

National Guidelines for Human Rights Education in legal teaching: normative, epistemic and formative issues

Diretrizes Nacionais para a Educação em Direitos Humanos no ensino jurídico: questões normativas, epistêmicas e formativas

Kassandra Marcia Castro Oliveira Diniz
Fernando da Silva Cardoso
Universidade de Pernambuco (UPE)
Petrolina - Brasil

Abstract

The present investigation scales some specificities and nuances that systematize legal education, in dialogue with human rights education, aiming to understand to what extent human formation and the ethical-formative principles of the National Guidelines for Human Rights Education have contributed to legal education. From a methodological point of view, this study is based on a bibliographical research, with a qualitative approach. We intend to offer some reflections on the contributions and interfaces between legal education in interface with the ethical-political-training principles suggested by the National Guidelines for Human Rights Education. Some theoretical and epistemic contributions are offered to the process of understanding the National Guidelines for Human Rights Education and its implementation in legal education, especially in relation to the criticism of the neoliberal logic that underlies legal education.

Keywords: Human rights education; Human development; Higher education.

Resumo

A presente investigação dimensiona algumas especificidades e nuances que sistematizam a educação jurídica, em diálogo com a educação em direitos humanos, tendo como objetivo compreender em que medida a formação humana e os princípios ético-formativos das Diretrizes Nacionais para Educação em Direitos Humanos têm contribuído para o ensino jurídico. Do ponto de vista metodológico, este estudo é instrumentalizado a partir de uma pesquisa bibliográfica, de abordagem qualitativa. Pretendemos oferecer algumas reflexões acerca das contribuições e interfaces entre a formação jurídica em interface com os princípios ético-políticos-formativos sugeridos pelas Diretrizes Nacionais para Educação em Direitos Humanos. São oferecidas algumas contribuições teóricas e epistêmicas ao processo de compreensão das Diretrizes Nacionais para Educação em Direitos Humanos e sua implementação no ensino jurídico, sobretudo em relação à crítica à lógica neoliberal que fundamenta a educação jurídica.

Palavras-chave: Educação em direitos humanos; Formação humana; Ensino superior.

1. Introduction

This study consists of the unfolding of an ongoing research in the Postgraduate Program in Teaching Education and Interdisciplinary Practices (PPTEIP), Campus/Petrolina, which scales some specificities and nuances that systematize legal education, in dialogue with the field of human rights education (HRE); Critically, knowledge, human education and legal education are revisited in order to discuss the normative foundations, contributions and interfaces between human education and the ethical-political-training principles suggested by the National Guidelines for Human Rights Education for legal education.

In such way, in this study we explore some precepts contained in Resolution No. 01/2012, the National Guidelines for Human Rights Education (BRASIL, 2012a), in order to offer some reflections on the following research question: what are the contributions and interfaces between the human formation and the ethical-political-training principles suggested by the National Guidelines for Education in Human Rights with regard to legal education?

Thus, as a general objective, we seek to understand to what extent human education and the ethical-political-training principles of the National Guidelines for Human Rights Education contribute to the legal education thinking. And, as specific objectives, to study human formation and transformative education based on HRE; correlating interdisciplinarity and transversality in legal science and identifying whether the training parameters linked to legal education have directed subjects to a humanized look at the field in question, correlating attitudes and skills that reflect the practice of respect for human rights.

The relevance of the proposed theme is given that HRE, in legal education, supports and guides the debate on citizenship and higher education. It emphasizes reflections on practice and transdisciplinary training and the role of teaching for social change, the appreciation of knowledge in the dimensions of teaching, research and university extension activities. Finally, it reflects the commitment of the university and legal education to the promotion and defense of human rights.

From a methodological point of view, this study is based on a bibliographical research. We aim to produce and expand the debate linked to the chosen fields as a way to present theoretical alternatives for the area, suggesting aspects and meanings. From a qualitative approach, we sought to interpret social phenomena from a literature review (KAUARK,

MANHÃES, MEDEIROS, 2010). We will employ different philosophical conceptions, highlighting, analyzing and interpreting theoretical debates, correlating them with origins, history, contexts and previous understandings (CRESWELL, 2021).

The proposed literature review aims to characterize the existing theoretical debate on the contributions and interfaces between human education and the ethical-political-training principles suggested and enacted by the National Guidelines for Education in Human Rights with regard to legal education.

2. The National Guidelines for Education in Human Rights: dimensions and multidimensionality

The articulated intersectionality for the construction of the work agenda in favor of HRE, in Brazil, reached its apex in 2012, with the approval by the Ministry of Education of the National Guidelines for Education in Human Rights (NGEHR). In this way, the NGEHR were instrumentalized with the objective of translating recommendations for the practice and functionality of the HRE at all levels of education (BRASIL, 2012a; 2013).

Thus, the National Guidelines for HRE have their dynamics organized from the idea that it is in the experience of the educational climate, in the harmony between theories and practice and the knowledge that are problematized by experience, that it is possible to consolidate an atmosphere conducive to affirmation values, expressions and the establishment of otherness. Likewise, the document also points to the challenge of recommending and exercising pedagogical methodologies based on curricula, pedagogical projects and educational management itself (BRASIL, 2012a).

The dissemination of principles and practices, based on the Guidelines, suggests the consideration of some basic principles, namely: a) human dignity; b) equality of rights; c) recognition and appreciation of differences and diversities; d) secularity of the State; e) democracy in education; f) transversality, experience and globality; and g) socio-environmental sustainability.

Opinion N°. 8/2012 of the National Council of Education demonstrates the importance of educational institutions to identify and incorporate the strategies recommended in the NGEHR, aiming at the application of these principles in educational training. After all, parameters are presented on how to articulate the relationship between HRE, the paths for

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

its implementation in training cycles and the different curricula. The NGEHR are mandatory and must be adopted by education systems. However, and at the same time, they do not have the quality of rigid rules, closed in themselves, enabling the school community to adapt its proposals to the Guidelines and, consequently, to each reality.

Whether in the construction of Pedagogical Political Projects (PPP's), School bylaws, Institutional Development Plans (IDPs), Course Pedagogical Programs (CPPs) of Higher Education Institutions; from the didactic and pedagogical materials, from the teaching, research and extension, management models, as well as from the different evaluation processes (BRASIL, 2012b, p. 21), the NGEHR provide that these strategies and spaces for deliberation scale participatory methodological mechanisms, of active and collective construction on the transversality of HRE.

The NGEHR presents a special concern with the following objective: training for life and coexistence (Art. 5). This purpose appears as a reality and process linked to an “education for change and social transformation” (Art. 3rd) (BRASIL, 2012a, p. 20). In other words, it is the capacity of the educational institution to contribute so that “[...] the subject can carry out a new interpretation of his existence, becoming free from the violations and prejudices that permeate his environment, such as, for example, inequalities, violence and discrimination” (BRASIL, 2013, p. 22).

In this sense, the document recognizes that each person can (and needs), through the HRE, exercise a position of subject of rights and, likewise, assume the other as well as being, from a exchange of respect, reciprocity and otherness. It is, in this sense, that the incorporation of the precepts linked to HRE in the curricula of basic and higher education is seen as an alternative to leading the person in training to recognize themselves as an influential character in "changing the mentality of their group and as a promoter of human beings ideals” (BRASIL, 2013, p. 19).

The path traced from the NGEHR redimensions the educational activity in search of critical thinking. It intersects the roles played by institutions, professionals and subjects in training, in order to bring together reflection and action in the daily lives in which they are inserted. It is on the basis of principles linked to human rights that the aforementioned document reaffirms the educational environment as a favorable space for the emergence of

propositional attitudes and which broaden the perspective of the ability to analyze, intervene and ponder reality, based on humanist parameters.

The National Guidelines for Education in Human Rights present paths to political and instrumental education in dialogue with social participation, rights empowering and emancipating. The transversal reading of the Opinion that institutes the NGEHR points that the empowerment of oneself and over the other is the core of the methodological proposal of the document. After all, it is essential that training spaces contribute to self-knowledge, about the responsibilities of each citizen and, mainly, about the individual and collective commitment to the most marginalized groups.

This proposal to consider human rights as transformative and crosscut principles to people's reality also alludes to a set of arguments for the school and educators about the application, recognition and search for other principles present in the HRE discourse and in the struggle experiences carried out in dialogue with the world and with people.

As well, such dynamic requires that the teaching process culminates in the constant improvement of education professionals, especially managers, "with a view to detecting opportunities, spaces and scenarios where it becomes possible to apply and insert the principles and dimensions contained in the NGEHR" (BRASIL, 2013, p. 46). For the introjection of precepts committed to the citizen awareness about themselves and the world to happen in the training routine and outside it, it is essential that the people and the professionals are equipped. In short, human rights education has as its main purpose ethical, critical and political training.

The Guidelines outline a scenario in which: "[...] the school space is a place of affirmation of values, attitudes and social practices that, at all times and in all situations, are preserving the culture of living respect for human rights" (BRASIL, 2013, p. 45). The HRE is identified, in the Guidelines, as being decisive for the creation of a universal culture of human rights, responsible for promoting respect and valuing diversity. Whether in relation to what is taught or the way in which it is taught, the training process must reflect humanistic values, encourage social participation and foster learning environments based on otherness.

Therefore, the articulation between education, democracy, citizenship, ethics and human rights, elementary to training for diversity, affirmed since the National Plan for Education in Human Rights and reaffirmed by the National Guidelines for Education in Human

Rights, emphasizes the need for an approach of the aforementioned themes in schools, universities and other non-formal spaces.

The “doing” with the world becomes part of the process of permanent reaffirmation of these rights as fundamental elements of democracy and ethics. In summary, the HRE, regarding the provisions brought by NGEHR, expresses a holistic approach, based on the exercise of rights that comprise the educational activity in dialogue with the organization and the pedagogical dynamics.

3. Human education and transforming education: between being and knowing

Teaching is a complex practice, an exercise that brings together the continuous transformation of oneself in dialogue with the other. Thus, exchanges, encounters, shared challenges, and crossings that challenge the subjects who are part of the educational process are not, in this way, accidents or coincidences. It is necessary, then, to consider other ways of seeing, feeling, and experiencing the way in which the work of teachers is perceived, especially in higher education, correlating the knowledge and subjectivities of teachers, as well as their choices and experiences in construction of teaching-learning and, above all, about human formation.

From a critical (FREIRE, 1979) and ethical-political (FREIRE, 2021) perspective on the teaching role for educational training, particularly in the Brazilian educational scenario and on the impacts on the university context, we consider the Freirean argument about the need to unbind from a merely content-based, technicist perspective, reflecting, therefore, on a given didactic-humanist performance, in a scenario in which teacher and students are protagonists of the teaching-learning process.

In general terms, the aforementioned theoretical and political premise on education reveals the sense of promoting reflection on the perspectives and challenges of the teacher in teaching and, especially, in fields in which subtle forms of exclusion are yet supported in teaching doings, as in the case of legal education. After all, considering education in its transformative dimension, which reveals the creativity and criticism underlying the training process, the commitment to a dialogical, democratizing, humanist and emancipatory education in a challenging, multicultural environment permeated by cultural inequalities,

leads to a set of extremely relevant issues to highlight the role of human formation in dialogue with social changes (BENTO, CARDOSO, 2021a).

Santos and Cária (2019) address the issue of the relationship between experience, theory and practice of pedagogical competence in the university environment, emphasizing that academic competences need to represent a process built systematically from symbolic exchanges between teacher and student (a), distancing itself from the empty and uncritical idea that the teaching practice only transmits knowledge, and the student only receives it.

In this perspective, the authors argue that it is essential to change paradigms in this context. Escaping the mere direction of technical education, placing it in the sense of critical learning, thus allows students to develop intellectual capacities, based on an ethical and reflective perspective. Deconstructing the fragmentation of knowledge and extolling the interrelationship of knowledge and the opening to holistic training, which arouse restlessness, curiosity and observation, is the way to object to the uncritical and mechanistic objectivism that, grossly, empties the ethical meaning of teaching practice and training.

In this context, the educational process must consider the possibility of changes, the metamorphosis of teaching-learning, as only in this way will training result in a significant construction, especially for people in social vulnerability. After all, they are empty paradigms, which impede creativity, which subordinate insurgent/critical knowledge and experiences, which do not inspire or impact on daily life, in the affirmation of plural knowledge or, epistemologically, support democratic beliefs and values.

Candau (2014), based on the assumption that education is an intercultural action, historically and politically involved, suggests the re-signification of this field as a way of embracing complexity, difference and social diversity. Multiculturality, then, starts from the semantic value that open, sensitive and interactive dialogue measures when it comes to the construction of a democratic society, which gives centrality to the articulation of actions aimed at equity in difference (MOREIRA, CANDAU, 2008).

Thus, when it comes to Higher Education Institutions that offer Law Courses and their professors, such aspects are added to the directive function that education assumes in society. Provide, based on legal training, access to cultural instruments, to ethical precepts situated in time, which make professional training compatible with humanistic education, in

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

academic practice, considers "awareness as the creator of its own concrete reality" (FREIRE, 2021, p. 51).

Contreras (2010), in turn, suggests a reflection on being and knowledge in teacher didactic training from an intersected view, in a way that scales the connection between knowledge and being. The notion of experience is, therefore, placed as that which pervades the subject, which moves him to think, after all, knowledge is the result of experience. According to these reflections, the author understands that teacher education stems from the personal construction between experience and knowledge, without forgetting that reading the world must be seen as something that shapes and transforms, that constitutes and interrogates itself. It is necessary to reduce the gap between what is known and how one lives, highlighting the experience as the principle of any transformation or formation (CARDOSO, 2014).

In this sense, education is a human specificity, a way of intervening in the world. To move, as an educator, it is necessary to assume the role of social agent, so that the teaching of content (especially when it comes to legal education) permeates the ethical testimony of the teacher, of their experiences, approaching what is said to what is done, what it seems to be and what it really is. Because it is not plausible that the teaching narrative is constructed unrelated to what one is, that is, it is not possible to unlink the teaching subjectivity of what is done and defended. The pedagogical discourse, above all, is a passionate discourse about praxis (FREIRE, 2021).

Paulo Freire's method, representative of the liberating pedagogy, favors thinking about how education is a political act, of construction of knowledge and creation of a more ethical, fair, humane and solidary society. The dialogue between the various agents involved, in order to represent the dialectical perspective in education, alludes that teaching requires security, competence, generosity, commitment, knowing how to listen, conscious decision-making and love (FREIRE, 2021).

Fensterseifer (2009), on the other hand, thematizes the links between the field of ethics and education, recognizing the need for ethical-moral references capable of reconfiguring the world and the human from the historical sense, which is not, but which is being. He recognizes that, on a daily basis, we are the life choices, especially in the educational

field, that must guarantee space for constant reflection, denaturalizing everyday life and understanding it, then, as a non-linear historical and human production.

Ethics and education are culturally and politically articulated and interconnect human actions, discursive processes, and concrete actions. The importance of human rights education in law courses, as an instrument aimed at the teaching-learning process, can be understood as a principle and foundation for the social practice of critical and political emancipation based on their own experiences (CARDOSO, 2014; BENTO, CARDOSO, 2021b). In the teaching-learning dynamics, one cannot lose sight of the fact that student and teacher are dialogically involved and, in this context, forge together, creating mutually. This process interconnects the teaching practice and the contents, designing human formation, which should not be oblivious to socioeconomic and cultural inequalities.

When we refer to the commitment of legal courses, we must, therefore, point to skills that show themselves as alternatives to merely technical ones, that prepare students not only for the job market, but also for everyday life. Rethinking the social and organizational place, being able to review their beliefs and adhere to new and fundamental ways of thinking and acting, especially those aimed at promoting the dignity of the human person, democracy and the effectiveness of human rights, becomes the core of such an argument.

Based on these considerations, we argue that teacher education is marked by the multiplicity of knowledge, but that this does not imply saying that they should be antagonized. Knowledge needs not only to inform, but mainly to transform and impact through experiences, bringing together formal knowledge constituted with knowledge from experience. Understanding that the training of professors in law courses, in particular, can permeate the ability to live a critical and ethically involved formative experience, as a result of the relationship between experience and knowledge, considers going beyond the theory/technical dyad and relate the critical-political potential of the referred training.

4. Interdisciplinarity, transversality and legal teaching: paradigms for the critique of higher education in law

From the picture presented above, the following questions arise: how can the National Guidelines for Human Rights Education contribute to the implementation of legal education committed to human training? Could such a guideline bring about aspects that, when applied, prepare students for awareness and not just for the interests of the labor market? Can critical

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

education consider facing up to different forms of inequality and intolerance? Is there space in Brazilian legal education for the experience knowledge?

Morin (2018), in this sense, articulates that education, in this planetary era, is centered on the human condition, committed to civilizing and solidarizing the planet Earth, transforming people based on a sense of humanity, while demanding, at the same time, consensus, diversity and conflict, representing a democracy that is nourished by ideals such as freedom, equality and fraternity. Inspiring humanization, aiming at planetary unity in diversity and respecting the other, highlights the multidimensionality and human complexity, in addition to developing the ethics of solidarity and understanding.

Therefore, legal education institutions must mean and be fertile spaces for the construction of conscious knowledge, dissemination of democratic values and a commitment to full respect for human rights. It should also be noted that the relevance of human rights education, in this field, is explicitly and implicitly articulated in the main documents that guide educational policies and practices.

However, the realization of the EDH requires the adoption of a set of guiding directives so that the process takes place in an integrated and dialogic way, with the participation of all, thus ensuring its construction and consolidation. It is demonstrated the importance of investigating the contributions and interfaces between human formation and the ethical-training principles suggested by the National Guidelines for Human Rights Education for legal education.

Gatti (2018) presented an overview of political contradictions and perspectives in teaching education in Brazil, demonstrating the fluctuations in values, competitiveness, individualism on one side and the social perspectives and needs for cooperation on the other, aiming at social justice and educational equity. These reflections demonstrate the contradictions between what is established, standardized and what is effectively carried out by public educational policies for teaching education with knowledge and social and ethical commitments

Fazenda (2012) emphasizes, on the other hand, the importance of an interdisciplinary look, which rescues the magic of practices, the essence of movements and, mainly, that induces teachers to overcome or even reformulate their actions, leading them (as) to the exercise of multiple skills, such as intuitive and emotional skills, which are always looking for

new and differentiated alternatives to carry out quality work and love for research. This interdisciplinary look involves the integration and engagement of educators, overcoming the fragmentation of teaching and aiming at the full formation of students, with the need for dialogue and a transdisciplinary look on issues related to human complexity.

The National Council of Education approved an opinion and resolution defining new national guidelines for initial training at a higher level, considering values of citizenship, ethical issues and diversity in the training process, considering the psychosocial, historical-cultural and relational dimensions that support the pedagogical action, considering the stages of human development and from an interdisciplinary perspective, in addition to mastering information and communication technologies, implementing motivating and problematizing practices that provide learning constructions in an active and participatory way.

According to Gatti (2018), there are difficulties and challenges in teaching education that are the result and part of the historical-social construction, the training fragmentation and the neglect of pedagogical training, not just legal norms but cultural changes, with the need for horizontally, vertically and transversally integrated curricula, aiming to train teachers who assume knowledge in the intersection of social and ethical commitments.

Universities must exercise the function of a differentiated and autonomous social institution that seeks training and democratization, standing against social exclusion, which constitutes citizenship and democracy, undoing the confusion between democratization of higher education and massification, remembering that education is a right and not just a service, aiming at permanent or continued education, reaching the democratization of knowledge. Science in today's society exists in function of capital, so that information takes the place of knowledge itself. How was it possible to move from the idea of the university as a social institution to its definition as an organization providing services? Capitalism generates fragmentation of all spheres of social life, so that society acts as a mobile, unstable, ephemeral network of private organizations defined by particular strategies and particular programs, competing with each other (CHAÚÍ, 2003).

Human Rights Education, thus, values coexistence with human diversity and aims at inclusion. Freire (2021), equally, emphasizes the need to ontologically recognize the processes of dehumanization and, also, the historical reality, which can be re-signified from a given

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

humanist and liberating pedagogy, representing, therefore, an instrument of struggle for dignity recovering, especially of people who live with different social injustices.

The construction of legal knowledge that makes students able to reveal community demands in a holistic perspective is, therefore, the principle of education for freedom to dialogue with social issues. Bittar (2019) emphasizes the need to distinguish, then, education as formation and as training. In legal education, it means enabling critical thinking, developing the historical recognition of social problems and encouraging multi, inter and transdisciplinary knowledge about the human condition. Dialogue and constructive social interaction, plural and democratic, removes the compartmentalized, fragmentary, unilateral notions of teaching.

The National Guidelines for Education in Human Rights (BRASIL, 2012a) consider the approach to human rights as a fundamental axis of the right to education and recognize them as a set of essential guarantees for socialization. The National Plan for Education in Human Rights (BRASIL, 2006), in turn, defines HRE as a systematic and multidimensional process that guides the formation of subjects with rights, articulating different critical and ethical dimensions. Ferreira et al. (2010) suggest that higher legal education has significant potential for the consolidation of active citizenship, through teaching, research and extension.

And, in the legal field, the National Curriculum Guidelines elaborated by the Thematic Consultative Chamber of Regulatory Policy for Legal Education, proposed to the NCE (National Council of Educations) by the Secretariat for Regulation and Supervision of Higher Education of the Ministry of Education (SESHE/ME), approved by ME Ordinance No. 1351, of December 14, 2018 and based on Opinion NCE/CES No. 635/2018, important changes were established with regard to the relationship between teaching, research and extension. However, gaps in the implementation of human rights education in legal education, only inserting in the profile of the undergraduate humanistic training and allowing HEI (Higher Education Institutions) to offer or not the subject of Human Rights (BRASIL, 2018), are highlighted.

History reveals the exacerbated concern with mere professionalization, which entails an excess of technicality, which overshadows the broad responsibility of higher education as an instrument of human training (CORDEIRO; PALMEIRA, 2017). In addition, Resolution n. 5/2018 does not reflect the guidelines defined by the Law of Guidelines and Bases of

Education, 1996, nor the National Education Plan, Law No. 10,172, 2001, regarding the objectives and goals of education and its emancipatory function.

Symbolically, the abandonment of the HRE agenda, in those mentioned, has resonances for the production of subjectivities and identities, individually and collectively, that can arrange practices, narratives and postures for confronting social exclusion and for the promotion of citizenship based on legal training. Therefore, such choices operate as a kind of institutional framework that, while affirming neoliberal political and ideological tendencies, impoverishes and empties higher education in terms of its – necessary – critical role.

5. CES-NC Resolution n° 2/2021 and the new curriculum of law courses: marketing legal formation or emancipatory education?

In April 2021, the Ministry of Education approved Resolution No. 2/2021, based on NCE/CES Opinion N°. 757/2020, changing art. 5th, inc. II, of Resolution 5/2018 of CES-NCE, which deals with the scope of technical-legal training, establishing the mandatory nature of new subjects - Financial Law and Digital Law - in undergraduate courses in Law (BRASIL, 2021).

The National Council of Education (NCE) justified the mandatory nature of these subjects in the Law course, due to the high impact of issues relating to Financial Law for public accounts, public governance and the effectiveness of public policies, and, with regard to Digital Law, according to the NCE, is essential to strengthen digital literacy and communication and information practices (BRASIL, 2018).

For the neoliberal logic of the market, such inclusion was seen as an achievement, an important advance from the point of view of entrepreneurship, contributing, above all, to the formation of financial awareness of undergraduates. However, considering the systematic critical-political emptying of legal curricula, to what extent does the inclusion of these subjects as mandatory in Law courses contribute to solving structural problems of truly humanized legal education committed to the social issue?

Particularly, based on an analysis of the provisions of art. 5th, inc. II and paragraph 3 of the same article, while the subjects Financial Law and Digital Law were included as mandatory subjects in the Law course, Human Rights remains an optional curricular component. What principles govern such a change in the formative profile? Is it, in fact,

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

seeking a humanized legal education or a legal education merely aimed at serving the market, capitalist and neoliberal?

According to Cabral (2007), the formation of bachelors in Brazilian legal education, in neoliberal times, represents a barrier to the intellectual and political emancipation of students. Neoliberalism scales and bases the significant influence on the formation of the identity of law graduates, bound to positivism and mere dogmatics, interested in lectures and in the mercantilization of knowledge, so that they are directed to incessantly seeking power, money and prestige.

Moving away from a critical view of the State, from laws and the Law itself, the reform introduced after Resolution No. 2/2021 suggests that legal education, from a purely business, marketing perspective, contributes to the construction of myopic worldviews about social issues. Such epistemic violence articulates the teaching of Law as a by-product of capital, with a lucrative nature, which today provokes the unbridled and unrestrained expansionism of degrees in Law. What is the Law? What does such training instruct and what does it not include, if we consider that the curriculum of the Law Course, in this neoliberal context, has contributed to a marketable legal education?

The new guidelines of the Ministry of Education are inserted in the agenda of large private educational conglomerates and demonstrate their interest in preparing law degrees based on skills and competences geared exclusively to the neoliberal market. The inclusion of the subjects Financial Law and Digital Law as mandatory, while subjects such as Human Rights remain optional, highlights how critical knowledge is replaced by mere technique. In this sense, legal education that emancipates or enables students to exercise citizenship in their professional practices is desired, adapting legal training solely to the needs and aspirations of capital. The critical, reflexive, ethical and political dimension of the struggles for social change is made invisible.

The neoliberal expansionism of Law courses is, therefore, an evident inversion of values, demonstrating the need for critical dogmatics and resistance to neoliberalism (COUTINHO, 1999; ALMEIDA NETO, CARDOSO, 2020). And, in the view of Chauí (2011), if the university is seen as a mere space for the circulation of goods, which only surrounds and distributes technical knowledge, producing nothing socially, which only favors neoliberal logic and principles, that is, privatizing rights, defining citizenship as a marketing enterprise,

allocating knowledge to unbridled competition, transforming the university into a company, covering up structural unemployment, etc., human plurality and diversity are completely denied (SAFIULLIN, SHUGAEPOVA, SHAKIRZYANOVA, 2020).

For all these reasons, the absence of values aligned with human rights education highlights the difficulty (or impossibility) of disseminating fundamental ethical principles: equal rights, valuing differences, socio-environmental sustainability, recognition and valuing of differences, democracy in education, transversality, experience and globality. From such markers, it seems that it remains for higher education institutions responsible for offering legal education, the insertion of themes that critically dimension the historical construction, the culture of rights, the formation of citizen awareness and the development of dynamics and participatory proposals, thus bringing together actions and instruments of resistance in favor of promoting education for citizenship.

6. Conclusions

The notes introduced from this reflection suggest that the central issue left by the neoliberal teaching model resides in the questioning of the strategies that can be mobilized around the notions of difference and diversity as being legitimate and central to critical training in legal courses.

Certainly, it is the institutionalization of the National Guidelines for Education in Human Rights, currently made unfeasible due to the hegemonic standards of the market, which, of course, are nourished by arguments that despise human diversity, which can contribute to structural changes in that framework. And, in this sense, the exercise of HRE is to emphasize the challenge of consolidating discourses in which the idea of difference is a vector for social change, at the risk of delegitimization and questioning the role of the Law itself.

The project of equality in difference, instituted by the actions of the NCEHR and instrumentalized from the NGEHR, cannot be erased, it needs to be mobilized, implicitly and explicitly, by training agents and subjects who have forged alternatives of thought and criticism for the institutional crisis lived in the context of legal education in Brazil. In this space, education in rights can regain its status as a vector condition and a founding element for social mobilization and the struggle for rights. It can translate, into a space of resistance and of

future (CARDOSO, 2014; SIMÕES, CARDOSO, SILVA, 2022), the struggle against authoritarianism installed in Brazil.

Therefore, the challenge to the affirmation of the HRE in legal education, based on the NGEHR, lies, increasingly, in the deconstruction of the neoliberal binaries ("we/they", "universal/private" and "hegemonic/subaltern") that have, negatively, been designed, in Brazil, as the main idea of Law as a – supposedly – privileged field of knowledge.

After all, the central role of training for the exercise of citizenship, for democracy, respect for human rights and human diversity, gains more and more relevance when it comes to the current scenario of attacks on the values that underlie the Democratic Rule of Law and the valuation of differences.

Legal education, centered on human rights education, therefore, not only suggests skills and competences for professional practice, but also about the importance of the perception of teaching, human education and legal education itself in the face of exclusion and vulnerability, which are not assimilated by the technique and rhetoric of uncritical legal education.

References

ALMEIDA NETO, Antônio Lopes de; CARDOSO, Fernando da Silva. Pode o direito ser interdisciplinar? dimensões da produção científica sobre gênero na Pós-graduação em Direito no Brasil (2007-2016). **REDES - Revista Eletrônica Direito e Sociedade**, v. 8, n. 3, p. 259-272, 2020. DOI: <http://dx.doi.org/10.18316/redes.v8i3.5397>.

BENTO, Ana Beatriz Albuquerque; CARDOSO, Fernando da Silva. Education in rights and citizenship instruction: epistemic elucidation as from Paulo Freire. **International Journal for Innovation Education and Research**, Dhaka, Bangladesh, v. 9, n. 4, p. 22–28, 2021a. DOI: <http://dx.doi.org/10.31686/ijer.vol9.iss4.3013>.

BENTO, Ana Beatriz Albuquerque; CARDOSO, Fernando da Silva. Educação em direitos humanos, formação para a cidadania e ensino jurídico: sentidos epistêmicos mobilizados a partir de Paulo Freire. In: BOTTEGA, Clarissa, et al. (orgs.). **Direitos Humanos e educação**. 1. ed. Rio de Janeiro: Pembroke Collins, 2021b, p. 147-162.

BITTAR, Eduardo Carlos Bianca. **Introdução ao Estudo do Direito**: humanismo, democracia e justiça. São Paulo: Saraiva, 2019.

BRASIL. Comitê Nacional de Educação em Direitos Humanos. **Plano Nacional de Educação em Direitos Humanos**. Brasília: Secretaria Especial dos Direitos Humanos; Ministério da Educação, 2006.

BRASIL. Conselho Nacional de Educação. **Diretrizes Nacionais para a Educação em Direitos Humanos**. Parecer CP/CNE nº 08/2012. Brasília: MEC/CNE, 2012b.

BRASIL. Ministério da Educação. Conselho Nacional de Educação. **Diretrizes Nacionais para a Educação em Direitos Humanos**. Opinion CP/CNE nº 08/2012. Brasília: MEC/CNE, 2012a.

BRASIL. Ministério da Educação. Conselho Nacional de Educação. **Diretrizes Curriculares Nacionais do Curso de Graduação em Direito**. Opinion CNE/CES nº 635/2018. Brasília: MEC/CNE, 2018.

BRASIL. Ministério da Educação. **Resolução CNE/CES nº 2/2021 - Altera o art.5º da Resolução CNE/CES nº 5/2018**. Brasília: MEC/CNE, 2021.

BRASIL. Secretaria de Direitos Humanos da Presidência da República. **Educação em Direitos Humanos: Diretrizes Nacionais**. Brasília: Coordenação Geral de Educação em SDH/PR, Secretaria Nacional de Promoção e Defesa dos Direitos Humanos, 2013.

CABRAL, Nuria Micheline Meneses. **O ensino jurídico no Brasil em tempos neoliberais: adeus à formação de bacharéis?** 2007. 118 f. Dissertation (Master in Human Sciences) - Pontifícia Universidade Católica de Goiás, Goiânia, 2007.

CANDAU, Vera Maria Ferrão. Ser professor/a hoje: novos confrontos entre saberes, culturas e práticas. **Educação (Porto Alegre, impresso)**, v. 37, n. 1, p. 33-41, jan./abr. 2014. Available at: <https://revistaseletronicas.pucrs.br/ojs/index.php/faced/article/view/15003/10923>. Accessed on: Aug. 15th, 2021.

CARDOSO, Fernando da Silva. Interfaces da Pesquisa sobre Direitos Humanos em Produções Científicas na Área da Educação em Direitos Humanos / ANDHEP (2009 e 2012). **Revista Interdisciplinar de Direitos Humanos**, v. 2, p. 15-33, 2014.

CÁRIA, Neide Pena. O professor universitário e a sala de aula do ensino superior. **Poiésis - Revista do Programa de Pós-Graduação em Educação**, v. 13, n. 23, p. 197-215, set. 2019. ISSN 2179-2534. Available at: <http://www.portaldeperiodicos.unisul.br/index.php/Poiesis/article/view/7455>. Accessed on: Aug. 18th, 2021.

CHAUÍ, Marilena de Souza. A universidade pública sob nova perspectiva. **Revista Brasileira de Educação**, n. 24, set/dez, p. 5-15, 2003. Text available at: https://www.scielo.br/scielo.php?pid=S1413-24782003000300002&script=sci_arttext. Accessed on: Aug. 14th, 2021.

CHAUÍ, Marilena de Souza. **Escritos sobre a universidade**. 1. ed. São Paulo: Editora UNESP, 2011.

CONTRERAS, José Domingo. Ser y saber en la formación didáctica del profesorado: una visión personal. **Revista Interuniversitaria de Formación del Profesorado**, v. 24, n. 2, ago., 2010, p. 61-81, Universidad de Zaragoza Zaragoza, España. Available at: <https://www.redalyc.org/articulo.oa?id=27419198004>. Accessed on: Aug. 14th, 2021.

National Guidelines for Human Rights Education and legal teaching: normative, epistemic and formative issues

CORDEIRO, Carla Priscilla Barbosa dos Santos; PALMEIRA, Lana Lisiêr de Lima. Os direitos humanos como elemento transdisciplinar dos currículos jurídicos: a busca de uma formação voltada à cidadania. **Anais...** XII Colóquio Internacional Educação e Contemporaneidade, 11. ed., 2017.

COUTINHO, Aldacy Rachid. Trabalho e Pena. **Revista da Faculdade de Direito UFPR**, Curitiba, dez. 1999. Available at: <https://revistas.ufpr.br/direito/article/view/1872>. Accessed on: Nov. 18th, 2021. DOI: <http://dx.doi.org/10.5380/rfdufpr.v32i0.1872>.

CRESWELL, John Ward. **Projeto de pesquisa: métodos qualitativo, quantitativo e misto**. Tradução Magna Lopes. 5. ed. Porto Alegre: Artmed, 2021.

FAZENDA, Ivani. Interdisciplinaridade – Transdisciplinaridade: visões culturais e epistemológicas e as condições de produção. **Revista Interdisciplinaridade**, v. 1, n. 2, p. 34-42, 2012. Available at: <https://ken.pucsp.br/interdisciplinaridade/article/view/16243>. Accessed on: Aug. 18th, 2021.

FENSTERSEIFER, Paulo Evaldo. Ética e educação: reflexões acerca da docência. **Revista do Centro de Educação**, v. 34, n. 3, p. 559-572, set/dez 2009. Available at: <https://www.redalyc.org/pdf/1171/117112620010.pdf>. Accessed on: Aug. 18th, 2021.

FERREIRA, Lúcia; ZENAIDE, Maria; PEREIRA, Célia; SILVA, Itamar (orgs.). **Direitos humanos na educação superior: subsídios para a Educação em Direitos Humanos nas ciências sociais**. 1. ed. João Pessoa: Editora Universitária - UFPB, 2010.

FREIRE, PAULO. **Conscientização: teoria e prática da libertação - uma introdução ao pensamento de Paulo Freire**. Translated by Kátia de Mello e Silva. Technical revision by Benedito Eliseu Leite Cintra. São Paulo: Cortez & Moraes, 1979.

FREIRE, Paulo. **Extensão ou comunicação?** Rio de Janeiro: Paz e Terra, 2021.

FREIRE, Paulo. **Pedagogia da autonomia: saberes necessários à prática educativa**. 67. ed. Rio de Janeiro/São Paulo: Paz e Terra, 2021.

GATTI, Bernadete Angelina. Formar professores no Brasil: contradições, políticas e perspectivas. In: SANGENIS, L.F.C, OLIVEIRA, E. F. R.; CARREIRO, H. J. S. (eds). **Formação de professores para uma educação plural e democrática: narrativas, saberes, práticas e políticas educativas na América Latina** [online]. Rio de Janeiro: EdUERJ, 2018, p. 163-176. Text available at: <http://books.scielo.org/id/ngnq4>. Accessed on: Aug. 18th, 2021.

KAUARK, Fabiana; MANHÃES, Fernanda Castro; MEDEIROS, Carlos Henrique. **Metodologia da pesquisa: um guia prático**. Itabuna: Via Litterarum, 2010.

MOREIRA, Antônio Flávio Barbosa; CANDAU, Vera Maria. **Multiculturalismo: diferenças culturais e práticas pedagógicas**. Petrópolis: Vozes, 2008.

MORIN, Edgar. **Os sete saberes necessários à educação do futuro**. 2. ed. São Paulo: Cortez, 2018.

SAFIULLIN, Marat; SHUGAEPOVA, Aliya; SHAKIRZYANOVA, Dilyara. The ways and models of higher education development. **Práxis Educacional**, [S. l.], v. 15, n. 36, p. 661-672, 2019. DOI: <http://dx.doi.org/10.22481/praxisedu.v15i36.5951>. Accessed on: Aug. 12th, 2022.

SIMÕES, Helena Cristina Guimarães Queiroz; CARDOSO, Fernando da Silva; SILVA, Aida Maria Monteiro. Educação em direitos humanos, formação de sujeitos de direito e dignidade humana: fundamentos teóricos, epistêmicos e políticos. **Momento - Diálogos em Educação**, [S. l.], v. 31, n. 01, p. 116–134, 2022. DOI: <http://dx.doi.org/10.14295/Momento.V31i01.13660>. Accessed on: Aug. 15th, 2022.

Sobre os autores

Kassandra Marcia Castro Oliveira Diniz

Mestra em Educação - Programa de Pós-Graduação em Formação de Professores e Práticas Interdisciplinares (PPGFPI), Universidade de Pernambuco - Campus Petrolina. Especialista em Direito Processual Civil - Universidade Católica de Pernambuco. Bacharela em Direito - Universidade Católica de Pernambuco. Professora da Rede UNIFTC, Campus Petrolina. Integrante do G-pense- Grupo de Pesquisa sobre Contemporaneidade, Subjetividades e Novas Epistemologias (UPE/CNPq). Associada à Rede Brasileira de Educação em Direitos Humanos (Seção Pernambuco). E-mail: kassandra.oliveira@upe.br Orcid: <https://orcid.org/0000-0002-4594-7279>

Fernando da Silva Cardoso

Doutor em Direito - Pontifícia Universidade Católica do Rio de Janeiro, com período sanduíche no Centro de Estudos Sociais da Universidade de Coimbra, Portugal. Tese recebeu Menção Honrosa - área Direito - no Prêmio CAPES de Tese - Edição 2020. Professor Adjunto Nível II do Curso de Direito (Campus Arcoverde) e Professor Permanente do Programa de Pós-graduação em Formação de Professores e Práticas Interdisciplinares (Mestrado e Doutorado Profissional), ambos da Universidade de Pernambuco, e do Programa de Pós-graduação em Educação Contemporânea (Mestrado e Doutorado), Universidade Federal de Pernambuco. Líder do G-pense! - Grupo de Pesquisa sobre Contemporaneidade, Subjetividades e Novas Epistemologias (UPE/CNPq). E-mail: fernando.cardoso@upe.br Orcid: <https://orcid.org/0000-0001-8460-0406>.

Recebido em: 25/10/2022

Aceito para publicação em: 28/07/2023