusnaturalism has attached itself to the so-called universalist dimension of law. The universal there, which clashes head-on with the plural, is the universal of a center that evokes the essence of the just and works the transformations as movements subordinated to the transcendent - timeless - plane that conceals the conflictual, dynamic reality, with a certain transience and uncertainties of the right.⁷

The models of legal education born by legalistic positivism and jusnaturalism crystallized in transcendences,⁸ stereotypes that shaped not only the figure of law courses, but also of those professionals who are the professors of the law course. A stereotype that shows the crystallization of models in the figure of teachers was that of the master who *inhabited the Olympus* of knowledge, inaccessible to *mortal students*, *the Messiah* who would lead his disciples through the complex labyrinths of learning to the consecration of the collation of degree. These stereotypes were rooted in nothing more and nothing less than the teaching of positivist legalism and the abstractions of natural law, all with beliefs in the synonymy between law and law, and in the idealized just that, in one way or another, served as a justification for the set of authoritarian norms. Or, worse, the selective application of the law.

Warat presented some unsettling questions for traditional law education. In what ways is the standard of the technical language of the jurists leaked? How are meanings attributed and what are the coding standards used in the technical language of lawyers? Semiology has meant that legal courses have been caught in the reproduction of a pattern of concepts and meanings that, in fact, forms the *theoretical common sense of jurists*.⁹ The blind legalism and hypertrophy of the State - especially in Latin American and Brazilian dictatorships - find support in nineteenth- or twenty-century discourses that hide power relations under the canopy of a supposedly evaluative, or, with the strong charge of jusnaturalism, ahistorical. It was, and in some cases still is, an alienating discourse by suffocating the counter-discourses of autonomy and creativity, always with the justifying title of maintaining the rigor and essential molds of legal science. Teaching practices that seek to instill the idea of the law course as a special, sacred place isolate it from the context in which it should regulate

⁷ On the paradigms of juspositivism and jusnaturalism: LYRA Fº, Roberto. The law that is taught wrong (on the reform of legal education). Brasília: Centro Acadêmico de Direito da UnB, [1982]. p. 20-27. Id., which is right. São Paulo: Brasiliense, Nova Cultural, 1985, p. 33-65. RODRIGUES, Horácio Wanderlei. Legal education and social reality. Sequence, Florianópolis: UFSC, n. 17, p. 80-82, dez. 88.

⁸ The charismatic models of juridical education are rooted in four transcendences: ') priestly, teaching is something sacred and inaccessible; ") moral, the teacher is the mainstay of morals; ""') As a pedagogical vocation, teaching is an act of love; ""') ideologically, the teacher is neutral. CUNHA, Rosa Maria Cardoso da, WARAT, Luis Alberto. Teaching and legal knowledge. Rio de Janeiro: Eldorado Tijuca, 1977. p. 66-67.

⁹ It would designate the conditions of production, circulation and consumption of truths in the different practices of the enunciation and writing of Law. WARAT, Luis Alberto. General Introduction to Law I. Interpretation of the Law: Themes for a Reformulation. Porto Alegre: Fabris, 1994. p. 13.



life. The juridical exhibits a caricatured asepsis: it is not historically situated, it is not permeated by ideologies and it is the voice of consensus. To break with this common sense, the teacher has to be transparent and abandon the *Olympus* and the supposed sacredness of his figure. Own up to your biases and worldviews. Respect dissent and pluralism. In fact, its central objective should be to form voices capable of articulating criticism and not repeating its criticism. It is superfluous to affirm and recall that the parameter of neutrality does nothing more than endorse the theoretical common sense criticized and object of so many problems in the teaching of law.¹⁰

Legal education must break with the myths of dogmatics, laying bare its ideological commitments, its commitments *to see the world filtered by norms*. To discover dogmatics and not to cover up the world by juridical dogmatics, this is the critical challenge of the teacher and the students. In *Teaching and Legal Knowledge*, the reflections on dogmatics and the traditional model of teaching are faced with the formulations of an epistemology that allows a description of the object of law (a challenge that dogmatics evaded, by taking the norm as unquestionable divinity, not submitting to the verification of its presuppositions). How to establish criticism without flooding the criticized object with values? The class, according to Warat, should be subversive, not accommodating itself to the mechanical transmission of supposedly neutral content. Dogmatics must be explored in the open, in the light of its values - political and economic - presenting its current and possible commitments.¹¹

The debate on the epistemology of the legal sciences - and its reflections on epistemology and educational methodology - is an open game with the canons of dogmatics. The project of the juridical and its theoretical status, its object, the metalanguage of the phenomenon are approached *in* the density of the juridical with the weapons that juridical science itself has engendered. The rigor in the treatment of the legal was the concern of neo-positivism, which ended up bringing the referential of semiology to the heart of law. The epistemology of the juridical sciences - which would be the prerequisite for unveiling the object of law - remains an unfinished project if it does not dare the open, interdisciplinary dialogue, which involves the practice of a teaching more concerned with opening man to differences and complexities, to shaping limits of scientific transparency. Educational epistemology would be concerned with answering some key questions: what is knowing the law, what is teaching law, and what is learning law?¹² We would have to define the object of our attention in order to unveil what will be taught - what are the contents to be transmitted?¹³

¹⁰ See especially chapters 2 and 3 of WARAT, Luis Alberto, *ibid.* On the epistemological dilemmas of law: FARIA, José Eduardo. Culture and the legal professions in a changing society. In: NALINI, José Renato (Org.). *Legal training*. São Paulo: Revista dos Tribunais, 1994. p. 9-16.

¹¹ As an example: there is no room for the class that is limited to the commentary of the codes, in the stereotyped erudition of a deceptive revelation of a hermetic knowledge. The relationship between the student and the teacher will seek the historical explanations for those concepts, their economic nuances and their real and current possibilities of organizing life in society. It needs to be clarified why it was produced, how it was produced and where it can be conducted.

¹² CUNHA, Rosa Maria Cardoso da, WARAT, Luis Alberto. *Teaching and legal knowledge*. Rio de Janeiro: Eldorado Tijuca, 1977. p. 66.

¹³ *Ibid.*, p. 55-56.



Theodore's density must be understood as that which finds conciliation with juridical dogmatics by accepting the dogmatic condition, that is, receiving it as a meaning capable of unifying, of finding the absolute in the plural. The dogmatic condition is the model place to imitate the 'I of law' identified in the establishment of the social bond and its conflicts. It is clear that the meaning of the model requires a discursive, totalizing unity, capable of encompassing diversities of all kinds. Critical teaching questions, deconstructs, does not accept the dogmatic model as the only one. At the same time, it values the achievements of modernity that transform the subject and are the preconditions for the dignity of the human person: his subjectivity, respect for life, privacy and intimacy, material guarantees of existence and exercise of citizenship. The professor refuses to repeat a hermetic discourse, but encourages the valorization of conquered postulates, the enriching heritage of dogmatics. The classroom is the space for imitation of the minimal discourse of plurality. The minimum of plurality is the 'knot in which networks of meaning are intertwined that make intelligible the production of normative meanings'¹⁴.

The faculty would have a pedagogical commitment to the training of legal operators reconciled with the rule of law. Not by reconciling it with the mere juridicist repertoire of the legal state, but by valuing its historicity, confronting it with recent authoritarian forms (especially in Latin America). Villey recalled that modern man is bombarded by rights, a plethora of statements interpreted in an inflationary way by a state that sells them as an illusion.¹⁵ It is necessary to transform the illusory into rights that value the human person. Appreciation that can only be achieved if there is a concrete experience of dignity in the classroom. The traditional model of education repeats the practices of the juridicist state by relying on the illusory discourse of legalism, stripped of critical sharpenings and transmitted in an authoritarian manner. *Theodore embodies the lights, but falls in love with Flor.* Legal courses must be able to assimilate the scientific model - and the dogmatic one - without shame. They must also assimilate that they find meaning only in life, in the human dimension of teaching.

DENSITY VADINHO

The first challenge of legal education is to confront the world of norms, semiology, the epistemology of legal science, and dogmatics. The second pedagogical challenge is the transgression of scientific truths and juridicist conceptions of law. The traditional idea of legal education brought with it a vision of totality and the idea of the foundation of a new order - finished and universal.

¹⁴ One cannot fall into the discourse of plenitude, of the boredom of a self-sufficient dogmatic. Then we would be faced with the unquestionable normativity of a State of legal fabric, without concerns as a didactic valorization of subjectivity and norms as points of approximation between men. WARAT, Luis Alberto. The other side of legal dogmatics. In: ROCHA, Leonel Severo (Org.). Theory of Law and the State. PortoAlegre: Sergio Antonio Fabris, 1994. p. 88

¹⁵ VILLEY, Michel. Philosophy of law - definitions and purposes of law. São Paulo: Atlas, 1977. p. 129-130. WARAT, Luis Alberto. The abuse of the law by the State. Sequence, Florianópolis: UFSC, n. 16, p. 11-24, jun. 88.



Believing itself to be the bearer of a revolutionary message of man's liberation, the juridicist conception ended up shackling him to the determinism of reason. *Vadinho* is the explosion of desires and the unpredictability inherent to the drives of objectivity. The malaise of traditional teaching practices is wide open: it is time to carnivalize the teaching and knowledge of law in order to discuss legal education.¹⁶

Traditional models of legal education that boast of being heirs to the lights of reason have produced a zone of shadows. Law has become a repetition of *a priori* concepts, an ordering intolerant of divergent meanings. The excesses of jusnaturalism and juspositivism are repeated. Teachers have become accustomed to what is instituted as if society were not an incessant process of instituting and deposing. The knowledge transmitted strives to capture regularities that materialize, in the foreground, in the classroom itself: the teacher is a regularity in repeating dogmatic truths. The univocity of his discourse ends up perpetuating the impotence of understanding challenging realities, ecological complexities dictated by different situations.¹⁷

Mass education is characterized by the impossibility of finding in *the crowd* the difference of each student. The mass transmission of empty dogmatic truths. Empty because it does not understand the singular and because it plasters the plural. Autonomous growth depends on the conditions given to each student to gestate their autonomy - a sovereign birth of autonomy. By finding respect for the singular, the collective space for political action is built. All the grandiloquence of teachers offends singularity - because of its authoritarian condition in the transmission of a heavy cultural knowledge. It

¹⁶ "With *Vadinho* everything can be mixed, ambiguous, him and the street, the irresponsibility, the provider of desires and fantasies, the trickery, the game and the uncertainties. (...). *Vadinho* shows the erotic meaning of life, transforming it into something playful. (...). It is the gesture mocking the conventions of life. The debauchery and the critical presence of carnival madness, of madness ambiguously felt as wisdom, of madness realized as a moment of balance of the body and of desire in the face of order and reason". WARAT, Luis Alberto. *Legal science and her two husbands*. Santa Cruz do Sul: Faculdades Integradas de Santa Cruz do Sul, 1985. p. 58.

¹⁷ How to relate established truths for societies centered on the western periphery of Latin America. Sempre em nome da modernidade e do progresso assistimos à brutalidade de formas autoritárias e ditatoriais. It's time to criticize this model and stop repeating it in academia. We need to value the autonomous experiences that respect the ecology of Latin America. Em verdade a discussão presente deve levar em consideração os malestares da pós-modernidade. This leva ao paroxysm os efeitos nefastos da modernidade: a predação do ambiente, a razão instrumental, o WARAT, Luis Alberto. *For Whom the Sirens Sing: Reports on Eco-Citizenship, Ecology of Law and Politics*. [Florianópolis], [1996]. p. 28-33. "The postmodern condition, seen as it was of emptiness, is being filled with the perfect dream (modern alienation) for the suppressed dream, the nightmare of having to face a self turned into floating space. (...). In postmodernity one can find indications of the emergence of post-alienation, a state that does not need the existence of any idealized utopia as a condition of normalizing identifications, only the presence of the look as a fantasy of a world defined solely by the exclusive relationship between signs, not by the relationship of the self with the outros. Ibid., p. 31. That insensate progress, the militarization of everyday life, the stagnation between the intolerant identities and the objectivity of the real. As tris densidades - Teodoro, *Vadinho* e Flor - para uma prática do ensino transformador do direito devem levar em consideração os três tempos do homem e do mundo: a modernidade, a pós-modernidade e a transmodernidade. WARAT, Luis Alberto. *For Whom the Sirens Sing: Reports on Eco-Citizenship, Ecology of Law and Politics*. [Florianópolis], [1993]. p. 28-33. There is a possibilidade de uma modernidade reeditada em sua dimensão totalitária: "The postmodern condition, seen as it was of emptiness, is being filled with the perfect dream (modern alienation) for the suppressed dream, the nightmare of having to face even the self turned into floating space. (...). In postmodernity one can find indications of the emergence of post-alienation, a state that does not need the existence of any idealized utopia as a condition of normalizing identifications, only the presence of the look as a fantasy of a world solely defined by the exclusive relationship between signs, not by the relationship of the self with the outros. Ibid., p. 31.



does not tolerate creative spaces in the classroom because its language legitimizes official culture, it seeks to fill all spaces in a totalitarian way - it is massifying and not plural.¹⁸

The Vadinho density is a pedagogy of the absurd, it is the flirtation that values the daring of the teacher, it is the instituted harassed by the instituting. The absurd is not the inconsequential journey of destruction of rational truths, it is the boldness of pedagogy that unmasks the emasculating absurdities perpetuated in the name of reason. It is inconsequential in not pretending to take the place of traditional teaching, because it would be repeating its ills, in the same authoritarian way. The carnivalized proposal is completed by history, by its construction as a product of desire.¹⁹ For Warat, teaching must be impregnated by surrealism, by the boldness of surrealism in crossing the real through the dreamlike. It takes a *carnivalized trickery* to break through totalitarian dogmatism and its pretense of unity. The teacher should not repeat a rigidly organized speech. It must allow for a process of de-ideologization. De-ideologization is achieved through the acceptance of the heterogeneous, the fragmentation of the world, and the acceptance of conflict.²⁰ Desire must be the driving force of learning.

Perhaps the best explanation for this inexhaustible tension lies in the literature. Under a chestnut tree, in a thatched hut, in Macondo de *Cem Anos de Solidão*, they tied up José Arcadio Buendia. Taken for a madman, he kept speaking in an incomprehensible language. With the arrival of *Father Nicanor* in the village – and discovering that the incomprehensible was Latin – the priest began to preach to the shackle of the tree. The shock of the religious was to see that the man refuted his evangelization with the finesse of scientific foundation. Suspicious, he began to visit him out of humanity. Then came his biggest surprise. Offering himself for the game of checkers, he heard the following argument from the tied man: he would not play such a game because he did not understand the meaning of a dispute in which the opponents shared the same principles. He then asked him how a man with such lucidity was still tied to the tree? He replied, "It's simple, because I'm crazy. Warat's proposal is an eternal questioning that is not intimidated by dogmas or even to flirt with the absurd. The teacher builds so that many others can deconstruct. He is the master of the game between the real and the imaginary.

¹⁸ WARAT, Luis Alberto. Legal science and her two husbands... p. 89-91 and 101-104. Id., *Manifesto of Legal Surrealism*. São Paulo: Acadêmica, 1988. p. 29 and 42-43.

¹⁹ Totalitarian postmodernity can shape authoritarian subjectivities that fear that order will be attacked by the disorder of the new. Everything must be given and nothing produced in the emptiness of the postmodern being. Thus, a pedagogical proposal that appears as revolutionary may in fact be the substitution of one datum for another datum, a totalitarian revolt against the totalitarian order. The pedagogy that rescues the absurd is a democratic revolt that does not present a datum but something to produce. The subjectivity of the Vadinho density is that of autonomy and not of emptiness (of one more numbered face of the mass). Id., *The legal science...* p. 60-61.

²⁰ Ideology "is a system of meanings intended to discipline thoughts and therefore needs a social activity to process its history. Ideology, whatever may be used by its term, is processed in history, not in consciousness." Warat's pedagogy, in the Teodoro dimension, explores the theoretical common sense of jurists, showing the central role that legal knowledge plays in the organization of society; The unity of dogmatics is an ideological reading of society. Id., *The legal science...* p. 84-92. Id., *The purity of power*. Florianópolis: UFSC, 1983.p. 19-26.



The new attitude demands of the teacher; it demands a relationship of mutualism with his students, opening the class to the dream. The circumspect master of priestly postures is replaced by a leader responsible for the emergence of creative identities. Traditional teaching resources should be rethought (such as the traditional lecture class). The class should make use of new readings of the world and of law, finding its poetic and literary dimension. The evaluation criteria should be concerned with guaranteeing creative spaces and not exclusively in mechanical measurements - of the possibility of repetition of dogmatic contents. This pedagogical stance, in fact, depends less on methodological teaching instruments than on a revolution in the relationship between student *and* teacher and knowledge *and* desire. In a tight framework, this new pedagogical posture can be confronted with traditional postures in the following way:

Traditional Teaching	Proposed by Warat Pedagogy
<ul style="list-style-type: none"> • Mechanical repetition of contents - automatism 	<ul style="list-style-type: none"> • Ample spaces for imagination and dreaming, rescue of the symbolic
<ul style="list-style-type: none"> • Distancing between the student and the teacher 	<ul style="list-style-type: none"> • Affective bond between students and teacher
<ul style="list-style-type: none"> • Massification - the allurum lost in the void of the indifferent mass of passive receptors 	<ul style="list-style-type: none"> • Creative friction - the student respected in his subjectivity, in his emotions and sensitivity
<ul style="list-style-type: none"> • Self-sufficient discourse that presents law as the perfect technique 	<ul style="list-style-type: none"> • Carnivalization that lays bare the self-sufficiency of traditional discourse, subversion through poetry
<ul style="list-style-type: none"> • uniform and homogeneous reality, the reproducing voice of power 	<ul style="list-style-type: none"> • Rescue of the surreal, imbue life with art
<ul style="list-style-type: none"> • excessive attachment to the logical, to the coherent, to the demonstrated 	<ul style="list-style-type: none"> • discovery of the fantastic, placing knowledge alongside affectivity and emotion

DENSITY DONA FLOR

Teodoro and *Vadinho* are antipodes in their stereotypical construction. The first is the consequent totality of reason; The second is fragmentation in the name of pleasure. Dividing Warati's proposal for legal education into densities is an attempt to escape stereotypes, classifications of a balanced environment. It is also the flight of classifications that do not tolerate ambiguity. The densities concentrate recurrent themes about legal education without appearing as repellent or autonomous. The truth is that the proposals concentrated in the densities of *Vadinho* and *Teodoro* become miscible and intricate: it is as if they lived in a pleasant adulterous relationship. *Dona flor* gains her density by dealing well with the affairs of the alcove - of pleasure - and of everyday life - of duty. For Warat, the proposal of a renewed legal education is not a guide to good manners, a teaching revolution or a refined methodology of the legal profession. The amalgam between *Vadinho* and *Teodoro* is a concentration in favor of a new vision of the world and of man. Practices that reconcile man with a dignified existence and that cross the university and academic environment.

The link between pleasure and duty demands the end of totalizing illusions – the space is one of polyphony and ambivalence. It is time to catalyze constructive and deconstructive densities, to learn in order to be able to unlearn. Establishing a democratic space within the classroom - which goes beyond to a pluralistic experience - requires the determination of a condition of meaning for actions. Dogmatics is



imputed (and a solid knowledge of it) is supposed to be the condition for the plural game. On the other hand, it breaks with theoretical common sense (so dear to dogmatic constructions) for the critique of a knowledge ideologically attuned to power. Affectivity and sensitivity are rescued in order to de-alienate. Thus, the entire Waratian proposal oscillates, in an inexhaustible way, between the rational, the determined and the playful, the unpredictable and pulsating. It is a blow to alienating models that insist on essential milestones of a self-sufficient totality.²¹

The last density of Warat's proposal directs the teaching of law towards a world capable of recovering ethical space and a new relationship between men. The renewed discourse of human rights engages in the operation of naïve myths of the rule of law. First of all, it must erect the spaces of man's autonomy: "In order to prepare jurists in resistance, we must facilitate the foundations of a political teaching of law, of a teaching that serves for the autonomous understanding of the emancipatory components of society, which are nothing other than a refined product of our own desires."²² The new cultural dimension of human rights respects subjectivity as a cell for the expansion of freedom. Tradition prays for a time-honored tablet of human rights. The new must forget mythical pretensions to stability. The constant drive of subjectivity—its incessant flame of liberation from desires—burns the finished and perfect palimpsests. The culture of valuing subjectivity educates in the democracy of new men, full of desires, unpredictable and delightful of creativity. There is no possibility of a renewed democratic discourse where affectivity gives way to the robotization of life, to massification and to the replacement of desire by the emptiness of the automatic.

Renewed legal education is based on a new culture, a new space for the manifestation of man's relationship with the environment and with desires - a new aesthetic.²³ The recurrent preoccupations in Warat's work with surrealism express the attempt to achieve beauty in the classroom. The teacher is the new patron. The sponsorship it offers to its artists is that of creative breadth. It is the patronage of respect for subjectivity. It is the aesthetics that does not contemplate falsifications or the emptiness of meanings.²⁴ The room is not an environment; It's a world of sensations and relationships.

The ethics that permeate the new vision of human rights are based on respect for the other; not as an other to be defined in their spaces, but rather respected in their desires. Bringing this ethic closer to the practice of teaching, the teacher should not be concerned with respecting the student

²¹ WARAT, Luis Alberto. General Introduction to Law III - Law Not Studied by Modern Legal Theory. Porto Alegre: Fabris, 1997. p. 64-68.

²² Ibid., p. 177.

²³ Not a new aesthetic paradigm - which would be more of a totalizing myth - but a creative horizon, the beauty of love and affections.

²⁴ It is the space to reflect on virtual classes and computerized teaching environments. The recovery of human beings is urgent.



who conforms to the established standard. It should be concerned with pedagogical daring that inserts the student into the world. It is the didactics of humanizing insertion.²⁵

The renewed discourse of human rights, combined with a new unveiling of ethics and aesthetics, leads legal education towards eco-citizenship. A new political participation and a new juridical situation for man - respect for himself and his fellow man, respect for the environment.

It is necessary to re-discuss epistemology. The juridical-scientific tradition has forgotten the vitality of man - the beauty of being man. The epistemology of unity and homogeneity is replaced by multiplicity, without alienating dogmas. It is the possibility that is required for a correct relationship between science and nature - for the latter to cease to be treated as an object to be exhausted. Reality must be marked by its diversity, by respect for ecology, by subjective identity. Ecological thinking respects otherness, difference. Man expressing his feelings is capable of loving, of combining reason with affection.

The combination of reason and affection unveils a pedagogical proposal related to gender. The space of gender presents a fragmented vision of the world and of law – as opposed to the unitary totality of the sciences of modernity. The masculine and feminine are preconditions for a more humane life because they prescribe equality – an absolute condition for plurality. Equality must be understood as the margin for difference, for the development of objectivity. The knowledge of differences is achieved by the explosion of desires, taking desire as a weapon of activity for knowledge. Ecological epistemology abandons the weapons of objectivity and the callous submission of the world - and of men - to affirm the feminine side - of subjectivity and of life. The so-called sobriety of the masculine and objective vision - which undermines the status of modern sciences - has resulted in an irresponsible plundering of the environment and of life. Ecological epistemology brings with it a more responsible view of our relationship with the world and with our fellow human beings, allied to a feminine view, less concerned with objectifying pretensions and more with otherness, difference and desires.

The Dona Flor density of the Waratian proposal builds the framework of an eco-pedagogy. In the eyes of the traditional scientificist proposals for the renewal of legal education, it will appear capricious, anomalous, babelic. And because it is impregnated with life, with subjectivity, it brings these inquiries of distrust. From the apparent chaos comes a proposal for education thinking about solidarity and the future of the planet. It is an emancipatory proposal for education in a new society: "Poetry, desire and passion that love converts into subtleties, into the refinement of meanings, need to be revealed in the pedagogical act, on the margins of its nostalgic discourses, to try to instrumentalize it as a political and therapeutic practice. Thus, the two modal points of what could be called an

²⁵ Id., Ethics, human rights and transmodernity. Humanidades, Brasília: Unb, n. 21, year IV, p. 24-27, 1989.



ecological pedagogy for this end of the millennium, unfortunately characterized by the lack of affective bonds and political passions, are situated."

Legal education rediscovers its responsibility to the world and to society by accepting conflict, abandoning myths of the official language of law - of flatness and refinement of univocity. The transformation of society into a political space of solidarity and acceptance of differences involves a teaching practice that internalizes values of a creative boil; Complexity as a status of a knowledge crossed by the melifluity of the feminine - open to passions and inexhaustible involvement as a neighbor. This involvement results in a deep bond between the student and the teacher.

It should be noted that the proposals focused on the Dona Flor density are the project of a new society. Ecopedagogy is the new, it is the utopia of an ecologized, living society – an ecological project of postmodernity. Ecopedagogy is daring in its commitment to the construction of the new, simultaneously flirting with and relating to modernity and the rupture of modernity. A serene pedagogy that allows the pleasures of life to meet as rational-instituted and marginal-challenging, as in Flor with Teodoro and Vadinho. Only a creative sensibility allows this adultery for the construction of the new.



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