

The dynamics of the landscape and its role in development

A dinâmica da paisagem e o seu papel no desenvolvimento

La dinámica del paisaje y su papel en el desarrollo

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Abstract

At each moment and in each society, the landscape is transmuted, whether by physical, sensorial or immaterial elements, and there is no such thing as a static landscape. Exactly for this reason the phenomenological hermeneutic method was the one used for the present study. In his transcendent complexity, man adds a metaphysical feeling of cultural identity to the places where he interferes, manifesting in the landscape his history and customs. As a sign of quality of life, the landscape can be investigated to identify whether there is access to fundamental rights for a population. It is part of a legal rule in various legal systems, including as a human right; should also be seen as a fundamental right of the third generation, as well as a sign of the environmental quality of a given population. Also, being able to infer, from its analysis and inventory, if there is access, also, to other fundamental rights. Finally, studying the landscape dynamics is essential to understand Society and it plays a fundamental role to development.

Keywords: Landscape; Environment; Development; Human rights; Globalization.

Resumo

Em cada momento e em cada sociedade a paisagem é transmutada, seja por elementos físicos, sensoriais ou imateriais e não existe tal coisa como uma paisagem estática. Exatamente por isto o método hermenêutico fenomenológico foi o utilizado para o presente estudo. Na sua complexidade transcendente o homem acrescenta um sentimento metafísico de identidade cultural aos lugares onde interfere, manifestando na paisagem a sua história e costumes. Como sinal de qualidade de vida, a paisagem pode ser objeto de investigação para identificar se há acesso a direitos fundamentais para uma população. Se insere como regra jurídica em diversos ordenamentos jurídicos, inclusive como direito humano; devendo ser encarado também como um direito fundamental da terceira geração, bem como um sinal de qualidade ambiental de uma determinada população. Igualmente, poder inferir, desde a sua análise e inventário, se há acesso, também, a outros direitos fundamentais. Finalmente, estudar a dinâmica paisagística é essencial para compreender a Sociedade e desempenha um papel fundamental no desenvolvimento.

Palavras-chave: Paisagem; Meio ambiente; Desenvolvimento; Direitos humanos; Globalização.

Resumen

En cada momento y en cada sociedad, el paisaje se transmuta, ya sea por elementos físicos, sensoriales o inmateriales, y no existe tal cosa como un paisaje estático. Exactamente por esta razón el método hermenéutico fenomenológico fue el utilizado para el presente estudio. En su complejidad trascendente, el hombre añade un sentimiento metafísico de identidad cultural a los lugares donde interfiere, manifestando en el paisaje su historia y costumbres. Como signo de calidad de vida, se puede investigar el paisaje para identificar si existe acceso a los derechos fundamentales para una población. Forma parte de una norma jurídica en diversos ordenamientos jurídicos, incluso como derecho humano; también debe considerarse como un derecho fundamental de la tercera generación, así como un signo de la calidad ambiental de una población determinada. También es capaz de inferir, desde su análisis e inventario, si también existe acceso a otros derechos fundamentales. Finalmente, el estudio de la dinámica del paisaje es esencial para comprender la sociedad y juega un papel clave en el desarrollo.

Palabras clave: Paisaje; Medio ambiente; Desarrollo; Derechos humanos; Globalización.

1. Introduction

Landscape is a plurivocal term, as it has more than one meaning. Since ancient times, it has encompassed the surroundings of the pioneering cities, forming the characterizing outline of the city, signaling the quality of life, as well as the culture of the people by imprinting their values according to the triad time-space-technique. In view of its polysemy, which can be seen in what is attributed to it by Anthropology, Geography, History, Ecology, among other sciences, the landscape

protected by Human Rights is a social construct, the result of the relationship between man and nature, influenced by aesthetics and by elements of psychology, in a relationship of belonging.

In his transcendent complexity, man adds a metaphysical feeling of cultural identity to the places where he interferes, manifesting in the landscape his history and customs. As a sign of quality of life, the landscape can be the object of investigation to identify if there is access to fundamental rights for a population, being inserted in this list in some legal systems, including as a human right, being also a fundamental right of third generation, as well as a sign of environmental quality of a certain population, being able to infer, from its analysis and inventory, if there is access, also, to other fundamental rights.

It is certain that the right to landscape as a human right emerges as a reflection of the political struggle driven by the environmental crisis. The illusory overcoming that modern man imagined, of having freed himself from direct dependence on places, due to scientific and technological evolution, collapses with the tenebrous nemesis of pollution and chaos. Once again, the landscape gains prominence, and the environmental character of orientation and identification, psychological condition, existential support base resurfaces, and serves man to know how he is in a certain place, since the landscape is also a state.

In this sense, the word inhabit is used to refer to the relationship between man and nature. Despite its immanent dynamics, insofar as it is normal for places to change, even at a surprising speed with new techniques, this does not mean that the *genius loci* inescapably transmute. To have a place presupposes an identity preserved over time, being the *stabilitas loci* a human condition.

The conservation of *genius loci* implies the maintenance of the cultural essence in new historical contexts. Place is the starting point and the object, a datum that informs us about aspects of space and character. Thus, what is meant to be shown is that the elements of the spatial structure are concrete things, endowed with character and meaning. A friendly relationship with the environment is necessary for maintaining the quality of life at decent levels. By including the landscape in the list of human rights, the legislator demonstrates the affection given to the institute.

This event strengthens the idea of social welfare maximization. Because the lived environment is the bearer of meaning and that every character consists of a correspondence between the external and the internal world, between body and soul. Modern liquidity has made man's friendly relationship with his environment fragmentary. And the incrementalist public policies increase the socioeconomic disparity, which represents, in underdeveloped countries, the contrasting landscape of the luxurious cluster and the chaotic periphery, a true banalization of the landscape.

In this context, the human right to landscape must be inserted in the discourse of public policies for the creation of Landscape Plans, to guarantee, through a landscape inventory, the democratization of landscapes that will reflect a dignified way of life. The creation/preservation of urban empty spaces is an existential condition for the access to the human right to landscape. Without the existence of these empty spaces, there is no condition for creation, for entertainment, for health care, for the realization of the maximization of well-being.

In order to understand the meaning of the landscape, so that man can comprehend the spirit of the place, it is necessary to put the pieces together, of the so fragmented *genius loci*, for the woes of the modern environmental crisis. For this, a historical digression is necessary, a visit to the past and the path to future perspectives, until the identification of the legislator's purpose in granting the landscape the title of human right. Equally important is the development of a political will to regulate it, so that it stops being a mere adjective and has real meaning. For the text to become context; the creation, at the local level, of landscape plans, with democratic participation, is *condictio sine qua non*, elementary, sustaining, for the democratization of this human right.

In the lines that follow, the starting point for the study of the spirit of place is the ancient civilizations, with ancient Egypt as the landmark. Moreover, it followed the western historical path until reaching the modern environmental crisis. At the

end of this chapter, we arrive at an understanding of the dynamics of the landscape and a preconception of landscape that will later be one of the pillars for the construction of a concept of landscape that has meaning in the legal world.

2. Methodology

The methodology used is phenomenological hermeneutics (Heidegger, 2005). The objective of the research aims at the holistic understanding and apprehension of a problem through the hermeneutics of bibliographies already published with the teleology of hosting information and content that revolve stems from the investigated questions (Husserl, 2008). Cultural and scientific contributions were used to find answers about landscape dynamics and its role for development. The data of the analyzed bibliography were gathered and compared, with the scope of identifying the elements related to the objective of the present study, thus the excerpts that characterize the scientific evidence were selected. It was performed through an early reading of the selected materials, with subsequent evaluation and analysis of the data, and then classified according to the problem directed and the objectives addressed.

It would not be appropriate to adopt traditional methods of positivist sciences that dogmatize knowledge, not least because the landscape for presenting an eternal dynamic future, does not commend with the immutability of dogmas (Kant, 2001). The landscape is not only the experience of the 'I who live', it cannot be put to the test, but there is a way to understand it. It is also a sign of quality of life, passing from the individual to the collective. In this context, hermeneutics is essential for the understanding of the institute as a phenomenon (Sartre, 1943), and to make it gnoseological, it is necessary to criticize traditional forms of knowledge.

It is necessary to break the current way of seeing the landscape to identify its role in development to achieve environmental protection and sustainability. It is essential, of this art, to undo the dogma and apprehend the landscape as a phenomenon, through the compression of its place in the world, because, only in this way, it will be possible to use it in favor of development (Gadamer, 1999). In this sense, the hermeneutic-phenomenological approach, as a glove, will provide the rigor necessary to define the dynamics of the landscape and what its importance is for the future of humanity.

3. From Antiquity to the Middle Ages

The landscape is directly influenced by the sacred, power and politics, the nature of the territory (its geography and available natural resources), human feelings (values, symbology, and aesthetic standards), technique (degree of mastery of nature), and economics. In fact, depending on the culture, it will have peculiar characteristics in the course of history (Egli, 1951). Ancient Egypt, for example, geographically located in a desert, cut from north to south by a perennial river with periodic floods and from east to west by the path of the sun, presenting a dry and stable climate, seems to manifest an eternal natural order. A place excluded by its geography from the rest of the planet, but at the same time filled with what was necessary to build that great civilization (Norberg, 2004).

Society was built on the worship of the King God, and the Egyptian's sense of belonging was guided by grandiosity, which gave them a comfortable feeling of security. Their pharaonic monuments reflected the power of the supreme commander, a true god. Thus, interference with the landscape to the point of reflecting superiority to other civilizations was necessary. That is, the post-death cult, eternity, and the fear inspired by the sovereign, through monumental buildings, whether temples or tombs, such as the great pyramids. The marks left on the territory tell us a lot about that people's way of life and their culture, even though it collapsed thousands of years ago.

This landscape characterization is also present in the relationship between man and nature in Greece. In the formation of the Greek city-states, one can see once again the irradiation of sociological elements in the formation of their layout, which

was not instituted arbitrarily. On the contrary, even before the construction of their temples, altars were erected at points that encompassed all the sacred surroundings. The fortification was constant due to the great wars, and the presence of docks was also very common, since the Greek world was composed of many islands and maritime transport was as or more important than land transport. Above, the acropolis stood out in the landscape, being the center of communication between the first floor and the ether, manifesting the importance of religion to the Greek world (Jellicoe & Jellicoe, 1982). Because the temples were located there and it was the place where the priests lived, while on the outskirts, in the lower parts of the hills, lived the freemen and the enslaved, revealing the acropolis (on top) a center of power.

Unlike the Egyptians, anthropomorphism took the place of animism, since the power relations were between men, inferior to the Gods, who orbited on Olympus. At most, men could be considered heroes, demigods, but they would never be given the status of God, reserved only for celestial figures. However, the valorization of man was such that even the gods had human forms, and fought endless disputes among themselves, where human feelings predominated. In Hellenistic songs, the main cause of disputes between men were caused by disputes with divinities, the Trojan War being the most striking example. In popular myths, the presence of monsters explained the inexplicable, as well as mystical powers; and science was represented by the cult of the cosmos.

Although, with the passing of time, the agora became more important than the acropolis, the characterization of the city's landscape was not dissociated from its history, and the landscape mark was translated by the dialectic resulting from the social relations that occurred in a certain space and time. Likewise, the political-administrative decentralization with the presence of city-states reflected in the non-grouping of buildings in a geometric way, which symbolized a more abstract order, established by politics, by allowing each polis to translate itself by the particularity of the environment it inhabited, although they presented similarly striking features among themselves (Norberg, 2004).

While the Greek world was made up of a multitude of individual places, the Roman world was centered on its capital. One need only look at a map of the Roman empire at its height to see a network of roads converging on Rome. Thus, one cannot speak of a Roman landscape in the same way as a Greek or Egyptian landscape. On the various roads leading to Rome, one could identify triumphal gates and arches, and the system of roads and aqueducts reveal a higher mastery of nature. The desire to know the world from a center (Rome) reveals the presence of a divinity worshiped only by these people: Janus, the guardian of the entrances and exits of the empire, with his two faces that faced both sides of the roads, the God of departure and return.

The Roman idea of bringing civilization to the world, conquering it, with its center as a reference, meant that each Roman outpost was characterized by the same references. The presence of the aqueduct and the Roman barracks, as well as the arenas, the bread and circuses policy, appeared in each occupied territory. The need for enslaved labor, the driving force of the Roman Empire, also drove its growth, through war, and this would be the main cause of its ruin. It was precisely during the Pax Romana that the empire began to crumble, until it was divided by the 'barbarian' invasion. Indeed, the western world would never be the same because the Roman interference permanently changed the European landscape.

In ancient times, Egyptian, Greek, Roman, Sumerian, Hindu, Chinese, Cambodian urban centers, among others, left their indelible marks on the landscape. Similarly, in the Middle Ages, the landscape did not escape the complex dialectics between sacred, power, technique, territory, and human feelings. In that period, the conquerors, assimilated the culture of the conquered, becoming Roman-Germanic (new synthesis). And with vassalage relations, the commoners became serfs (Jellicoe & Jellicoe, 1982). The Church, which had already been growing stronger since the Roman Empire, became the main source of social cohesion and justification of the statist system of the time. The divine is confused with power, which emanates from God, the most feared and powerful lord, and all other social relations were guided by the imposition of who had the monopoly on the interpretation of the sacred texts.

The landscape of Western Europe at that time was translated by the structure of the fief itself: fortification, often a castle, which was the home of the nobles, warriors, and holders of arms; church/monastery, home of the clergy, the 'shepherds of souls'; and finally, the fields, home of the serfs, peasants who produced everything necessary for the fief, and constituted the basis of the statist system (Huberman, 1981). Instead of a single Empire, commanded by one man and his caste, now the world fragmented into several micronations, each with its own currency and internal rules, the universality was religion and the Papacy, the cohesion of the whole system - the fear of being excommunicated was terrible, the worst of punishments. The landscape once again transmutes, which proves, its dynamic essence.

With the Catholic Reformation in the 16th century, there was a break in medieval theology, because an embryonic idea emerged of accepting new relationships between man and nature. Man begins to have greater autonomy, as he can now, in some way, choose his destiny. In this turn, as commercial relations increase, at the height of mercantilism, power is centralized, and the church becomes subject to the monarch's decisions. The landscape also changes, the fiefdoms become burghs, the nobility abandons its weapons and goes to court, a national army is created, construction intensifies and, to reflect the power of the monarch and his main support, still the Church, sumptuous works are erected: palaces, castles, churches etc. (Jellicoe & Jellicoe, 1982).

In this art, as political power became concentrated in national governments, leaders were concerned to emphasize their power in the planning and construction of their capitals. Inspired by ancient classical ideals, the endless medieval alleyways were now replaced by great avenues, straight lines and buildings with uniform façades (Jellicoe & Jellicoe, 1982). The demonstration of greatness was necessary to equally justify the greatness of the lord, the suzerain of all, the King, who was now empowered and who was often superior to the church itself. The landscape order is transmuted with the anthropocentric aesthetic ideals of the Renaissance (here we have a new valorization of the Lord King as man, a reflection of a Copernican revolution, of the reluctant cession of power from the Church to the State), the classical landscape resurfaces and European cities resemble again the cities of the past, such as Rome and Athens.

Meanwhile, the great navigators arrive in unknown lands and find a landscape totally opposite to what was seen in Europe. The abundance of natural resources in North America makes the English use this as a strategy to attract settlers to those lands (Brogan, 2001). When the Cortés expedition traveled the paths of the Yucatan peninsula to reach Tenochtitlan, his soldiers wondered if what they saw was part of a dream, given the surreal landscape that lay before their eyes (Williamson, 2009).

In this territory, a multitude of civilizations were found, the Mayas, Aztecs and Incas standing out. Regarding the latter, grandiose buildings were erected: fortresses, temples, royal houses, gardens, roads etc. Being the apex of the wonderful pre-Columbian engineering, the fortress cities of Macchu Picchu and Ollantaytambo, both on top of extremely steep and high-altitude mountains, typical of the mountainous regions of Peru. The magnitude shows with the preserved sites, even centuries after the civilization collapsed (Vega, 2009).

In other words, history confirms that the landscape is intrinsically linked to the values of each society, and it is no wonder that, after the conquest of these great peoples, in a dialectic between ways of life and human feelings of belonging so unique, it was completely modified. A reflection of the European culture, economy and power system that was inserted in this new territory, intermingling with local customs (Williamson, 2009). In front of the sumptuous pre-Columbian works, to show the strength of their God, the conquistadors put symbols of power down, using only the old foundations to erect their own symbology, in obedience to European aesthetic standards.

Religious syncretism arose, and the dates on which local deities were celebrated were now reserved for European saints. Thus, the dominated went to Christian temples to celebrate a potency that was theirs, but, assimilating a new image that would translate as custom to the next generations, and the ancient culture increasingly weakened with the passing of time. This

was a strategy widely used to demystify the culture of pre-Columbian peoples and to insert them more easily into the new landscape context that was now being designed.

From mercantilism to capitalism, the landscape was transformed again, more and more capital cities were considered the centers of nations and the rich were there to represent power and influence customs. Capital made possible a mobility in the old statist society, rich commoners could buy titles of nobility and already many impoverished nobles were observed (Visentini & Pereira, 2012), thus began a period of greater movement within society. Aristocratic state officials, judges, and successful merchants owned luxurious residences in the city. They brought with them wealth and generated new jobs. But outside the luxurious urban houses tingled the urban mass of the poor, struggling to survive by manual labor and living in small, rented lodgings, it was the end of the late Middle Ages and the beginning of the Modern Age.

4. From Modern Age to Contemporaneity

Modernity is the milestone where the capitalist society consolidates itself as hegemony and imprints the values of waste and profit over the most cherished harmonic feelings between man and nature. This impression is given through inadequate planning, due to ignorance and trivialization of the landscape. The Liberal State, in its most radical facet, during the Industrial Revolution, allows inequalities to spread to levels never seen before, while sites that date back to the history of city dwellers are degraded or even disappear. The predominant values of the time are reflected in a concave form in the city itself, which grows as a Quasimodo, a sign of social attrition and stress; or more broadly, in a society of risk (Beck, 2010).

As a counter-hegemonic movement, the State, initially apathetic and set aside, as a leviathan, deposed by freedom in its highest degree, resurfaces as a brake, a political struggle that confronts the evils of the right to freedom in its apex. *Pari passu*, the attempt to preserve the places where the indications of the varied and rich human capacity to create, reinvent and its axiology emerges. As time went by, the law of the nations and domestic law, albeit timidly, would join forces to curb the wear and tear caused by the lack of regulation of the use of non-renewable resources, because until then it was believed that natural resources were infinite.

The embryo of the awareness of landscape protection has its core in the circle of technical revolutions that culminated with the Industrial Revolution. The cities suffered catastrophic consequences in this period, whose urban landscapes showed a reality of degradation and low quality of life for most of the population. The search for non-renewable raw materials, necessary for the process of making the gadgets so dear to humanity and its future generations, allied to the limitless capitalist profit, have constituted themselves as fuel for the stratospheric increase in production and demand. The momentum of the revolution transformed provincial towns into bustling, chaotic centers and drove man out of the countryside and domestic environment and concentrated him in the urban peripheries.

The fact is that this growth has not been accompanied by sustainability, because poverty has persisted and pollution, deforestation, disorderly occupation of urban, rural, and natural spaces, and social segregation have increased. Since the growth of the cities occurred in a frenetic and anarchic way, giving rise to deplorable unhealthy conditions. On the other hand, the dominant ideology of progress made the average man believe that the domination over nature would reach no limits, and that it would be the very measure of the advancement of mankind.

In the West, the old 19th century businessman's motto, 'where there's mud, there's money' (Hobsbawn, 1995) Surprisingly, it still suits today's developers and builders. The predominant gentrified and fragmented vision of the city has allowed real estate speculation to imprison (in cluster format) the conception of the shared city. It was a fair and egalitarian society, with signs of well-being translated into beautiful landscapes. Armed with the narrowest of interests, they toiled for the prevalence of individualism, tearing down sites of trans-temporal importance in favor of real estate speculation, allowing subjects to become millionaires with the construction of a single well-located building.

Various city centers, large and small, were torn down and 'incorporated', incidentally destroying medieval cathedrals, as occurred in cities such as Worcester in Britain or Spanish colonial capitals such as Lima in Peru. The 20th century, without any doubt, was marked as a great disaster for the history of urbanization (Hobsbawn, 1995). In this period, humanity saw two of its greatest wars, and the disputes between nations and nationalisms became more heated with the Cold War, very hot in places like Vietnam, Korea, Afghanistan, among others.

Moreover, with the advent of globalization everything becomes more contingent and faster. In the same way that a greater quantity of products is produced in a shorter period of time, they are also disposed of at the same pace, and cities do not escape this logic. Globalization is composed of four aspects: the first element (internationalization) is related to a greater interdependence among nations, due to the increase in agreements, investments, and capital flows; the second (technological revolution), to the way in which the new means of communication have made distance and location an irrelevant factor, mainly due to the advent of the internet; the third (deterritorialization) is linked to the decrease in influence of local powers and the fall of borders that used to have particularities and a great local cultural diversity; the fourth and last one (liberalization) is related to the distancing and the new weakening of the State on the economic level, as well as an increasing timidity regarding social benefits (Woods, 2011). In other words, the landscape suffers an even greater deconfiguration in the face of the aspects mentioned above, since there is a universal tendency in globalization to standardize spaces and in underdeveloped countries this standardization occurs through social segregation, imprinting on the landscape all the distortions caused by the globalizing optics (Santos, 2011).

When witnessing this scenario of socio-environmental crisis from the second half of the 20th century to the present 21st century, with the explosive urbanization of the globe, especially in the third world, with more than half the world's population living in cities (Maricato, 2002), arises the concern for the protection of an institute little discussed in the legal scenario, namely: the Right to the Landscape. This is born as a natural evolution of Environmental and Urbanistic Law, of the Right to the City, as a necessity, about the relentless pursuit of sustainable development. The fact is that the citizen is not satisfied only with the supply of basic needs, but goes beyond, aiming at the realization of their subjective right to enjoy the quality of life, a concept that conglomerates in its framework the idea of belonging to a given territory and the maximization of their well-being, in rejection of the vital minimum imposed by the world order (Briffaud & Luginbühl, 2013).

It must not be forgotten that growth is a journey with more 'castaways than sailors' (Galeano, 2006), since it marginalizes many more people than it is able to integrate. In fact, the attempts to carve out first-world status at any cost have caused third-world countries to begrudgingly develop underdevelopment. Brazil is a clear example, as gentrification persists.

In this country, the patriarchy took over and the patriarchal family always stood out, *pari passu* to a gigantic portion of the population excluded from the development process. Naturally, urbanization was precarious, which can be felt today (Holanda, 2005). If before one saw in this country if not the true Earthly Paradise, no doubt a simile in everything worthy of it (Holanda, 2002). What would those 16th century sailors say if they traveled back in time and landed on the land of Pero Vaz de Caminha in the 21st century? Perhaps they thought they had succumbed and been sent into limbo.

In countries where banalized social inequality reigns, urban life is almost a purgatory, an evil accepted as natural, just like death itself (Hobsbawn, 2010). In these risk societies a collective uneasiness due to unfair income distribution and social pressures from the periphery to the center stands out. And precisely because of this, movements also appear in response to the crisis caused by progress.

The protection of the landscape is, in this way, pointed out as one of these movements, necessary for the achievement of sustainable development. In other words, the landscape, as a regulatory design, is a guarantee against the arbitrary, because it provides satisfaction to the spirit (Corbusier, 1981). The landscape, besides being necessary to the spirit in a quality-of-life

sense, demonstrating the health of a certain space, also provides an economic evaluation, since it adds 'more value' to the territory where the landscape is healthy (Rodríguez, 2007).

In the course of history, dialectics shakes values and institutions and, within this engine, the social gear, deeply disturbed, oscillates between an improvement of historical importance or a catastrophe (Corbusier, 1981). And it is up to the Law, through the defense of diffuse and collective interests, to make sure that this stunned social gear generates a historical improvement for the world population, and the protection of the landscape is essential to the realization of this improvement. Precisely because the protection of the landscape is associated with the very idea of citizenship: 'houses make a city, but citizens make a city' (Mumford, 2008).

The ability to transmit in symbolic forms and human models a representative portion of a culture is the great mark of the city. The Law, then, must prevent disorderly growth, which fosters social segregation and irresponsibility, to guarantee access to a dignified landscape. It must also ensure that man can always enjoy the empty spaces, protecting and creating them, through urban planning that considers the landscape as an inseparable element of quality of life. Thus, to protect it, it is indispensable to know its historical evolution. From this holistic understanding, be able to act to safeguard and strengthen this set of values - urban and environmental - that define its character and identity.

In the historic passage (Bauman, 2011) through which man travels, the landscape is a phenomenon, and in terms of Law, it is consolidated as a diffuse and collective interest. The administrative action starts to interfere in sectors and spheres that until then it did not reach (Rodríguez, 2007). It is precisely because of its dynamic essence that over time the landscape is transmuted. In this sense, the landscape must be object of management, and harmonize with the values expressed in the legal system of each society and, above all, as a universal human right.

Finally, the landscape can be thought of as a complex reality because it is the result of material and immaterial, tangible, and intangible components. It is a dynamic reality, the result of environmental, cultural, and social processes that have taken place over time in a certain space, marked by the ways of life, policies, techniques, attitudes, and beliefs of each society. It constitutes a sign of quality of life, and its protection by the Law is of fundamental importance.

5. The Landscape in the Era of Globalization

To understand the legislator's objective in giving landscape the status of a human right, we need a phenomenological analysis of globalization. It is translated by a process that, with each pendular movement of capitalism (Arrighi, 2012) has been accentuated, increasingly integrating the peoples of the globe around an ideology. With this process, the loss of identity has also occurred quickly, and humanizing the landscape is a necessity to preserve the psychological integrity of men, who are increasingly faced with more and more contrasting levels of inequality and unethical accumulation of wealth, leading us to the era of unproductive capital.

Wealth, by the way, is calculated in nations predominantly through an indicator known as Gross Domestic Product (GDP), an indicator that does not reflect the most important aspects of human life: happiness, health, well-being, quality of life and preservation of the environment. The GDP is the result of a very simple formula that measures only economic growth. However, there is a consensus that this indicator would measure development, an ideology that needs to be demystified. The GDP is divided into four components: consumption (C), investment (I), government purchases (G), and net exports (NE). In a simple formula this could be represented as $GDP = C + I + G + NE$. According to this formula, the more any of the variable variables (C) increases, the more our GDP grows, and the more our GDP grows, supposedly society would get richer, would develop (Mankiw, 2012).

However, the element that seems to govern the GDP is exactly consumption (C), since all the other elements depend on it. We live in a capitalist system, where the company is the main figure of job formation, they are the ones that perform the

services, that produce the food, whether this company is state-owned or private. The purpose for which they serve is consumption. Consumption is, in fact, intrinsic to human nature. There is no problem about this, on the contrary, all technical developments are largely for this purpose, which is to enable man to consume in order not to be consumed, it is the law of nature, irresistible, inescapable, irretrievable.

The environmental crisis, however, reveals the consequences of the bad habit of over-consuming in a mythical quest for status. Since consumption is power, and the power to consume reflects the wealth of individuals (Huber, 2002). In regions of high concentration of people, the alienated search for consumption is always greater, and globalization plays a crucial role in this process. Globalization becomes a globalizing phenomenon, imposing the culture of exaggerated consumption for everyone, as a false necessity, and the landscape certainly suffers.

Fashion and advertising, in the service of unethical profit, imprison the individual in a world that exists only for a few, since the world's wealth extends only to a tiny fraction of the world's population. Nevertheless, the idea of democracy makes one believe that everyone has the same opportunities and can achieve success, it is the old story of self-made man. It turns out that capital depends less and less on labor for its accumulation, with the advent of robotization. Which increases the number of landscapes forgotten by the new neoliberal system (Moraes, 2005).

This is a short-sighted worldview, for the socio-spatial disparities are gigantic, man lacks empathy, solidarity. Non-places' are the rule in most of the Third World, (Dowbor, 2017) as well as the fragmented personality, fruit of modern liquidity. The capitalist structure of globalization has accentuated social disasters on the planet, with the concentration of income in a tiny portion of the population. In other words, globalization, when it reaches a territory carries with it giant developers and multinational industries with the power to bankrupt the local economy. Whether it is because the state has granted them tax privileges, or because it has donated large tracts of land for them to settle on, or because it has used dishonest practices such as the dumping.

In Latin America this process has changed the landscape very quickly. Mexico (Hiernaux, 2005), for example, by integrating with NAFTA (North Atlantic Free Trade Agreement), it gained income concentration, its capital had a population explosion, with poverty and violence multiplying, and most of the territories had their economies dilapidated. The same happened with Colombia (Gomes, 2005), which until the 1960s practically did not know about the cultivation of illicit drugs for trafficking. Nevertheless, with its rural economy undermined, due to the abandonment of the State towards the peasants, the capitalist logic made the cocaine market grow in this Latin American country, due to the laws of supply and demand, since the demand for this product in the USA was high.

It is also noted that in Chile, the forerunner of neoliberalism in South America, inequality has increased to the point that in 2019 it will culminate in the 'Chilean Spring'. If globalization is an indisputable reality, the inequality that the globalizing process generates is also indisputable (Ekmekdjian, 1996). And with the political globalization of the capitalist economic system, in the terms proposed by the central countries, the landscape of these countries, among others, ended up being characterized by an overpopulated center, with a high concentration of income in a few fenced and homogeneous neighborhoods, while on its margins, slums reign supreme. This is the most striking characteristic of today's peripheral world societies, a disparate, contrasting landscape, with very few harmonious spaces and a majority that lives in a chaotic, degraded, inhuman landscape.

Another worrying fact is that almost everything produced today is made with non-renewable resources, not to mention the significant increase in waste production due to planned obsolescence. And demand is only increasing, partly because the world population is growing, but also because consumption is cultivated without the slightest concern for the future. For example, the case of oil, which is a finite substance; after all, all these raw materials discovered around the globe will not be replaced by what is already produced and global production will collapse (Roberts, 2000).

Moreover, the burning of fossil fuels contributes to global warming, increasing the number of fires and the level of the oceans. The values of the globalizing capitalist ideology have reached their peak and human beings have degraded nature so much that only after the serious consequences of this mode of production do they begin to see in the landscape a representation of their way of life, necessary for their well-being. Therefore, the globalization of the neoliberal means of production (thesis) has provoked a serious environmental crisis (antithesis), to the point that the landscape has become a human right, a natural movement of a system in crisis, a true synthesis.

Globalization, as a phenomenon of capital over-accumulation, stimulates competitiveness and makes consumption something dissociated from real human needs. The implementation of this global culture, homogenized and of exaggerated consumption, generates irrecoverable damage to the environment and to mankind itself, and if it is continued will lead to a future of scarcity and social inequality. Thus, this phenomenon cannot escape the eyes of public policy makers, who must institute an alternative to the current system. They must, therefore, be protagonists in the counter-hegemonic front against unsustainable development.

If the mode of production imposed by globalization is not curbed, it will lead to cultural omophagy, as well as to the scarcity of resources and to the end of the current civilization, destabilizing political and economic institutions. The human right to the landscape instead longs for the utopia of an egalitarian future. And why not pursue this utopia? Embrace the warm hope that, in the future, the human being will live in a sustainable globalization, no longer from the outside in but in the natural sense of things, like a river that springs from the inside and flows into the oceans. In other words, even though they sell the propaganda that globalization is an irresistible and necessary movement for the evolution of humanity, one can at least be certain that "the death of empires appears as one of the great regularities of history, 'because every empire will perish' (Duroselle, 1992).

6. The Landscape in the Environmental and Urban Crisis

Here, we pause briefly to recall the Greek myth of King Erisycton who, out of greed, destroyed the groves of the Goddess Demeter, including her great oak tree, and a spell was cast on him by the Goddess as a result. The king had fallen into the curse of never satisfying his hunger, even in the midst of abundance, which caused him to spend all his fortune to be satisfied, but to no avail. So, in desperation, he sold his daughter, but he also continued to be insatiable. Until he threw himself and devoured himself, putting an end to his misery (Hamilton, 1992).

This is how the economic growth imposed by the neoliberal model behaves. It brings nothing more than a constant resentment towards man's dissociation with reality. For in the consumer centers, only an ephemeral satisfaction of pleasures can be found, they get drunk on products that work as a make-up to hide the miseries that generate the channeling of resources through concentration zones, which imposes the existence of "non-places" and of the "placeless", permanent exiles from the global system (Bauman, 2011).

Waste, pollution, deforestation, hunger, misery, and gentrification are generated as never before seen in our history (Spirn, 1995). And the accumulation of these evils is potentiated with the deregulation of the economy, with the crisis of the State itself, and with the individuality preached by the hegemony of transnational capital. And the search for exacerbated and unjustified profit only tends to potentiate these effects, annihilating the second dimension of rights - the social rights - so dear to those who have little. Therefore, urgent measures must be taken to redirect the flow in which global society is moving, channeling all its potential for the definitive transformation of the system (Beck, 2010), and one of these viable alternatives would be the materialization of the Human Right to the Landscape.

The intention here is not for society to move in an inverse historical direction to suppress the phenomenon of globalization, quite the contrary. After all, history, in its dialectical materialist movement, never goes backwards. What is

advocated with this study is accountability for the acts of humanity, and a greater care for nature. It is to rebuild the fragmented spirit, to put the pieces together. A movement that reminds men that they are part of it, and that its destruction will lead to the destruction of humanity itself.

Precisely because of this, it is necessary to fight the current neoliberal model, of millionaire concessions to large multinational companies. And, at the same time, stimulate the local, productive, and cultural potentialities, in order to integrate the marginalized part of the population that depends on the availability of jobs by large companies, in an era of robotization in which they will be increasingly scarce within this productive system (Bauman, 2011). Sustainable development would make it much easier to integrate the excluded, giving them opportunities, and to enable the internalization of the negative externalities of any production process.

The principle *in dubio pro progressu*, is the maxim of human ingenuity. In a world where classes tend to segregate themselves, the richest in a single region of the metropolis (Spirn, 1995). The belief in the infinitude of natural resources is mistaken, since every change in the ecosystem will cause unforeseen and incomprehensible repercussions. The city behaves in a simile, the desire to protect something isolated, the perception of isolated forms, trees, rivers, etc., considered in themselves and not as part of an ongoing process, to which they owe their continuous evolution (Beck, 2010).

This fragmented view leads to spending huge resources to mitigate a risk or protect a resource, rather than solutions that get to the heart of the problem, which by ricochet generates new adversities. It is in this sense that the design of a single park or a single garden has little impact in itself, but a landscape multiplied on a large scale has a monumental impact, either positive or negative. Building a single house at the headwaters of a river will contribute little to flooding or pollution, while building many houses can generate larger and more frequent floods.

The loss of one tree may not have that much impact, but when the urban green mass is aggressively diminished, the long-term consequences are colossal. Not only on aesthetic pleasure, but on-air quality, open space comfort, energy and water consumption, and property values. The costs and/or benefits calculated in isolation, and not as a whole, underestimate the value of nature in cities (Spirn, 1995).

The city is divided into a hellish city and a heavenly city (Spirn, 1995). On one side there is fear, insecurity, uncertainty. The new generations doubt the old, with hurtful glances at the past, the young are afraid to have children, and the old have lost respect. Increases in abortions, strange birth defects, mysterious degenerative diseases, global pandemics, cancer. Heterogeneous flocks of sick and desperate poor people accept any working condition because they live a marginal existence.

On the other side, for many, the city is an idealized combination of the amenities of society and nature. The technologies favor working from home, with a better quality of life, in the wealthy parts of the city there is stimulation, diversity, cultural resources, and a closeness to nature, due to beautiful parks. Fresh air, open spaces, and economical use of resources with the reuse of water and the recycling of inorganic materials. The transportation system is adequate, health and wellness are highlighted in these luxurious regions and concentration of income.

7. Conclusion

If on one side there is the concretization of the maximization of socioeconomic well-being, on the other, the existential minimum cannot even be guaranteed. The future borders the wall of the infernal and celestial city. Man's choice is simple and clear. Everyone has the utopia of living in the heavenly city. However, the path to be taken is the wrong one. There is a common sense in the upper classes that poverty is as natural as life itself, that the effort of each represents its future, and that everything is possible, and inequality is necessary for the advance of humanity, of progress since equity would generate a scientific and cultural stagnation.

In this sense, landscape becomes a human right, so that everyone can enjoy the heavenly city, full employment, health, etc. If there is no formula for this, public policies must necessarily be aimed at achieving this utopia. It is imperative to reject the incrementalist, gentrifying and segregating conception of the world.

In this turn, sustainable development gains great notoriety and space for discussion, during the environmental crisis, with endemic social and economic inequalities, and with unbridled industrialization. An important milestone to ease this situation was the creation of the Brundtland Report, from the United Nations Organization, prepared by the World Commission on Environment and Development, published in April 1987.

This document brings one of the best-known concepts of sustainable development, understood as that which meets the needs of the current generations without compromising the sustenance of future generations. Although there is a certain Malthusian sense in the text, it is undoubtedly a considerable milestone in the awakening to development awareness. We identify a fusion of the imperative ethics of solidarity with the current generation plus solidarity with future generations, an ethical postulate of responsibility for the future of all living species on Earth.

Both technology and social organization can be managed and improved to bring about a new era of economic growth, all that is needed is political will and awareness. For the Commission, widespread poverty is no longer inevitable. Poverty is not just an evil. But for Sustainable Development to exist, everyone's basic needs must be met, and everyone must be given the opportunity to realize their aspirations for a better life. A world where poverty is endemic will always be subject to catastrophes, ecological or otherwise.

The modern religion of progress had its rise in the 19th century and now seems to be heading towards its end, as the ideology of sustainability has found fertile ground to strengthen itself in material misery and class inequality. The idea of sustainability is linked to issues concerning the social, political, and economic vulnerability of human communities to the capacity of the environment to absorb the impacts of human activities on it. This is a perspective that can be extracted even from a reading of the Sustainable Development Goals of Agenda 30 of the United Nations Organization, defined in 2015, in order to stimulate action for the next 15 years, in areas of crucial importance for humanity and for the planet.

In that document there is the provision that every country should enjoy 'sustained, inclusive, and sustainable' economic growth. A world in which consumption patterns are balanced rather than excessive, and the production and use of all natural resources - from air to land, from rivers, lakes and aquifers to oceans and seas - are conscious. A world in which democracy, good governance and the rule of law are focused on environmental protection and the eradication of poverty and hunger. A world where the development and application of technology is climate sensitive, respects biodiversity with an eye to safeguarding future generations.

The right to landscape finds a home in sustainable development, in the integrated and non-fragmented vision of the city. The human right to landscape thinks of the city. Harmony can only be achieved if in each neighborhood there are empty spaces for creative leisure, for socialization, for the incorporation of solidarity instead of individualism. The human right to landscape is to think of the collective, of universal access to the categories of goods necessary for the maximization of socioeconomic well-being. To think of landscape in isolation is a failure. The landscape, when thought by the public entity, must be inserted in the context of the right to the city, of the valuation of each citizen in the same way, to enable a healthy and lasting future for future generations.

This research suggests that for future articles and research considering urbanism approaches and right to the city, the landscape must be seen as a key element on development. Necessary for the maximization of socioeconomic well-being. It plays a fundamental role on next level of utopia for reaching the desired quality of life and equality. Thinking utopianly is more than necessary, once the utopia is what keep us walking through objectives thought as impossible before. In fact, today's reality is certainly a utopia of yesterday.

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