

GOOD LIFE, EQUALITY AND SOLIDARITY IN A GLOBALIZED WORLD: REPERCUSSIONS AT ENVIRONMENTAL LAW

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ABSTRACT: This paper discusses the concepts of good life starting from the Greek legacy until equality and solidarity values in the contemporary world, before implications of a hegemonic global market and current environmental problems. The main purpose is to present the environmental ills before the globalization phenomenon and, starting from the identification of community and global issues, promote a proposal for paradigm shift which recognizes fundamental values to rescue the concept of good life and, through the practice of good habits achieve the ideals of life quality presented in the Federal Constitution. Therefore, the research is based on the deductive method.

Keywords: Good life, Equality, Environmental law, Otherness, Globalization

Introduction

Since the mid-twentieth century, the environmental issue has reached high levels of concern in the face the emergence of complex problems with unprecedented global dimensions such as pollution of the seas, rivers, soils, air, global warming resulting from the greenhouse effect and consequent desertification of land, increased ozone hole, loss of biodiversity are examples of concrete cases that are changing the scenario on the planet, generating conflicts of political, social, economic and environmental order.

However, it seems the change will only take place through new paradigms objecting the confrontation of this period of intense crisis that affects interpersonal relations, human- nature relations and human values.

Within this scenario, for many there is a return to the world's eschatological view, in which the destruction of the biosphere is a process without return, irreversible, as we walk towards the end of time, with the real and effective possibilities of extinction of life in the planet. Others, however, start from the premise that the current economic movement is not bad, and the consumption allows the generation of wealth, and the pessimistic and nihilistic view

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must be overcome the planet's ability to self-regenerate and the advancement of technology, capable of overcoming the natural and social scourges.

In this heated and endless debate involving the pessimists and the optimists, Malthusians on the one hand, and Cornucopians on the other, we see ecological changes and transformations occurring at greater intensities throughout the planet, which has led to increasing displacements of people around the world, in search of a better life.

From such natural and social phenomena, the present article sets out, initially, to examine the concept of good life, in the Greek world and in the present day.

Afterwards, delimiting the theme, one begins to read concepts of equality and solidarity, which present themselves as legacy of the French and American Revolutions, the Marxist theory and, at present, as fundamental rights of the democratic states.

Finally, this promotes the association of the themes with the phenomenon of globalization, aiming to demystify the mechanistic view of the world, based on the totalitarian and dogmatic technical argumentation. In this way, a concept of quality of life is sought in the constitutional text, aimed at promoting dialogue with the concept of a good life in the Greek world and the enlightened legacy marked by the concepts of freedom, equality and solidarity, in which it is possible to construct an economic development model based on a humanist perspective.

1. THE CONCEPT OF GOOD LIFE

There are in contemporary society a bunch of legal and philosophical issues that relate the concept of good and adequate life to individuals. However, it is necessary that the approach of the theme starts from the philosophical perspective to the delimitation of the term. Next, a legal analysis is promoted, in which the degree of concreteness arises, which surpasses what is presented, first, as a purely vague concept.

The concept of good life is treated by Plato and Aristotle as the proper content of the field of morality, expressed as moral and political virtues, that is, exercised in the private space and in the public space, such as we should live and behave, thus summarizing a content of ethical living, which is revealed through independent moral principles, capable of leading to personal happiness.

In this sense, Friedo Ricken (2008, p.79) recalls the inscription at the entrance to one of the Island of Delphi's temples which warned: "The most beautiful is the fairest, the best is health, the most pleasurable is to conquer what we love", and complements that for Aristotle this inscription reveals in his Eudemus' Ethics the separation of the "{three values: good, the beautiful, that is, the morally good, and the pleasurable (Eudemus' Ethics II 1214a-8)}".

The good life for Plato relates to a way of learning to live, but to live philosophically, through a search for reflexive investigation, opposed to the behavior of the sophists, who sold knowledge to those who set out to pay more.

The knowledge in Plato is not, therefore, summarized to something abstract or theoretical, but presents itself as a virtue. Thus, knowledge was a virtue, able to shape the character of the individual and impregnate its soul. The education thus thought would be able to provide the good life, through the harmonious development of the human personality formation and consequent salvation of the soul.

Aristotle's reading of the inscription on the Island of Delphi, as Friedo Ricken points out (2008,p.79) took the concepts of good, beautiful, and pleasurable as a mutually conditioned unity, while happiness would be “the more beautiful, better and more pleasurable, and it can be supplemented in advance: it is moral value, virtue, which produces the unity of the two other values, the good and the pleasurable” .

In contrast, Plato emphasizes, "Virtue does not come from wealth," says Socrates in Plato's Apology, but "wealth and all goods come from virtue," as Friedo Ricken (2008, p.79/80) explains. , That is, "virtue or morality is advantageous".

The righteous thus emerges from everyday relationships and reveals itself as the equality in relationships. In this way, people need each other and the satisfaction of each one only operates in community, in the explanation of Friedo Riken (2008, p.124), for Aristotle “without community, there is no survival; without exchange, there is no community; without equality, there is no exchange. It is important to note that 'community' in this argumentation is not a purely descriptive concept, but also a valuation ”.

It is not difficult, therefore, to imagine that for Aristotle this concept of equality can only be the fruit of a harmonious and stable human coexistence within a community, which is guaranteed by the concept of the righteous, expressed through friendship (*philia*) reveals an analogous relationship of retribution among the individuals that integrate the community.

According to Friedo Riken (2008, p.176), “the demand for justice is indivisible, it cannot be limited, in friendship for benefit, to the equality of the mutual advantages of the two partners, but must take account of all social relations in which there is a human being” .

Nowadays, Ronald Dworkin (2011,p.611/612) draws distinctions between the idea of a good life and the idea of living well, he says, “living well means struggling to create a good life, but only subject to certain limits essential to human dignity” .

Therefore, one could not explain the importance of a good life without first realizing how a good life could contribute to living well.

With this, Ronald Dworkin develops the idea of a good life embodied in the idea of a performance, that is, the positive impact that a good life would produce in the world, besides a subjective value (bring satisfaction to the individual itself), revealing an objective value that transcends its value as a product.

The idea of performance can be extracted in a context of the full exercise of one's own potentialities, that is, boosting the potentialities of a life, making this life, in fact, a good one.

Dworkin notes, however, that the perspective of Plato and Aristotle is very austere and compel us to find authenticity and integrity in our morality, and we would hardly achieve full integration between our moral, political, and ethical values.

But morality requires austerity, for it involves human desires, purposes, and human ambitions.

However, his proposal aims to promote an overcoming of categorical morality concept and, for that, introduces the concept of responsibility to live well, thus highlighting the value of having a critically good life. Living well then reveals itself as the constant struggle for a good life, which of course involves the concept of virtue, but is not reduced to it.

In face of the current complexity in which we live, though, when one speaks of the exercise of potentialities, one can tend to a perspective of human action in which the individual can have a life according to his own precepts, without any barrier that can Limit their individual

desires, individualistic idea that is a maxim of contemporary society presented in the liquid modernity of Bauman (2001).

Today, in which contemporaneity is seen as the set of relations and institutions, marked by uncertainty, volatility and insecurity, which transforms reality into something liquid and fluid, without the mark of previous moral references, which sustained a solid modernity, which ceases to exist and opens space for the logic of the immediate, consumption, enjoyment and artificiality.

For this reason, this individualist maxim does not seem to be a good way to pursue a good life.

In fact, as Luc Ferry (2012, p.16) points out: “beyond the world's knowledge and the history in which our existence happens, we need to be interested in other humans, in those with whom we are going to act” .

Thus, a good life, a useful life, a life that would be worth living, must tend to a path in which the values that guide the threshold of life in collectivity, that is, in an environment in which the collectivity must prosper so that the individual also has room to thrive.

So, an individual who is devoid of moral precepts will treat everything based on economic values, without any concern for the collective body, or with each individual that makes up the society.

In this sense, Fritjof Capra (1982,p.228) observes that “our obsession for economic growth and the value system underlying it has created a physical and mental environment in which life has become extremely unhealthy” and, it has become “an integral part of our economy, poses a serious health risk because many of the items produced and sold in this way have a direct effect on our health” .

Therefore, a good life today is one that can overcome the postulates of a consumerist and egocentric society, emphasizing moral precepts, by which the individual obtains preparation and conscience to break the injustices and inequalities, through a vision of providential utility, in the which wealth is directed towards the well-being of all, with the intellectual growth of society for the development of ethical, social and human values capable of promoting a holistic metamorphosis of overcoming the alienating model of the consumer society, which generates violence and inequalities.

2. EQUALITY AND SOLIDARITY

There is no way to speak of equality without making explicit the idea of dignity, since equality is only possible by the analysis of the relationship with the other and things.

Therefore, according to Kantian moral behavior, the individual must act outwardly according to a principle that can guide the action of anyone so that we can live well in collectivity, without exploitation or abuse in human relations.

Accordingly Kant (2014, p.231) will observe that appropriate behavior will be a law categorical imperative, or what is called the universal law of law:

“It is fair every action according to which or according to whose maximum the freedom of the arbitrariness of each can coexist with the freedom of anyone according to a universal law etc.”.

If my action, therefore, or in my real state, can coexist with the liberty of any one according to a universal law, then the one who hinders me is unjust to me, for this impediment (this resistance) cannot coexist with freedom according to universal laws. It follows that, too, it cannot exist that this principle of all maxims

is itself also my maxim, namely, that I make it the maxim of my action, since each can be free even if its freedom I was either completely indifferent or I would rather have it in the background to prevent it, as long as I do not damage it by my external action. The requirement of adopting as a maximum the right action is done by ethics.

This universal law of right can be presented, in other words, as acting outwardly so that the free use of will can coexist with anyone's freedom (KANT: 2014,p.231).

Dignity, in turn, is amoral and spiritual value inherent of the person, that is, every human being is endowed with this precept, and this is the highest principle of the democratic state of law and is currently expressed in the Brazilian Federal Constitution of 1988, listed in the roll of fundamental rights (article 1, III).

It has, however, that the notion of dignity of the human person must be conceived in a broadway, covering the various aspects of human life. It is considered an inherent attribute of the human being, a quality of his own, and not a right conferred exclusively by the legal system.

In this way, speaking about the dignity of the human person, Immanuel Kant (2014b, p.82) argues that people should be treated as an end in themselves, not as a means (objects), and who thus formulated this principle:

In the realm of ends everything has either a **price** or a **dignity**. When a thing has a price, it can be put instead of any other as *equivalent*; but when a thing is above all price, and therefore does not allow equivalent, then it has dignity.

What relates to the general inclinations and needs of man has a *venal price*; that which, even without presupposing a necessity, it is according to a certain taste, that's a satisfaction in the free and purposeless play of our psychic faculties, has a *price of affection or feeling* (*Affektionspreis*); but that which constitutes the condition only by virtue of which anything can be an end in itself, has not only a relative value, that is a price, but an intimate value, that is, *dignity*.

The presentation of such concepts still requires a rapid approach about freedom, since it is not possible to separate the trinomial freedom-equality-fraternity in the analysis of the modern world.

Therefore, it is true that freedom always has the other as reference, because one cannot think of the collective body constituted by a single individual who has no limits to his freedom, being able to do whatever he likes, without limits, exploring the world around until exhaustion.

In this sense, Manfredo Araújo de Oliveira (2010,p.385) observes, by dealing with the construction of a symmetrical society: {his conquest [of being human] is through the mediation of the encounter with the other human being}.

What will matter in this environment of collective coexistence is precisely the flowering of the potentialities of one's being itself, without prejudice to other individuals that surround it, but that there is respect for one's own being and also for the environment of coexistence with other beings. The basic need that marks human life is the creation of a world of social relations (OLIVEIRA: 2010,p.385).

Thus, individual freedom thus leads to the encounter with the other, which establishes its limit. In this relationship, freedom is the fruit of the achievements of men in society, from the understanding of community values.

Freedom therefore demands responsibility to hear the appeals of the other, and thus it ends up enlarging the freedom of each one, since it allows man not to be cloistered in himself and, at last, to present himself as being from yourself.

Equality, in turn, has as its fundamental presupposition the use of elements that can be compared to each other, indicating the absence of incongruities and deviations, be it between

individuals, objects, ideas or concepts. Equality thus envisaged is a value expressed by the comparative analysis of two or more orders of magnitude.

For the Greeks the concept of equality was directly associated with an orderly totality: the *kósmos* (ordered universe), a place dominated by human intelligence. The disharmony, misfit and imbalance of the *kósmos* triggered the exercise of justice, which should promote the analysis of the correlation of conducts and an analysis of the terms involved that should be matched for the resumption of balance and harmony.

However, as we know it today, the legacy of equality began to be outlined after the French Revolution, starting from the idea of a society in which there was no longer the legal distinction between classes (nobility, bourgeoisie, clergy and slaves).

This legacy was expressed in the political sphere, based on the differences of rights and duties of the members of a society.

The improvement of the rights and duties enshrined in the constitutions of the various countries has since expanded the idea of equality of rights and duties to address issues such as gender, class, ethnicity, gender, race, beliefs, and so on.

The breadth of the idea of equality has led some authors to argue that, at present, its concept should be replaced by a broader one, namely the idea of diversity.

There is no way to speak of equality and not return to the classical distinction between formal equality and material equality.

Without descending to the minutiae and the endless debate of such ideas, we have, synthetically, that formal equality is that coined by the Enlightenment ideals, consecrated by the French Revolution and developed throughout the eighteenth and nineteenth centuries, expressed by the formula all are equal before the law, which aims to say that there are no differences between people when confronted with the rule of law and law. We have, therefore, isonomy (a word that brings together the ideas of *isegoría* and *nómos*), that is, equality that is constructed from custom, from the common tradition and with evolution it becomes the general opinion of a group and becomes accepted by the majority as a rule of conduct.

Material equality was developed from the nineteenth century, for formal equality came to be seen by many as the old formula of understanding justice as “to render to everyman his due”.

This definition of poetic character which many attribute to the poet Simônides can also be found in Aristotle, in *Nicômachean Ethics* in dealing with particular justice which is divided into distributive justice (1131-b) and commutative justice (1132-a, b).

Stagirite uses a rule of proportionality to establish what is fair in the particular sphere, but several authors have come to interpret this analysis by the synthetic reading of the formula of attribution “to render to every man his due”, a formula that is taken up again by Ulpiano and Other Roman jurists, to the present day.

But without proper analysis and care the mentioned formula can lead to injustice, for rendering to every man his due in relation to the slaves, for example, could give them only what was their due, that is, slavery!

Thus, the socialist influence of this formula is rethought from the concept of inequalities and is now synthesized as "treat equals equally and unequals unequally but in proportion to their inequality", emphasizing the need to promote special legal protection for parts of society which, throughout history, were disadvantaged.

This vision turned out to be the embryo for the emergence of the concept of public policies, understood as the sum of governmental activities, capable of influencing citizens' lives, that is, what a government does or does not do, directly or by delegation, capable of effecting rights or not, intervening in social reality.

On the other hand, John Rawls (1997, p.79-80), when dealing with democratic equality, will find the confluence of two principles: a) the equitable equality of opportunity and; b) the principle of difference, whereby "if there is not a distribution that improves the situation of both people, one should prefer an equal distribution", then "from the point of view of the principle of difference, there is no gain unless the other also wins".

It follows that justice can only be achieved if the expectations of those who are better off also function as part of a scheme that would also improve the expectations of those less favored in a society.

According to this ideal of justice, it would only be possible to attend to the will of those who have better conditions if this also conferred advantages to the less fortunate, thinking of a social order.

When referring to the economic world these days, Fritjof Capra (1982,p.192) says that:

One of the prevailing characteristics of today's economies, both capitalist and communist, is the obsession with growth. Economic and technological growth is considered essential by virtually all economists and politicians, although at this point in time it should be clear enough that unlimited expansion into a finite environment can only lead to disaster.

It is worth noting that, although there is a benefit to both parties, it is necessary to consider, on the other hand, the existence of a social collective body, an environment of coexistence from a perspective of otherness, and it is imperative to identify the neighbor as a human being.

In this perspective, article 225 of the Federal Constitution will outline some basic parameters for a collective life, when he says that: "{everyone has a right to the ecologically balanced environment, a common use of the people and essential to the healthy quality of life}.

This guarantee is a guarantee given to all the individuals that are part of the collective body and, going beyond, transcending the individual development itself, but being a collective development of the entire ecocentric system, precisely thinking of propitiating the human being a condition of Life and well-being in harmony with the environment that surrounds it.

Obviously, these minimum conditions are required to provide a good life, far from wanting to violate individual freedoms, making the individual to be directed in all branches of his life and autonomy, or just ensure a better condition of choice, ensuring full development of their own potentialities.

Similar to this idea, Amartya Sen (2010,p.367) says:

It is also a social responsibility that economic policies should be geared to provide ample employment opportunities from which the economic and social viability of people can depend crucially. But ultimately, it is a responsibility of the individual to decide what use to make of the job opportunities and what job options to choose. Similarly, denial of basic education opportunities to a child, or essential health services to a sick person, and a failure of social responsibility, but the exact use of what has been achieved in education and health can only be determined by the person himself.

Ultimately, what can be observed is that some parameters can be adopted to delimit the definition of the concept of a good life, which must be inline with values related to freedom,

equality and solidarity, since one must think about the development of the individual, but also of the collective body as a whole.

In addition to the idea of a good life, all individuals should have the opportunity, in the subjective field of their own being, to the full development of their own being, to the choices of acting, from the perspective of the autonomy of the individual's own will. With this, has been in modern democratic states equality is unthinkable without solidarity.

The concept of solidarity refers to the existence of an act of kindness with the other or, in the legal sphere, to a feeling in which the obligations of solidarity reveal unity and integrity, in a plurality of subjects, who are approached by a union of sympathies, interests or purposes.

The presupposition of solidarity entails mutual cooperation between two or more persons; interdependence between beings and things and identity of feelings, ideas and doctrines.

As Domingo Moratalla (2000,p.707) observes, it is possible to find in the content of solidarity “a basic and primordial feeling, capable of uniting naturally two beings of the same species, and especially the human, a filía or friendship, which not only unites citizens, but also groups and cities” .

And he concludes his thinking by retaking Aristotle's thinking in Nicômachean Ethics (1155a) by pointing out that this connatural feeling of friendship:

[...] seems to keep states together, and it would seem that lawmakers have more love for friendship than justice, for what they aim at above all is unanimity, which has points of similarity to friendship; repel factionalism as if it were their greatest enemy. And when men are friends, they do not need justice, whereas the righteous needs friendship; and it is considered that the most genuine form of justice is a kind of friendship.

In the sphere of contemporary culture, however, solidarity seeks a planetary order that seeks the call for cooperation between peoples and men, through a logic of action and a logic of justice, which expresses a consensus, guided by the strengthening of the sense of community, aiming at eliminating the exclusions of all species.

In this way, as L. A. Warat (2004,p.388) points out: "when you practice solidarity, you are recognizing the existence of the other as different, you are accepting it without intending to narcissistically merge it with the model of man that created imaginary produces as a tanned fantasy".

In contemporaneity, the man-nature relationship demonstrates on the one hand the generosity of the environment that resists the maladies imposed by man and also provides sustenance in the form of air, food, water and other natural resources and, on the other hand, diversity of environmental problems are of local scale, such as flooding of small streams and dumps in small towns, through the regional scale, such as eutrophication of lakes, rivers and marine waters and acid rain, which can reach several cities and states until reaching on a global scale, such as the decrease in the ozone layer and global warming, which affects the planet as a whole.

The current environmental problems were aggravated by the advance of capitalism that provided technological growth, from the linkage of science as a means of production and, at the sametime, generated more degradation of the environment.

In fact, the capacity to transmute leads capitalism to perpetuate itself and thus has its configuration through stages, in which its first period is marked by liberal capitalism, which covers the entire nineteenth century. The second period encompasses the end of the nineteenth century until two decades after World War II and is called organized capitalism. Finally, the

third period, called disorganized capitalism, covers the period from the late sixties of the last century to the beginning of the 1990s. At this stage, we see the outbreak of financial capitalism.

Bauman (2010,p.7) explains this trajectory by emphasizing that "capitalism stands out for creating problems rather than solving them", proving itself to be a parasitic model that always requires new markets to exploit and thus continue to survive.

This is why Bauman (2010, p.29) compliments that the changes perpetrated by capitalism within modern societies led to the change of a model that led to a transition from "solid society to net society, from producers to consumers" and thus, "the primary source of capitalist accumulation shifted from industry to the consumer market."

However, it is not possible to adopt a posture that is self-indulgent in view of the above mentioned points, as Freya Mathews (2005,p.240) explains:

Our ability to act maybe finite, but it is truly ours; when we realize this ability through involvement with the world, we experience joy. By putting us in dire straits, the ecological crisis offers us extraordinary opportunities to rise above the trivial dimension of life and to unfold ourselves fully. In doing so, we discover an unexpected joy of living in the midst of environmental sadness.

That said, if you have to think about the environmental issue nowadays, it is above all to examine the dynamics of economic growth, social changes, the process of globalization and the economic and environmental crises that guide world politics, as will follow.

3. THE GLOBALIZED WORLD AND THE ENVIRONMENTAL ISSUE

The historical model of the development of human communities is striding towards an attempt to integrate and reduce distances, increasing the flow of information, resources, consumer goods and in some situations, even people. It is important to note that this increase in flow has the ability to transform one's own human relations and power relations.

Thus in Montesquieu's eighteenth-century idea in his work, the Spirit of Laws (1996), in the sense that power alone would be able to limit power itself, referring to State power, by presenting the division of state powers into Legislative, Executive and Judiciary, as a real system of checks and balances, seems to be fading now and, some States, suffering in its foundations.

In fact, state power, according to some authors, is increasingly weakened by the phenomenon called globalization. It urges, therefore, to clarify that the weakening is not necessarily the individualized institutions of the State (the Legislative, the Executive and the Judiciary), but of the State as a whole.

The political and financial fronts of globalization are responsible for consolidating the universalization of society's economic thinking in the dynamics of individuals' lives, as well as the reflexes caused to the law itself, as an instrument for regulating life.

In a world without borders the movement of people, goods, values and information, liberal ideals were absorbed by economic discourses, making inappropriate and misguided state restrictions, except for the migration of marginalized people to the so-called developed countries, in order to that the State can save its own economic environment, as it did in the case of the United States intervention in 2008 in the economy due to the financial bubble.

The maxim is that already mentioned in the beginning of this article in which Fritjof Capra (1982,p.192) denounces the obsession for economic and technological growth.

In this line of thinking we have that business behavior is inexorably concerned with values aimed at increasing profitability.

Globalization, however, is not a new phenomenon, since it has long sought to establish economic and cultural integration among the peoples (about five centuries).

Therefore, for a correct understanding of the theme, it is important to be clear that there is no peaceful understanding about the beginning of globalization.

As Beck (1999, p.46) points out, Marx, for example, establishes the beginning as the fifteenth century, with the emergence of modern capitalism; Wallerstein as being the fifteenth century, with the emergence of the world capitalism system; Robertson defines the period between 1870-1920, from the multidimensionality; Giddens, from the seventeenth century, with modernization; Permuter with the end of the East and West conflict and the emergence of global civilization.

For this reason, Beck (1999, p.27-30) makes a distinction between globalism, globality, and globalization. Thus, in his view globalism is "the conception that the world market bans or substitutes itself for political action; It is, therefore, the ideology of the world market empire, of the ideology of neoliberalism". Globality is the fact that "we have lived for along time in a world society", means "the set of social relations, which are not integrated into the politics of the national state or are not determined (determinable) by it". Finally, globalization means "processes, in the course of which national states see their sovereignty, their identity, their communication networks, their chances of power and their orientations suffer cross-interference from transnational actors".

Notwithstanding these considerations, it is certain that the phenomenon of actions without frontiers arises with the navigators and discoveries of sea routes for the establishment of trade between the West and the East and it continues until the present day with the division of the world in regional blocks like The European Union, North American Free Trade Agreement (NAFTA), Mercosur and a gradual trend towards the fragmentation of sovereign territories.

Thus, globalization can be marked by three distinct phases: a) period called mercantilist expansionism (1450-1850); b) period called Industrial Era, imperialist and colonialist (1850-1950) and c) post-1989 period to recent days.

Mercantilist expansionism is associated with the discovery of new lands allied to trade and marks the world economy with maritime routes to the Indies and the establishment of European markets for India, China and Japan with spices and goods such as sugar, tobacco, coffee, ores, among others, many of these products obtained directly from the colonies, located in southern North America, Caribbean and Brazil, through the use of slave labor, originating from Africa, indigenous or the local peoples of these regions.

This first moment of globalization was only possible due to the intense and violent slave trade, the expropriation of indigenous lands, the intense decimation of these local peoples and the destruction of their culture, as well as the spread of diseases and epidemics that devastated them through contact with European countries.

In this sense, globalization serves to overcome the border barriers of states and leverage economic power against local interests and cultures.

This perspective of globalization is perceptible in the analysis of the definition given by Anthony Giddens (1991,p.60):

Globalization can thus be defined as the intensification of social relations on a world scale, linking distant localities in such a way that local events are modeled by events occurring many miles apart and vice versa. This is a dialectical process because such local events can move in an an-tersque direction to the very distanced

relationships that shape them. Local transformation is both a part of globalization and the lateral extension of social connections through time and space.

It happens that, with the phenomenon of globalization and the strengthening of economic power, forcing the state barriers and restrictions, they end up weakening the states themselves.

In fact, the weakening of the state is increasing, because there is a "loosening of the brakes", a beautiful discourse of liberal values that in the States brings economic behavior with the purpose of "deregulation, liberalization, flexibility, increasing fluidity and facilitation of Transactions in the real estate and labor financial markets, relief of the tax burden, etc." (BAUMAN: 1999,p.75).

In away, the State, which after years of intense struggles to get rid of the domination of a few, now becomes an organization with regulations and division of powers to serve the interests of a collectivity, the so-called Social State, based on values Human rights and fundamental rights in the constitution (Freedom, Equality and Solidarity).

This state, however, in the face of the increasingly intense phenomenon of globalization,suffers from the inferences of the economic power that weakens it, which reduces tax collection, for example, by reducing resources for application in defense of the interests of individuals that makeup society, especially minorities.

Therefore, as Milton Santos (2001,p.19) observes:

An overpowering global market is presented as capable of homogenizing the planet when, in fact, local differences are deepened. There is a quest for uniformity, at the service of hegemonic actors, but the world becomes less united, making the dream of a truly universal citizenship more distant. Meanwhile, consumer worship is stimulated.

Thus, the more the phenomenon of globalization is accentuated, the stronger is the strengthening of private institutions with corporate interests and more power is retained in the hands of those who hold the economic power and, consequently, less power remains in the hands of the institutions that act in the interests of the community.

According to Boaventura de Souza Santos (2002, p.26-27), globalization is not a merely economic phenomenon, but with multiple faces that, in addition to the economic dimension, there are still the "social, political, cultural, Complex and interconnected legal systems "which, far from being consensual, presents itself as" a vast and intense field of conflicts between social groups, states and hegemonic interests, on the one hand, and social groups, states and subaltern interests, on the other; And even within the hegemonic field there are more or less significant divisions".

There is no doubt, therefore, that economic power, the big international corporations, is not concerned with social issues, only with the margins of profitability, which, faced with the phenomenon of globalization, increasingly fail to face the Environmental issues, social and labor rights that were once the province of the states, within the framework of local and community action.

With these settings we must always bear in mind the lesson of Milton Santos (2001, p.18):

Indeed, if we wish to escape the belief that this world thus presented is true, and we do not wish to admit the permanence of its misleading perception, we must consider the existence of at least three worlds in one. The first would be the world as they make us see it: globalization as a fable; The second would be the world as it is: globalization as perversity; And the third, the world as it can be: another globalization.

Therefore, in the struggle between hegemonic and counter-hegemonic globalization it is possible to visualize the need for action in local environments and in global environments.

Indeed, Boaventura de Souza Santos (2002,p.72) compares this paradigm with the position in which community and local resistance, small-scale and self-sustaining economies, are reviewed vis-à-vis hegemonic globalization and neoliberal economic policy.

For the Portuguese sociologist, the local paradigm will not necessarily dislike global and translocal questions. In the final analysis, what is really intended is to observe ideals that can rightly lead to a strengthening of the State, with a goal of counter-hegemonic globalization policies, with a view to the protection of local and regional communities, against the hegemonic power that ends up weakening the state and therefore exposing the individuals who make up these local communities.

Finally, the struggle is for another model of globalization, as Milton Santos (2001, p.173) explains:

Thus we dare to think that the history of man on Earth disposes of the objective conditions, material and intellectual, to overcome the deification of money and technical objects and face the beginning of a new trajectory. Here, it is not a matter of setting dates, nor of setting moments of the leaf, marked in a calendar. Like the clock, the calendar is conventional, repetitive, and historically empty. What really counts is the time of possibilities actually created, which in its time each generation finds available, that which we call empirical time, whose changes are marked by the irruption of new objects, new actions and relations and new Ideas.

In light of the arguments presented, we see that the phenomenon of globalization has accentuated the differences, produced greater social inequalities and intense exclusions.

In order to demonstrate this assertion, we present the data collected by A. Calvo Orcal (p.408) as of the publication of the United Nations Development Programme (UNDP) report for 1992:

In 1989, the two million richest human beings accounted for 82.7% of income from economic activity, 81.2% of world trade, 94.6% of commercial loans, 80.6% of domestic savings, and 80.5% of investments. In contrast, the two million poorest people had 1.4% of income, 1% of world trade, 1% of domestic savings, and 1.5% of investments. Global markets do not operate freely. This, together with their status as unequal partners, costs developing countries more than \$ 500 billion a year, 10 times more than what they receive in foreign aid. This is equivalent to 20% of GDP and more than 6 times what they spend on human development priorities: basic education, basic sanitation, drinking water and elimination of malnutrition. The aftermath of this situation is chilling: two million human beings live in absolute poverty and another billion on the margins of poverty; one billion and 300 million lack potable water; two and a half billion people do not have basic sanitation. Some 75 million leave their land and become refugees, displaced persons and legal or illegal migrants, etc.

This situation, however, has been further aggravated.

According to data from the United Nations Development Programme (UNDP) and Human Development Report 2006 (2006,p.269):

The 500 richest people in the world have an income of more than 100 thousand billion dollars, without taking into account the wealth of assets. This exceeds the combined incomes of the poorest 416 million. The accumulation of wealth at the top of the overall income distribution has been more impressive than poverty reduction at the bottom. The World Wealth Report 2004, prepared by Merrill Lynch, shows that the wealth of financial assets of the 7.7 million "high net worth individuals" reached \$ 28 billion in 2003, with a projected growth of \$ 41 billion Dollars until 2008.

Therefore, as has been pointed out previously, the values inscribed and established in the Brazilian Federal Constitution (so-called fundamental rights) have an ideal of local strengthening, as well as the development of solidarity in the regions of the country, but this seems little in the face of the world problems mentioned above.

It is therefore imperative to implement counter-hegemonic policies for the establishment of community and local development, in order to overcome the serious and diversified problems. Such a search should be guided by the reconciliation between economic development and the preservation of natural resources, in the theoretical and practical fields, in order to avoid poverty, food deficiencies, various types of human exploitation and prejudices of any kind, recognizing the Diversity, and everything to make the world better. Therefore, ethics is fundamental to help define what quality of life is.

In this respect, as José Fernando Vidal de Souza (2015,p.488) observes:

In the end, economic development that allows basic human needs to be met by overcoming deprivations and inequalities will ensure a good life for all and demonstrate that the current civilizational project is indeed concerned with defining concrete data about what is quality of life. Life and its importance to humanity, leaving the term to be merely pamphletary, porous and tied to the rules of market and consumption.

CONCLUSION

The present paper sought to correlate different themes such as good life, equality, solidarity and globalization in the face of global environmental ills and its repercussions in the scenario of the country's environmental law.

Brazil has a privileged status in environmental matters, has a rich biodiversity, a privileged amount of minerals, among them the abundance of fresh water and its extension of the territorial sea, a vast amount of forests, forests and green areas, with enormous variety of plants and animals.

But in the last 50 years the main environmental problems in the country are related to a model of disorderly development, generating numerous problems due to the lack of cities planning.

In fact, the numbers alone are able to demonstrate the size of the current environmental problem. In 1960, according to Brazilian Institute of Geography and Statistics (IBGE) data, Brazil had 32,004,817 people living in urban areas and 38,987,526 living in country areas, but in 2010 the urban population increased to 160,925,792 people, while still remaining in the regions country homes 29,830,007 people.

The swelling of the cities has increased the pollution of the air, of the waters, with consequent contamination of the water resources by sanitary sewage emptied "in natura", for lack of adequate basic sanitation, besides the scarcity of the water by the misuse and management of the hydrographic basins. In addition, disorderly occupation of the land, with the appearance of numerous favelas (slums) and the occupation of hillsides and slopes, also caused the intense occurrence of floods, landslides and large garbage production, causing local problems to arise in all Brazilian urban regions.

In the rural areas, the situation became even more worrying, with the growth of intense predatory agricultural practices and the rapid growth of logging (vegetal extraction), with consequent loss of biodiversity due to deforestation and forest fires, Brazil to occupy the second position in the ranking of the largest devastated areas in the world, only losing to China. It is

worth remembering that the Amazon rainforest already had about 15% of its original area deforested and the Atlantic Forest retains only 7% of its original wild composition.

But in addition to these local problems Brazil still faces global environmental problems such as heat islands and thermal inversion due to population swelling in large urban centers, greenhouse effect caused by the increase in temperature on the planet, erosion and acid rain caused by the large amount of polluting gases that react with water from the air humidity.

It should be added that the social problems are still immense, since the UNDP's Human Development Report shows that in 2015 Brazil occupied 75th place in the HDI ranking, among 188 countries, with an index of 0.755, being the 13th best among Latin Americans.

From the analysis of the income tax returns it is that in 2012, 25.6 million people delivered their statements, which represented 13.01% of the total population. From these figures it is extracted that the poorest 50.00% hold 2.00% of the wealth; 36.99% of the Brazilians hold 10.60% of the wealth and 13.01% have 87.40% of the wealth, while forgetting that the obligation to present the declaration only occurred for those who realized more than \$ 2,046.36 Monthly taxable income!

All these data indicate that environmental problems in Brazil can only be solved through the efficiency of public policies capable of breaking with the patrimonialism model still in force, which does not distinguish the limits of the public and the limits of the private, cultivating a paternalistic and assistentialism view, since it is necessary to build a model of active citizenship founded on education with the integral unity of the human-nature dyad.

This view, moreover, is not posed as merely theoretical, ideological or utopian, since it is supported by the principles and objectives of the National Policy on Environmental Education (Law nº 9.795/99), especially in its Articles 4 and 5, As an essential and permanent component of education at all levels and modalities, be it formal or informal, aimed at building social values and developing knowledge, skills, attitudes and competence aimed at preserving the environment, quality of life and sustainability.

With this, then, we will have the possibility of emancipatory thinking, guided by ethical values, that emphasize freedom, equality and solidarity, and thus we will be ready for the construction of a new globalization, in which the current unsustainability of social, natural, technological and cultural order will be replaced by a new awareness of being in the world, starting from a new paradigm inspiring and capable of overcoming the restlessness and anguish of the present day, which destroy our usual reference points by the use of values economic conditions.

The experience of good and sustainable habits will lead to the recovery of the concept of good life and this will allow, in fact, the ideal of quality of life inscribed in article 225, of the Federal Constitution can fulfill its intergenerational role, and the present, as well as, future generations can seek happiness, through physical and mental well-being, through a balanced and healthy environment.

REFERENCES

- ARISTÓTELES. *Ética à Nicômaco*. Tradução Leonel Vallandro e Gerd Bornhein. São Paulo: Nova Cultural, 1987, vol. II (Os pensadores).
- BECK, Ulrich. *O que é Globalização? Equívocos do globalismo - Respostas à Globalização*. São Paulo: Terra e Paz. 1999.

- BRASIL. Constituição da República Federativa do Brasil de 1988. <http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm> acesso em 02.abr. 2016.
- . Lei nº 9.795, de 27 de Abril de 1999. Dispõe sobre a educação ambiental, institui a política nacional de educação ambiental e dá outras providências. <http://www.planalto.gov.br/ccivil_03/Leis/L9795.htm> acesso em 02. abr. 2016.
- CAPRA, Fritjof. Ponto de Mutação: a ciência, a sociedade e a cultura emergente. Tradução de Álvaro Cabral. São Paulo: Cultrix, 1982.
- BAUMAN, Zygmunt. Capitalismo Parasitário. Tradução Eliana Aguiar. Rio de Janeiro: Zahar, 2010.
- . Modernidadelíquida. Tradução de Plínio Dentzien. Rio de Janeiro: Zahar. 2001.
- . Globalização: as consequências humanas. Tradução de Marcus Penchel. Rio de Janeiro: Zahar, 1999.
- DWORKIN, Ronald. O Que é uma vida boa?. Emílio PelusoNeder Meyer e Alonso Reis Freire. Revista de Direito GV, São Paulo,p. 607-616, jul.dez. 2011.
- FERRY, Luc. Aprender aviver: filosofia para os novos tempos. Trad. de Véra Lucia dos Reis. Rio de Janeiro: Objetiva, 2012.
- GIDDENS, Anthony. As consequências da modernidade. tradução de Raul Fiker. São Paulo: UNESP, 1991.
- IBGE. Sinopse do Censo Demográfico Brasileiro, 2010. <<http://www.censo2010.ibge.gov.br/sinopse/index.php?dados=8>> Acesso em 04. abr. 2016.
- KANT, Immanuel. Princípios metafísicos da doutrina do direito. Trad. de Joãozinho Beckenkamp. São Paulo: Martins Fontes, 2014.
- . Fundamentação da Metafísica dos Costumes. 2ª ed. Trad. Pedro Galvão. Lisboa: Edições 70, 2014b.
- MATHEWS, Freya. Ecologia profunda. In: JAMIESON, Dale (coord.). Manual da Filosofia do Ambiente. Lisboa: Instituto Piaget, 2005.
- MONTESQUEIU, Charles de Secondat. O Espírito das leis. Tradução de Cristina Murachco. São Paulo: Martins Fontes, 1996.
- MORATALLA, Augustín Domingo. Solidariedade (verbete) In: VILLA, Mariano Moreno. Dicionário de pensamento contemporâneo. São Paulo: Paulus, 2000.
- OLIVEIRA, Manfredo Araújo de. Ética, direitoedemocracia. São Paulo: Paulus, 2010.
- ORCAL, Antônio Calvo. Igualdade (verbete) In: VILLA, Mariano Moreno. Dicionário de pensamento contemporâneo. São Paulo: Paulus, 2000.
- RAWLS, John, Umateoria da justiça. Trad. deAlmiro Pisetta eLenitaM. R. Esteves. São Paulo: Martins Fontes, 1997.
- RELATÓRIO DO DESENVOLVIMENTO HUMANO DE 2006 - A água para lá daescassez: poder, pobreza e acrise mundialda água. Trad. da edição portuguesa do Instituto Português de Apoio ao Desenvolvimento (IPAD). New York: Programa das Nações Unidas para o Desenvolvimento (PNUD), 2006.
- SANTOS, Boaventura de Souza. O processoda globalização. In: SANTOS, Boaventura de Souza (org.). A globalização e as ciências sociais, 2. ed. São Paulo: Cortez, 2002.

- SANTOS, Milton. Por uma outra globalização - do pensamento único à consciência universal. São Paulo: Record, 2001.
- SEN, Amartya. Desenvolvimento como liberdade. Trad. de Laura Teixeira Motta. 2. reimp. São Paulo: Companhia das Letras, 2010.
- SOUZA, José Fernando Vidal de. Qualidade de Vida: Em Busca de um Conceito Jurídico no Ordenamento Brasileiro. In: MURTA, Antonio Carlos Diniz; PADILHA, Norma Sueli (Orgs.). I Encontro de Internacionalização do CONPEDI (Direito Administrativo, Direito Tributário, Direito Ambiental e Sustentabilidade). 1ªed. Barcelona: Laborum Ediciones. 2015, v. 12, p. 463-492.
- WARAT, L. A. Epistemologia e ensino do direito: o sonho acabou. Florianópolis: Fundação Boiteux, 2004. v. II.