



## Law, decoloniality and multispecie turn

*Direito, decolonialidade e giro multiespécie*

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**Abstract**

The paper aims to expose the multispecies turn and its socio-legal repercussions notably to problematize the traditional conception of society and to recognize our existences as inscribed in worlds in which human and non-human lives interpellate and influence each other to construct their historicities.

**Keywords:** Multispecies studies; Decolonial Thinking; Animality.

**Resumo**

O artigo tem por objetivo expor o giro multiespécie e suas repercussões sociojurídicas notadamente para problematizar a concepção tradicional de sociedade assim como reconhecer nossas existências como inscritas em mundos nos quais as vidas humanas e não humanas se interpelam e influenciam mutuamente para construírem suas historicidades.

**Palavras-chave:** Estudos multiespécie; Pensamento decolonial; Animalidade.



## Introduction

Humanity, understood as a biological status and condition, is projected as a validity foundation of the civilizing plan of Modernity. The modern social classification system establishes markers of differentiation between the subject by excellence - one who is, knows, controls and narcissistically self-constitutes – and the other entities or organisms in a state of subjection, since they supposedly would not share with humans the elements of uniqueness (intelligence, rationality, language, morality, sense of justice, etc.). This categorical differentiation between the human and the non-human was and still is essential for the structuring of the modern-colonial *modus* of animalization of undesirable humans (LUGONES, 2014, p.936).

Therefore, his system of differentiation and categorization of beings establishes a hierarchy that gives a multitude of abiotic beings and entities the status of inconsiderability, of unqualified, reifiable existence, since the organizing principle of the World System is racialization (GROSGOUEL, 2016; BERNARDINO-COSTA & GROSGOUEL, 2016), intraspecific and interspecific. Non-human entities – including humans thrown below the line of humanity as condemned to the earth (FANON, 1968) – are left with the epistemic and ontic spaces proper to extraction, control and exploration.

This article aims to bring to light the proposal for a paradigmatic shift in what concerns the traditional conception of society to recognize our existences as inscribed in multispecies worlds, in which human and non-human lives intersect and influence each other to build their historicities.

The notions of subject, agency, subjectivity, identities would be driven to be rethought in order to consider and take seriously the “beyond-human” statute. Humanity as a model species, guiding vector of modern-colonial society, would, in this multi-species logic, become another species that is inscribed in the world through multiple relationships with subjects in the field of animality/vegetation/minerality/deity/ancestry.

The modern markers of humanity solidified a specific legal narrative imposed as universal and unavoidable, but which in fact conceals the fact of being situated in space-time, a globalized localism (SANTOS, 2002) and ethnocentric. That way, I intended to think in what terms the multispecies turn tensions the sociability based on a normative policy founded on Coloniality.



With this, I announce the thesis of multispecies life that cohabits and is performed in a monotypic of modernity, but that disputes the affirmation of pluriversality as a possible way of ontogenesis of Law. For that, it would be necessary to decolonize the hegemonic world in order to enunciate the alternatives of worlds and modes in their multispecific entanglements, as well as decolonize the Law to adjudicate validity to other normative projects and forms of being and becoming in the common and possible worlds.

### Searching for multispecies life

The sharing of space-time between humanity and beings beyond human is a theme that has gained momentum in recent years (TSING, 2015a, 2015b; KOHN, 2013; OGDEN, HALL & TANITA, 2013; KIRKSEY & HELMREICH, 2010; VAN DOOREN, KIRKSEY & MUNSTER, 2016). The field of thought and action related to multispecies studies is booming in academic terms. The approach already counts, even, with significant resonance in Brazilian lands, with emphasis on anthropological production (SEGATA, 2012, 2016; SUSSEKIND, 2017; 2018a; VANDER VELDEN, 2012, 2018; BEVILAQUA, 2011a, 2011b; CAMPOS, 2016; LODY, 1992).

The encounters, presences and relationships between species would resize the understanding of how human lives and ways of being in the world are constituted, from the intertwining with the tangle of non-human entities. They bring up the notion of life in a markedly anti-solipsistic, non-humanistic sense that aims, to a certain extent, to erase the principle of singularity of the human species and its consequent understanding of the world and ways of being/becoming.

This approach tries to overcome a conceptual “exclusive and monospecific” lineage (SUSSEKIND, 2018b, p.161) to think about life and what permeates it beyond the human markers consolidated in Modernity/Coloniality — this tradition of thought and action marked by opposing hierarchical-excluding pairs that sediment the human singularity (of a specific segment of humans, it stands out) as an organizing principle of society. It is in this sense that multispecies studies challenge the “ontological binarism of humanism” (LOCKE, 2017, p. 357, my translation). Thus, this approach brings to light the



limitations imposed on the very conception of humanity from a narcissistic isolation that disregards the implications of other species for human becoming (LOCKE, 2018).

Human singularity, this structuring mark of the modern cartesian narrative, adjudicated the predicative of instrumentality to entities beyond the human to the nerve point of announcing a rupture of geological era, from the Holocene to the Anthropocene /Capitalocene/Plantatiocene (HARAWAY, 2016)/Colonialocene. The Anthropocene idea aims to account for or highlight the structural impact of human intervention on Earth. As an epiphenomenon, it is as if the lexicon brought up “horror” and “could now be seen, at last, by Euro-American centers of power, as well as their colonial and colonized derivations.” (GARCIA, 2018, p. 195).<sup>1</sup>

The segregation of humanity from other forms of existences implied a model of exploration of bodies, entities, abiotic elements in such a way as to consider nature as a homogeneous block available to the process of reification as an extraction resource (KIRKSEY, 2017). With that, the subjectivities, agentivities and capacities of these entities and the possible relations with humanity are disregarded, in a sense of non-passivity, of co-construction of realities. The western formula of *homo mensura* is complemented with the conception of nature as a resource and non-human beings as instruments (SÜSSEKIND, 2018a).

As Garcia (2018) shows, despite the history of humanity being a narrative of humans in relation to so many non-humans, these beings were not treated seriously, with due focus, as an integral and interactive part of our social worlds. When stating that “human nature is a relationship among species”, Anna Tsing (2015a, p. 184) recognizes that all the entities that inhabit the metaphor and materiality Earth emerge and build their existence in multispecies communities, as if in a web of interdependence. This observation would give a new meaning to the narcissistic mirror of humanity, or at least it would cause some clicks.

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<sup>1</sup> As an explanatory reference to the influence of human intervention on the biogeophysical systems of planet Earth, in addition to the eschatological conception of the Anthropocene, I see the recognition of this new Age as a transformative pedagogical power, in the sense proposed by Taylor and Pacini-Ketchabaw (2015), as a space open to new pedagogical conformations detached from the exclusive and monospecific power matrix, to adjudicate other possibilities of less destructive relationships. A favorable moment to reconfigure our systems of thought and action. In this sense, references such as Critical Animal Pedagogies, Education for Total Liberation, Common Worlds Pedagogies are relevant theoretical contributions.



The understanding and constitution of the human would take place in a relational way, in interactions beyond the human, whose historicity is forged by a tangle and complex plexus of relationships. As a consequence, we would always be more than human (ASDAL, DRUGLITRØ & HINCHLIFFE, 2016). More, we would always be *With and Together*.

This tangle of beings would then have the capacity to produce History (HARAWAY, 2016; HRIBAL, 2007; BARATAY, 2012). A History with expansion of producing agents and from Hybrid Communities, where interspecific meetings and mediations are possible (LESTEL, 2011). Thus, experiences and stories of the non-human actor come to have significance that reverberate in the understandings of humanity and animality (TORTORICI & FEW, 2013), not only from an ecological point of view, but also social, political, economic and legal.

The historian Jason Hribal (2003, 2007) starts from the assumption that opposing resistance is one of the main characteristics for the categorization or understanding of a class consciousness. Furthermore, he states that the animals would demonstrate intentional acts of resistance and negotiation regarding work, within the limits of their own exploitation. In recognizing animals as a working class, Hribal affirms animals as beings that produce history. They are active agents in their lives, with the capacity to act intentionally in the context of multispecies relationships that are waged in the context of work. In this way, they are not static characters, allegorical elements of a landscape proper to the narratives of human history.

The paradigmatic turn proposed by multispecies studies causes recursions that are potentially relevant to the understanding and construction of legal spaces and normative discourses. The Juridical would start to be intended in its typically humanist tradition. The narcissistic mirror of Law – the subject of universal abstract law as the cornerstone of Western legal tradition, the ultimate and only recipient of Law – is now questioned and problematized.

Even the proper notion of Animal Law would undergo a reorientation. To speak of Animal Law in a multispecific sense would mean recognizing that there are entities other than the Animal Statute that interact and challenge each other with animal species in their existence. In this context, vegetality, minerality, ancestry, deities are conditions that would play an important role in shaping animalistic dogmatics.



The notion of subject of law starts to be rethought from the consideration of the animal agency (STEWART, 2009; PEARSON, 2015; HRIBAL, 2007), of the more-than-human personality (REGAN, 2001; FRANCIONE, 1995; WISE, 2014 ), interspecific communication (HOSTETTER et al., 2001; ZUBERBÜHLER, 2000), plant neurobiology as an insurgent field (STRUIK et al., 2008; TREWAVAS, 2016), the sentience and awareness of non-human animals (LOW, 2012), the Theory of Mind awarded to primates (KRUPENYE et al., 2016; CALL & TOMASELLO, 2008), artificial intelligence and personality of electronic agents (TEUBNER, 2006; KURKI & PIETRZYKOWSKI, 2017).

The western legal monoculture could also be rethought based on reference to cosmopolitics and other ontologies that reorient the possibilities of ethical bases for societies with types of human-animal-vegetation-minerality-deity-ancestry relations distinct from western modeling. (DESCOLA, 1998; VIVEIROS DE CASTRO, 1996; COUTINHO, 2017). In this context, Amerindian narratives stand out as potential explanatory and generative keys of non-hegemonic normative systems.

To speak of Law in a multispecies context, there is a need for a semantic and significant extension of concepts such as oppression, violence, control, power, human rights as constructions based in a world that is also multi-specific. In this way, naked life (AGAMBEN, 2007), the killable lives and the consumable ones are projected in the context of communities based on devices of power. The multispecies notion does not, by itself, eliminate the apparatus of violence. That is why multispecies reflection does not dispense with the enunciative positionality of its members. Members of a multispecies community could - and do so on a daily basis - establish relationships of structural violence. There are asymmetric situations of risk and vulnerability between components of a community. In other words, *necropolitics*, in the sense proposed by Achille Mbembe (2018), is also based on a multispecies world.

The unveiling of a multispecific world brings with it consequences for the scope of Law that deserve analysis, reflection and proposition. Possibilities for reorienting the structuring notions of Law, which are “person”, “thing” and “relationships”. The normative concept of family, for example, could be re-read. The recognition of ontological and cosmopolitical pluriversality associated with multispecies inclusion also has the ability to question the model of economic development and the spectrum of environmental protection. The notions of urban, rural and heritage space can also be affected.



Given this context, it is necessary to trace a path in the discussion of the legal repercussions of the reorientation of worlds and identities in multispecific terms, backed by a decolonial perspective of Law and based on the theoretical contribution of the Critical Animal Studies and the Anthropology of interspecific relations.

### **The *multi* and the species**

The umbrella term *Multispecies Studies* is far from composing a homogeneous aggregate of theorists, theories and practices with regard to scope, focus and methods, far from being a unified intellectual project. However, there is a zone of sharing, of intersection between studies that implies proposing a paradigmatic shift in the way of producing understanding about the world that takes into account the different entities, in addition to the human. The objective is to remove the human centrality from social theory since “living shows urgently how to interview. Exist how to coexist. Evolve how to coevolve. Dying like inter-dying. Reacting like inter-reacting” (MARRAS, 2018, p. 256).

I present here my particular reading on multispecies worlds. And in the face of this reading, I am entirely responsible for any mistakes. I am at the edge of convergences between thoughts, theories and practices that, in my opinion, can produce a type of fertile approach to the study of trans-specific tensions and relationships.

It is in this path that I entangle the *Critical Animal Studies* (BEST, 2009; ÁVILA-GAITÁN, 2017), in its Latin American aspect, with the theoretical-practical contribution of decoloniality (DUSSEL, 1993; QUIJANO, 2005) to postulate spaces of legality non-violent vindicated to animals and other living beings as well as multispecies ethnography as an attentive practice.

By borrowing the multispecies analytical category, I put it in perspective to think of it in decolonial terms. I believe the theoretical contribution and the decolonial attitude are fundamental to understand, be and engage critically in communities that articulate the human and the non-human in the same axis of co-constitution.

When addressing the theme, Felipe Sussekind foreshadows a notion of what multi-species studies come to be through a counter concept, a what-does-not, by exposing that “an approach that bears that name would then be one that does not define the life





in the exclusive terms of human social life, and that, at the same time, it does not take nature as an objective external reality shared by any culture or by any organism” (2018b, p. 162). Ogden, Hall & Tanita (2013, p. 7), by proposing a notion-idea of multispecies ethnography, defines it:

in tune with the emergence of life within a changing set of agent beings. By "beings" we are suggesting both biophysical entities and magical forms that animate life itself. Great part of literature consider multispecific ethnography focused on the relationships of multiple organisms (plants, viruses, humans and non-human animals), with a particular emphasis on understanding the human as emerging through these relationships ("becoming"). We have expanded our understanding of multispecies ethnography beyond this focus on "organisms". This approach comes from our concerns about the reification of perspectives that see life limited in bodies...

In a similar narrative, in the work entitled *Humains, non-humains: Comment repeupler les sciences sociales*, Sophie Houdart and Olivier Thiery (2011) present the notion of non-humans that is very much connected with the idea of multispecies that I try to formulate. They greatly expand the spectrum of analysis by stating that “animals, molecules, technical objects, deities, procedures, materials, buildings, all these various 'non-humans' are important to humans and not in a cosmetic way: the relationships we have with them are a little what we are” (HOUDART & THIERY, 2011, p.7, my translation).

In a seminal text that introduces the special edition on multispecies studies of the journal *environmental humanities*, Van Dooren, Kirskey & Münster (2016, p. 1), establish the contours of what is understood as multispecies studies based on a condominium, historical and co-evolutionary nature of living beings by stating that:

the organisms are situated within deep, tangled stories. And so, in addition to mere survival, particular forms of life, in all their resplendent diversity, emerge from interwoven patterns of living and dying, of being and becoming, in a larger world. The intimate relationship between a flower and its pollinating bee is one in which both forms of life are modeled and made possible through a common heritage, an intertwining that Isabelle Stengers characterizes as "reciprocal capture". As such, they do not simply meet - this bee and this flower - but, instead, their relationship emerges from co-evolutionary stories, from rich processes of co-becoming. This co-becoming involves the exchange and appearance of meanings, immersion in webs of meaning that can be linguistic, gestural, biochemical and much more.

Thinking multispecific means breaking the idea of a static environment, stage-arena of a modern focal or specific subject, a “Cartesian I” resting on the shoulders of the giants. It is the understanding that this “whole” is, in fact, a plexus of ecologies of beings



acting in a relational and dynamic way, in a modeling *continuum*. Felipe Vander Velden (2018) advocates that this multitude of living beings has their own forms of production and occupation of space that defies state boundaries, spatial demarcations between urban and rural, domesticated and wild, nature and culture.

By multispecies I understand the complex of relationships established by the multitude of beings that inhabit the imaginary and mundane reality. These relationships allow exchanges, flows, representations, understandings and reciprocal constitutions of the imbricated subjects, the landscape and the ways of being and being. These relationships have the power to reorient – at the same time they are guided by – the current ontological models (DESCOLA, 2015). A situated system of reciprocal affectation that conceives existence as associations of co-becoming in continuous epistemic-ecological-pedagogical-political dynamics.

There is a condominium space-time in which relationships are possible and fruitful. These relations are not abstract, but dimensioned in the concreteness of the world, based on a geopolitical and historical context

Nor are they performed in an idyllic sense as an eternal return to an outstanding pre-civilizational space, to a contemplation of an essentialized nature where the beautiful and the just would reside. The bucolic, the pure, the romantic pastoral are not necessary predicates in multispecies sharing spaces.

Far from evoking a simplification or categorical reduction, the multispecies factorially dimension complexity in that I treat the multispecific not as a generic erasure of disembodied entities, but as a multitude of complex and situated bodies that undertake intra and interspecific associations.

When unveiling the plurality inserted in the abstract animal category, Lewgoy, Sordi & Pinto (2015, p. 79) flee from the categorical reductionism to which I refer when stating that:

there is a whole classificatory, technical and informal biopolitical device that separates “wild” versus “domestic” animals, “production domestic” versus “companion animals”, “rural wild” (“conservation fauna” or “wildlife”) versus “urban savages” subject to the control of *zoonoses* (rats, pigeons, insects, etc.) and conservation fauna in reserve areas within the urban environment.

The recognition of the intertwining of human and non-human existences brings to light a political ecology that, in principle, does not eliminate violence as one of the



organizing principles of society, although it brings up the possibility of disruptive responses and political-pedagogical projects to build alternatives to the structural violence of the modern / colonial system.

Another important point is that, even in the context of contextual analysis, the Colonial World-System (QUIJANO & WALLERSTEIN, 1992) also projects a system of global values to multispecies communities. The ways of knowing, being, organizing, being, are mediated by devices of a specific society that imposes this *modus*.

This society, as Grosfoguel suggests, has to be named! A “capitalist / patriarchal / western-centric / Christian-centric / modern / colonial world-system” (GROSFOGUEL, 2011). I add the speciesist and neo-extractive perspective as a predicative of this World-System.

The predicatives of the Modern-Colonial World System are unavoidable and have relevant recursions as principles of power and control of subjects, relationships and cultures. Giving visibility to the predicate is giving visibility to the underlying violence and, consequently, highlighting the possibility of subversion.

And when I talk about violence, I ponder in a broad sense, to consider symbolic violence, epistemic violence, physical violence, psychological violence, etc. Ecological, interspecific and intraspecific relationships are political, economic, legal, ethical, aesthetic, metaphysical relationships.

In this sense, the example of ethnography proposed by Anna Tsing is seminal. Its journey in search of Matsutake mushrooms (*Tricholoma matsutake*), rare and economically valued fungi, allows immersion in an international structure of the commodity chain and thinking of the global route of capitalism in which these fungi are inserted.

This species of mushroom, a delicacy of high commercial value appreciated in Japan, emerges from the roots of trees, such as the Japanese Red Pine. The account of the ethnographic experience points to the landscapes in which the mushrooms emerge, in the process of symbiosis with these pines.

The anthropologist's work allows the understanding of more than human interactions and the human world itself from mushrooms, when she says that “fungi are indicators of the human condition” (TSING, 2015a, p. 185). And it is from the mushrooms that the author analyzes the “seams of global capitalism” (TSING, 2015a, p. 194) without



removing the subjects from the world of capital, classes and regulation. His analysis dispenses with bucolism or utopian search, but perceives these seams as an openness to questioning.

Another work worth mentioning is the ethnography of Vander Velden (2018) on the circulation of wild animals subjected to the international animal trafficking route. It shows how the movements, circulations and transactions are made in a local network of actors from the north of Brazil. The ethnographic report carried out in Rondônia, in the city of Porto Velho, seeks to characterize the illicit circulation of wild fauna in the country and in the world, based on the encounters and intersections of the multiple subjects involved. The interactions with people who sell and carry out the circulation of wild animals and, on the other hand, the relationship with the Karitiana, indigenous people of Tupi-Arikém language who inhabit the region, allowed the author to intensify the reflections on the reasons and motivations that lead the subjects to this practice.

In fact, the Western humanist tradition rejects or finds it difficult to perceive other non-human beings as presences and, therefore, rejects *multi* ideas, in addition to the fact that we are in a world whose dynamics are performed in an intrinsically multi-specific way. So, I think that the human put by the humanist tradition, and as it is commonly understood (monospecifically), does not exist.

When I talk about Coloniality undermining the multispecific, I am actually stating that the colonial power device (idea → action) projects itself into the multispecific (material) world, violating it to forge it as a monospecific world. And it is in this sense that it seems to me healthy to understand Coloniality as a device of power that also undermines the multispecies community, by forging an a priori and universal model of what the world is, how it is constituted, what transactions are established, under what epistemological basis it is based, which cosmopolitics governs it, which ontological route is established and which social classifications are imposed. There is a world (here included the dichotomy Nature/Culture in the sense of Haraway) reduced and centered on the human.

In the multispecies spin, non-human otherness is brought into play not as a static environmental liability, a scenographic backdrop, but as agency projectors. Nature is not seen dead, devoid of action but in connection, alive and interacting (MARRAS, 2018).



However, there are a plurality of perspectives and ways of inserting interspecific relationships in the construction of the Social.

There are a number of ethnographic studies that focus on the relationship between humans and other beings, such as Elephants (LOCKE, 2017), relationships between primatologists and other primates (SÁ, 2013b), Crows (VAN DOOREN, 2019), Jaguars (SUSSEKIND, 2014), extinction of animal species (ROSE, VAN DOOREN & CHRULEW, 2017), Fungi (TSING, 2015b), Oil palm (LODY, 1992), Cassava (CAMPOS, 2016), Laboratory rats (SOUZA, 2013; CARVALHO, 2016), *Aedes aegypti* (SEGATA, 2016), Earthworms and Ants (TAYLOR & PACINI-KETCHABAW, 2015).

The Ethnographies of South American indigenous communities expose a myriad of other possibilities for thinking about the conditions of humanity and animality (GARCIA, 2018). The ontological systems proposed by Philippe Descola (2015) and the Perspectivism-multinaturalism exposed by Eduardo Viveiro de Castro (2018) end this analysis.

According to Garcia (2018, p. 182)

what politically and epistemologically links part of the current South American ethnological production to the so-called “multispecies studies” is the effort that both undertake in the conceptual understanding of various forms of life that correlate, without resorting to symbolism or over codification.

The attentiveness to the collective (co)living regime highlights diversity as a constitutive mode and opens space for a model of understanding and being interspecific for species, in the sense proposed by TSING (2015).

The ethnographies of the Amerindian peoples show the diversity of relationships that these peoples establish with non-human entities. “The houses are full of animals that can exceed the number of human beings in a home. They are monkeys, guans, coatis, jacamins, owls, macaws, toucans, cotias, pacas, turtles, pigs and even baby jaguars, created by women, children and, in some cases, by men.” (GARCIA, 2018, p. 187).

The amerindian worlds are fundamentally multispecific worlds, where non-human entities are perceived as having a similar interiority substrate (DESCOLA, 2015). Thus, it shares a status of common condition, generally predicative that Western naturalism claims only to humans.

It is as if we all shared the human condition, even if biologically non-human. The element of distinction would be given by the physicality of the entities, a clothing that hides an essence shared between humans, plants, animals, ancestry and deities.



Garcia (2018) exposes the worldview of the Guajá, an indigenous community in Maranhão, through the notion of species that are interconnected by “walking together” (*wata pyry*) that would translate being in the village in relation to a diversity of species.

The notion of creation is expanded to include interspecific acts of care and attentiveness. In this sense, for the Guajá, what is created is not eaten. Garcia (2018) exemplifies several breeding relationships between non-human animal species. Similar to other Amazonian peoples, the Guajá do not have a word for the animal category, from a generic point of view, but they do have words to differentiate between the hunting animal (*ma'amiara*) and the breeding animal (*hajma*).

Another relevant point of Guajá cosmontology, still concerning multispecies attentiveness, concerns the care of young animals that were hunted. The *heimá*, as they are called, are raised as members of the family. Monkeys, wild pigs, cotias, etc. Women, in fact, usually breastfeed their young babies. There is no embarrassment or impediment to trans-specific breastfeeding, largely due to the conception that we are all beings that share the same predicates of interiority, in this way we are all similar with different external clothes.

The Matis, indigenous of the Brazilian Amazon, designate *wiwa* the familiar beings, those animal and plant beings that are part of the accountability system resulting from the sphere of human influence, those who cohabit with the *shobos* (ERIKSON, 2012). For Matis, human spaces are conceived in relation to animal and plant spaces. “The seedling of a stimulating vine (*tachik*) becomes, for example, *tachik wiwa* after being transplanted into the vicinity of a dwelling, in a place that will facilitate its later harvest.” (ERIKSON, 2012, p.18).

The xerimbabos – non-human animals inserted in the affective-family environment – are included in domestic spaces, “they are sometimes decorated with beads, carried in the arms and, above all, are buried after death” (ERIKSON, 2012, p. 21). Like the Guajá peoples, the Matis also breastfeed the xerimbabos, and just as they do with human babies, they offer pre-chewed food to the young. Amerindian cosmologies forge plural and multi-specific worlds rich in complexities and that can teach knowledge relevant to law. Knowledge that has been silenced historically, considered epistemologically inferior, unwary and uncivilized.



There are two dimensions that I think are relevant to understanding humanity in a multispecies sense: we are a condition for the possibility of multispecies communities and, at the same time, we belong to multispecies communities. Multiple forms of life inhabit our bodies that interact collectively. Each human corporality is, in itself, a crowd that acts simultaneously as a meeting zone – and in this context in a sense close to the notion of environment - and as a member of its own multispecies body community – establishing symbiotic and parasitic relationships.

In this sense, it is necessary to reorient the axioms "animals are good to think", "animals are good to live with", "animals are good to eat", to also affirm that the human being – expandable this consignment to other animal species – as a good creature to live in (in a symbiotic and/or parasitic immersion, as a contact zone), and to live with (in an extra corporeal relational spectrum, in a contact zone).

On the other hand, the patterns of being, being, feeling, becoming are co-constituted in a tangled network of species and specimens. This perspective erases, to some extent (or at least makes them more porous), the human x non-human, nature x culture dichotomies, since it inscribes the multitude of living beings as reciprocal co-responsible for the construction of (over) living communities. Van Dooren, Kirksey & Munster (2016) expose this reciprocal conditionality with the example of the relationship established between the bee and the flower to affirm the models of life through a common heritage.

One of the possible criticisms of the multispecies perspective could be the centering given to the proper notion of species. And in a way, the criticism proceeds insofar as there is a process of colonization of the subjects within a framework previously determined by the taxonomist modus of scientific knowledge, artificially imposed.

There is a taxonomic typology that groups entities by similarities to the same extent that separates them by differences. Thus, the agencies underlying the relationships, flow and exchanges are not perceived.

However, the attempt is not to overcome categorically and deny the notion of species. According to Garcia (2018, p. 195) “the very idea of species, itself, can be rethought ethnographically, without necessarily having to deny or exclude it. Just use it as another ‘fiction’ in our analyzes that could be problematized by diverse Amerindian people”. And it is precisely in this sense that I employ the idea of species linked to multi.



As stated by Eduardo Viveiros de Castro (2013, p. 3) “the difference between species is not, in the first place, anatomical or physiological, but behavioral or ethological (what distinguishes species is much more their etogram – what they eat, where they live, whether they live in groups or not, etc. – than their morphology.” Garcia (2018) states that a priori two animals will not be of the “same species” just because of their morphology or ethology. For the author, “ethology and morphology are not an assumption in an Amerindian notion of species, which escapes the essentialism characteristic of that notion. The relational (or relationalist) character is the keynote” (2018, p. 200). And it is this relational approach that the multispecies intends to show at the expense of taxonomic fixity. The Multispecies is not exactly a non differentiation that erases the specifics of the living being, but the recognition of the plurality of diversity and perspectives-narratives of worlds that fall within this context.

### **Multispecies legal normativity and (de)coloniality**

What types of realities emerge when the nature/culture dichotomy is destabilized? (SERNA & DEL CAIRO, 2016). And more, in worlds populated by entities with agency, perspective of themselves, of the other and of the worlds, what kind of normativities would be built? How do these beings share space and landscape in their worlds? What role does official law play in these dynamics?

Certain northern currents of animal ethics (SINGER, 2010) represent non-human animals as moral patients rather than agents active in social life. Consequently, animals would be seen as someone or something unable to respond. Respond in the sense of issuing targeted and autonomous action. They would be in a passive state, almost reducible to the status of a thing (although these authors intend to remove them from this condition), but it would be a vulnerable thing capable of only suffering damage (REGAN, 1998).

The process of cubing (INGOLD, 2000) feeds an exacerbation of motherhood (LEWGOY, SORDI & PINTO, 2015) through an animalistic passion (DIGARD, 1999) dispensed to certain specific animals considered as Pets. These Pets would at least be seen as





subjects, but without an agency, recipients of animal aid from the “animal cause” (PASTORI & MATOS, 2017).

The multispecies proposition perceives animals, as well as oil palm (CARDOSO, 2016), as world makers.<sup>2</sup> As possessors of agency and their own status, as moral actors who relate to the world and to humans in a state of non-passivity.

And in this context, animals print their note in the world. They exist, persist and resist. Opposing intentional resistance to human designs, including (HRIBAL, 2003). Here, animals are recognized as embodied subjects (not necessarily in the strictly legal-dogmatic sense of the term).

The recognition of the condition of person or subject attributable to non-human beings does not establish a priori a symmetry of relations with humans, not least because in the spheres of intra-humanity this relational symmetry is not factually verifiable, but only fetishized via abstract normative structures.

The terms of the legal debate on the status of the “Subject of Rights” are fed by the ontological substrate that is diluted in the Social fabric. The sociability woven under a monospecific apparatus typical of Western naturalism endorsed a model of the Legal System that projects animals as resources related to the idea of a thing or artifact. According to Lewgoy & Segata (2017, p. 156) the naturalistic ontological regime reduces

a plurality of entities (non-human animals) to a residual category of “humanity”, defined by the inexistence of traits such as reason, conscience and language, which make the human unique... In this regime, the legal status of animals oscillates between the idea of objects.

The weighting I place on the dispute for the affirmation and recognition of the animal cause is to what extent they perceive animals as embodied agency-subjects or to what extent they cannot overcome the speciesist differentiation that claims protection only to desirable or companion animals. In other words, do they end up falling into Western naturalism that they criticize in their narratives? The hegemonic discourse of animal ethics crystallized is found in a narrative of a “dissociative humanism [which] crystallized taxonomies of difference between ‘us’ and ‘them’” (SÁ, 2013a)?

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<sup>2</sup> According to Cardoso (2016, p. 272), “oil palm is a vulture plant, food for birds like the parrot or animals like the paca, oil and game attractor for humans, and also for the latter source of stories told . It is interesting to understand how oil palm produces its relationships and the texture of its world, its way of acting coordinated with “others”. Others, challenging boundaries and limits.”



Ontological regimes are nourished by pedagogical devices that view children, in early childhood, equally as moral patients, instead of seeing them as subjects that produce shared meanings. And this anthropological machine allows a pedagogy of human singularity that is naturalized and standardized from the earliest moments of childhood, by the institutions that surround children: family, school, media, State, etc.

This provision has repercussions on the normative models of pedagogies put in place by the State, the minimum content of curricular regulations, the molds of relationships that are taught as natural (farm animals, animals as food, Nature as an inexhaustible resource, *homo mensura*, etc.)<sup>3</sup> to limit the examples to the scope of the analysis proposed here. The break with these anthropo(logos)centric speciesist norms allows to reorient the models of Schools, engaged with a multispecific reality.

The condition of subject in the multispecies sense that I propose is that of a concrete subject, embodied and specified in space-time. Not a universal abstract subject as a predicate existing *a priori* and indifferently to all those who the legal system vindicates the fiction of the condition of legal *persona*.

The notion of subject in a decolonial and multispecific sense revitalizes and oxygenates the legal discussion on the status of things and people in order to think about the conditions of possibility to broaden the protection spectrum projected in the notion of subject of law, in order to affect some species animals direct benefits from the rights system. The crystallization and fixity of the category Subject of Law and Person in the legal sense is removed to understand them as porous, socially negotiated, malleable and contingent.

The forum's porticos, in this way, are opening up to individual non-human subjects who claim to the Judiciary an efficient response in the face of violations of their basic rights prerogatives. However, I do not consider that the Law has full capacity to articulate the co-presence of a multispecies group. In fact, there is a worldwide trend of legislative

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<sup>3</sup> It draws attention to the provision of the National Curriculum Guidelines for Basic Education (MEC, 2013, p. 161) that naturalizes the singularization of humanity by the teleological character of its intervention in the environment, "that is, the capacity to be aware of its needs and to project means to satisfy them, differentiates the human being from other animals, since they do not distinguish their vital activity from themselves, while man makes his vital activity an object of his will and conscience. Animals can reproduce, but they do it only for themselves; man reproduces all of nature, but in a transforming way, which both attests to him and gives him freedom and universality."



inflation as if the Law ended (or should end) all social dynamics through the control of regulation.

In this sense, Law should not appear as a substitute for other spheres of the social (politics, love, religion, art, economics), despite the fact that there are legally relevant issues in these sectors of the world and that do not escape regulation. What I mean is that from an inflated view of law, and to some extent the view of law as an imperial immanence, a plastering of social dynamics is promoted. Law should act as an institutional guarantee of freedom collectively mediated. And not from a colonial civilizing project.

Another issue that arises is the expansion of the notion of household to a sense that goes beyond the human and incorporates more-than-human affections. The expanded notion of family starts to insert certain animals as natural members.

The Law regulates this new household, despite the Brazilian civil code, to regard this familiar animal as good, according to art. 82<sup>4</sup>. In other words, in an attempt to adapt to an emerging reality, the Brazilian judiciary has been relativizing the provisions of the civil code to some extent to consider that certain animals have interests and that these interests may override the interests of guardian human animals. This reality is already manifest in the magistrates' decision-making when sentencing for the shared custody of animals taking into account the best interest of the non-human animal or allocation of alimony to non-human animals.

However, the approximation of these animals and the flows of affections that underlie the notion of family brings with them the consequences of these spaces specifically given to humans. The proximity of companion species also subject them to the participation of spaces of family violence. Sharing, as a violent person, continuous and structural flows of violence.

The green antispecies criminology has demonstrated how animals have been used in the context of crime, notably with regard to the links between violence against animals and domestic violence. The control structure for vulnerable subjects is similar. Being in the family context means subjecting oneself to possibilities of violence such as abuse, sexual abuse, etc.

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<sup>4</sup> These are goods susceptible to self-movement, or removal due to someone else's force, without changing the substance or the socio-economic destination are movable.



The system of co-habitation and interspecific exchanges established with the domestication of Pets ends up nourishing a multimillion-dollar market and filling spaces of affections that these humans cannot fill intra-specifically. Another phenomenon refers to the sharing of affections in a situation of mutual vulnerability, with the case of human and non-human animals on the streets. Another issue that reflects the rapprochement between domesticated humans and nonhumans refers to the unilateral breaking of relationships through abandonment.

There are also issues related to Environmental Law and Urban and Economic Law. Ontological and ecological models would define different ways of conceiving the legal concept of a balanced environment. Environmental norms have a wide legal framework for their implementation. Cosmopolitics and economic models of development are at stake. Such a homeostatic balance of the environment would also bring into play the multiplicity of perspective, including that of other beings and not only of other non-hegemonic ontologies. The mediation of contemporary socio-ecological conflicts could be seen and answered differently.

Usually these disasters are perceived and felt only from the perspective of the loss of human life and material goods of these human subjects and all the economic repercussions. It does not appear that there was an interacting multispecies community there and that was summarily decimated. All multitudes of relationships between species and symbiotic and complex relationships of co-constitution and production of space-world. It is disregarded that there is a plural and potent broth of experiences and experiences of exchange between different species. And in a sense, it is not idyllic a social homeostasis that is broken with disasters and that will never return to the previous state of affairs. There is an environmental and intergenerational disruption. No legal sanctions will be able to return to the previous state of affairs or even to remedy the human and non-human lives taken. In the sense of green criminology, environmental damage is now reassessed. In this relationship of environmental damage there is a system of death of relationships.

Under the context of the occupation of urban space, human and non-human lives can be related in a system as of existences inserted in dejetality. In this sense, dumps are multispecies communities that emerge in a context of total and structural multi-specific disregard. Survival communities, where death and putrefaction are the epistemic and



ontological north. The legal oblivion of these lives makes lives erasable or nonexistent. The system of guarantees of fundamental rights doesn't reach these spaces.

Still in the context of disruptions related to cosmopolitical alternatives, we have the so-called Rights of Nature, consigned in Latin American countries. The New Latin American Constitutionalism presents itself as a constitutional movement with intentions of disruption in relation to the hegemonic mode of constitution of State and Law that can project a multispecific model of legal relations. It opens up a constitutional space to debate the relationship between humanity and nature in terms that differ from the traditional ethics of capitalist ecology. It substantially displaces the constitutional values underlying the production of the State to think in terms of *Well Living* and not *Living Well*.

### Final considerations

The social markers are built based on specific ontological routes that, to a certain extent, precondition the modes of constitution and performativity of beings and worlds. There is a space that affirms the ways of knowing and preaching as relational and empirical: inter-specifically and intra-specifically.

Even in the anti-hegemonic response to the naturalistic-western ontological model. That is, what is plotted in social life is a partial result of a situated worldview and our relationship of acceptability or not to the terms negotiated internally. Predicatives of the alter ego are mediated by the apparatus of knowledge and values of cognition of this ontological structure that creates and recreates worlds located geopolitically.

Conceiving multispecies communities as associations with reciprocal interests and mutual exchanges gives rise, on the one hand, to the understanding that this space-time given to the living would provide the possibility of sharing trans-specific affections. Attentiveness, cognitive and emotional openness towards the other, would be feasible for members who collectively constitute their historicity.

For that, a performative model alternative to Western naturalism would be necessary. Or at least redirect the terms negotiated on this route. The differences in interiority established by western societies in the human/non-human relationship should not necessarily imply spaces of violent dominance by beings. In other words, the



differences, despite not being solved, would not be enough to establish an appropriate hierarchy system. Decolonial routes and Amerindian cosmo-views are examples of epistemic and ontological routes for the construction of trans-specific alternatives.

On the other hand, if considered that power devices can establish asymmetries in the flows of exchanges, we would be facing a governance process with a potential degree of implied cruelty that would impose control techniques on the human and other members of the community. Thus multispecific communities would be born in typical ontological models of differentiation.

In this context, the differentiations of interiority and physicality are used as rhetorical elements to instrumentalize the other. Western naturalism would replicate on a global scale a type of ontology that naturalizes violence as a necessary and constitutive element of society. In this sense, the other's life becomes disqualified, devoid of vital element and reported as a minor life. "Killability" imposes itself as a rhetoric of the *Ego's* narcissistic existence.

In the current geopolitical quadrant of Colonialocene, Coloniality is projected as a pattern of life and ways of being, doing, being and becoming on a Global scale. The social markers of violence would thus be extended to include entities that could be killed in the Angambemian sense. Necropolitics is also multispecific.

With this, I want to affirm that thinking and acting in multispecific terms means moving into a world where pluriversality and non-violence is a possibility for the interspecific organizational principle of society and, at the same time, it is faced with a congested flow of flows of violence and "killability".

In this line of reasoning, Eben Kirksey (2015) exposes the burdens and bonuses of visibility. According to the author, the visibility or recognition of an entity (animals, plants, fungi) can mean new opportunities for building new forms of life and living it, but it can also mean exposure to exploitation, submission and invasive control regimes. In both cases there is a cognitive opening in the fabric of the social that allows us to shape and perform the world to the terms we negotiate (trans-specifically).

If we consider life as permeated by political, epistemic, ontological projects, then multispecies decolonization becomes an ethical, political imperative and a possible framework for the construction of legal norms in non-violent terms. And, thus, decolonize the relationships between species to think about the performativities of Being,



Knowledge, Nature and Power stripped of a colonial constitution matrix, as well as projecting erased routes as signifiers and possible situated alternatives of interspecific experience.

In view of the logic set out in these considerations, it remains for the official Law to expose its contingencies, its methodological and political options. This is because Law as a system of action is an institutionality located in time-space and consequently a reflection of historicity, political context and local cultural environment. Law lends itself to a civilization project.

One of the recursives for Law that is already beginning to boost the legal system is the reconfiguration of the normative concept of family. The reorientation of the concept would aim to propose a new family entity in which para-human entities would also compose relationships of affection and mutual exchanges. The new family compositions allow for some critical and intersectional considerations. The expansion of the notion of family to include other animals brings burdens and bonuses for non-human animals. The exchange relationships can be both mutually beneficial (exchange of affections, food disposition, shelter) and harmful (insertion of animals as instruments or recipients of domestic violence).

Thinking the multispecies in decolonial terms means recognizing that there are power devices that permeate relationships and the need to unveil and enunciate models against hegemonic relationships. Thus, thinking about Legal in terms of possibilities for animals and not in terms of fetishist enclosure is important.

According to Juliana Coutinho, the issue moves from the right to politics to the extent that there is “cohabitation by different entities from different worlds that, however, meet and overlap” (2018, p. 2428). The author concludes by stating that “it is this tendency to elevate humanity to an ideal that has not been historically verified, to the detriment of the admission of real animal behavior that usually accompanies discussions around rights and morality (2018, p. 2430).

The sense that I propose of multispecific interactions takes into account the considerations of Juliana Coutinho (2017), according to which there is no innocence, nor should we wish to occupy this place against all other living beings, but there may be responsibility, the possibility of responding. By undermining the modern concepts that



make anthropos exceptional, we redesign it in the light of being with and becoming with removing the human from its metaphysical isolation.

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