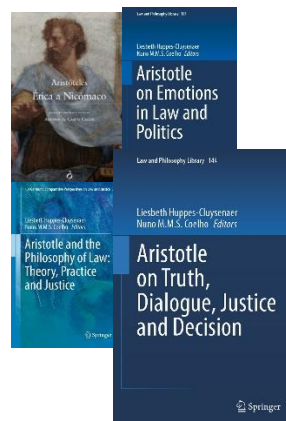


Aristotle (and Aristotelianism) on Justice and (In)equality: contemporary projections



December 6th-7th 2023



Colégio da Trindade, Coimbra

Coordination:

Liesbeth Huppès-Cluysenaer

Nuno Santos Coelho

José de Sousa e Brito

JM Aroso Linhares

PROGRAM and BOOK OF ABSTRACTS

December 6th

9h 10m – Opening Session	<i>Room 1.01.</i>
<p>José Manuel Aroso Linhares Liesbeth Huppes-Cluysenaer Nuno Coelho José de Sousa e Brito</p>	
9h 30m/10h 30m – Plenary Lecture I¹	<i>Room 1.01.</i>
<p>José de Sousa e Brito [Judge of the Tribunal Constitucional (Lisbon) Emeritus], <i>Climbing the Same Mountain: Utilitarianism and Aristotelianism</i> <i>Chair:</i> Liesbeth Huppes-Cluysenaer</p> <p>Derek Parfit has demonstrated how utilitarianism and Kantianism can be rationally reconstructed as different ways to arrive at the same ethical conclusions and, more than that, to build a unified ethical system. It has to be asked if Aristotelianism is a third way of climbing the same mountain of a well-argued unified ethical system. The preparation for such a new philosophical reconstruction was to some extent already laid down by Bentham and Mill through what they said about typical Aristotelian doctrines.</p> <p>If one takes utilitarian theories as a species of goal-based or good-based theories, and if one identifies the good of man and happiness, it is possible to oppose theories of happiness, as Aristotelianism and utilitarianism, to duty-based and to right-based theories.</p> <p>The very beginning of the <i>Ethica Nicomachea</i> quoted in Greek is the only authority that Bentham invokes in his first public exposition of the principle of utility in <i>A Fragment on Government</i>.</p> <p>Bentham did not see his own epochal contribution to recuperate Aristotle in the history of Philosophy. In fact, modern Philosophy adopted concepts of reason and of reasoning that were restricted to the realm of theoretical truth. Hume retires the ultimate consequence: human action is not guided by reason but by passion, there is no practical reason. Now Bentham follows Hume in the methodical separation of ought and is. But in the doctrine of reason Bentham dissociates from Hume. An essential contribution of Bentham to the history of philosophy is precisely the recuperation of practical reason as a science, which he calls utilitarianism.</p> <p>In contrast to Bentham, John Stuart Mill does not quote nor discuss extensively Aristotle, but develops many arguments that allow for a close proximity between utilitarianism and Aristotelianism:</p> <ul style="list-style-type: none"> - Both have practical reasoning as method; - Both have the same ground, Mill's practice corresponds to Aristotle's praxis; - For both, happiness is the ultimate end; - For both, the virtues are means for happiness. 	

¹ It is expected that the time distribution granted to the five lectures (one hour) should include a debate of no less than 15 ms.

A rational reconstruction of the ethics of Aristotle, Bentham and Mill will relate individual good and individual happiness with common good and universal happiness and all of them with individual ought. In Aristotle the concepts of best action and best life, in themselves and for me, have to be distinguished, the theories of virtue as a mean, of prudence, of justice, of friendship, of community, of equality, of proportionality, of reciprocity and of self-sufficiency have to be related and, as a consequence, using Aristotle against Aristotle, his arguments for the inequality of slaves and woman must be refuted.

10h 30m Coffee break

11h – 12h 35m – Workshop Parallel Session A

Room 1.01.

Chair: J M Aroso Linhares

11h Constantinos Vlahos (Assistant Professor at Aristotle University of Thessaloniki), *“Enthymema” and “Isson”: a cross-examination of Aristotle’s Rhetorical Art and Theory of Corrective Justice*

In the first lines of his Rhetoric, Aristotle points out that those who have earlier composed essays on the rhetorical art have not said a word about the enthymeme, which represents the body (“sôma”) of the proof. Instead of analyzing the main mechanism of this art, these authors “chiefly devote their attention to matters outside the subject” (Rhet. 1354a15-18), putting stress on arousing the judge’s passions: slander, compassion, anger and similar emotions. Yet, Aristotle continues, twisting the judge’s intention and raising his soul’s passions would be the same as “making the rule crooked which one intended to use” (Rhet. 1354a25-26). This mention throws a bridge to Aristotle’s theory of Justice. The rule, “canon” (κανών, cf. the latin “regula”) relates to the Mean (μέσσην-μέσσητες/μέσσην-μεσσητης), a key-idea of Aristotle’s Justice. To study the content of Justice, someone should try to understand “in what sense Justice is the observance of a mean, and what are the extremes between which that which is just is a mean” (Nic. Eth. 1129a2-3). The concept of Mean is further explained as the Equal (ίσην/ίσην): the Just is “the lawful (νόμιμον) and the equal (ίσην)” (Nic. Eth. 1129a34). In this paper we will be dealing with a comparative study of Aristotle’s theory of Justice and his rhetoric art methodology. Stress will be put to the specific field of Corrective Justice, which operates in private transactions, voluntary (contracts) and involuntary (wrongdoings) (Nich. Eth. 1131b25-26). In this field, the judge’s mission is indeed to re-adjust the disturbed balance of interests and re-adapt the situation (contract/wrongdoing) to the ideals of Mean/Equal standard. In some way, the judge becomes himself a personification of the rule, since he corrects the injustice produced by the individuals’ greed (Nich. Eth. 1132a1ss.).

11h 25m Elias Canal Freitas (Research Fellow in the Department of Law at Università di Perugia), *The Unbearable Lightness of Ethos: Persuasion through Real and Apparent Character from Aristotle's Rhetoric*

In the first book of Aristotle's Rhetoric, he asserts that "character is almost, so to speak, the most authoritative means of persuasion" (1356a). Considering the complex notion of Aristotelian ethos – this concept is not unambiguous in the Rhetoric – this study aims to delve into its dimensions, both as a technical pistis manifested in discourse and as a pre-

existing element in the orator's speech. It involves a comparison between the persuasive power present in apparent (discursive) ethos and that manifested in the real ethos of the speaker (referential).

The importance of this research is based on two fundamental reasons. Historically, one can perceive its influence on the idea of "auctoritas" in the subsequent Latin legal tradition. From a systematic perspective, rhetoric still represents a valuable source for understanding modern institutions, as affirmed by Roland Barthes.

As the historical-systematic methodology of this research, the general objective is to better understand persuasion through real and apparent character as announced in Aristotelian rhetoric. In light of this, the specific objectives to be achieved are as follows:

- i) To research ethos in Aristotle's Rhetoric, connecting this concept to wisdom (phronesis), virtue (areté), and benevolence (eunoia) as stated in Nicomachean Ethics (1140a.25; 1166b.30).
- ii) To perceive similarities and differences in the concept of ethos in the construction of Latin oratorical rhetoric, as received by Cicero (De Oratore, II 182,183; Orator, 21) and Quintilian (Institutio Oratoria, XII).
- iii) To understand how the judicial system makes use of these categories in the persuasive construction of its ethos, a strategy in institutional communication politics.

As a case study, the parameters exposed in the Italian Supreme Court will be used, with a focus on the gender issue, namely, the effort to achieve gender balance in the effective presence of women at the top of the national judicial system.

The general hypothesis to be verified is that ethos remains an authoritative means of persuasion in the legal field from classical Greco-Latin antiquity (Aristotle, Cicero, and Quintilian) to the present day.

11h 50m **Pedro Pizzotti** (Ph.D. Student at University of Coimbra), *Aristotle's Topics in Legal Thought*

Among jurists is well known the development of Aristotle's topical thought elaborated by Viehweg. Although *Topik und Jurisprudenz* is a central work in the rehabilitation of legal practical thinking, Viehweg's studies only explore one possible approach of the rehabilitation of Aristotle's *Topics*

The underlying claim is that topical thought has only been transposed to the legal field in a compromised variant, one aware and over emphasising of Cicero's interpretation. Surely Ciceronian valuation of Aristotelian topical thought is well known and documented but is also well known the reading difficulties of this particular work of the Stagirite. So, what if there's still an unexplored dimension of topical thought to be considered by juridical thinking?

Aiming to construct an affirmative answer to the above-mentioned question, the presentation has a two folded structure. On one hand it seeks to reconstruct Viehweg's approach given its undeniable relevance (observing Cicero's reading of Aristotle's *Topics*, Vico's critique to the «old method», to finally arrive in Viehweg's work) and evaluate its adequacy to legal requirements (in line with the jurisprudencalist conception of law as developed by Professor Castanheira Neves). On the other hand, it explores another possible approach to the referred transposition, one more faithful to Aristotle's conceptions, that will be also regarded by the same standard. Are the two topical thoughts exclusive when projected in legal thought? What are their respective roles? And when they come to play? Those are questions we seek to sort out.

12h 15m - 12h 35 – Discussion

11h – 12h 35 – Workshop Parallel Session B*Room 1.05*

Chair: Ana Margarida Gaudêncio

11h **Marta Jimenez** [Associate professor at the Universidad Complutense (Madrid) & Emory University], *Aristotle on the Emotions of Inequality*

This paper explores the psychology of the four emotions concerned with the fortunes of others as discussed in Aristotle's Rhetoric II 8-11: pity, nemesis, jealousy, and emulation. By looking at passages from Aristotle's Rhetoric, Politics, and his ethical treatises, I argue that these emotions, which have to do mainly with our concern with the proper distribution of goods of fortune, and ultimately with equality and inequality, are crucial for the proper formation of our sense of justice—and, in some cases, for its corruption.

11h 25m **Georgii Sibirtsev** (University of Business and Administration in Gdynia & University of Gdansk), *Aristotle's concept of justice in modern models of legislative regulation of the institution of Euthanasia in some European countries*

During my short presentation I would like to dwell upon the experience of the several European countries (the United Kingdom, the Republic of Poland, The Russian Federation, The Republic of France, the Netherlands) on the Euthanasia regulation. I would like to discuss the modern models of the Euthanasia legal regulation from the perspective of two fundamental definitions of Aristotle's philosophy: distributive and corrective justice. How such concrete legislative regulations correlate with Nicomachean Ethics and if some types of such legislative decisions could be considered as sufficient? Could we consider the criminal liability for Euthanasia as a human rights violation? And what is Ethical evaluation of the "Right to death"? These are the questions which I would be tremendously happy to discuss while my short speech.

11h 50m **Paula Távora Vítor, Luís Meneses do Vale e Carolina Costa** (University of Coimbra, Faculty of Law, Institute for Legal Research), *Aristotle on ageing: how well did it age?*

This brief talk aims at interweaving the theory of the family and the conception of old age stemming from the Aristotelian corpus, under the light of the philosophers' famous Theories of Justice, so as to mutually illuminate the blind spots of the former two, concerning the family status of the Elderly and the oikos' and polis' responsibilities for and towards it. The final purpose being, after all, to question their current purchase in our actual understanding of ageing and its ethical and legal implications for the family community.

True that, in the context of Greek ethical-philosophical holism, with its underlying metaphysical conception of man as a zoon politikon, Aristotelian aretology, without prejudice to all its "private" or "proto-individual" projections, refers us, first and foremost, to the ultimate integral realization of man as a citizen, even if eudaimonia also ends up equated with a well-known ideal of intellectual contemplation.

The Aristotelian thought is not confined to the public sphere, though. The private sphere

brings the family, as an essential social cell, to the foreground. Leaving aside the master-slave dynamics, the family in Aristoteles is fundamentally considered in two different plans: the relationships between men and women and between parents and their children, with the intergenerational approach towards the family apparently adopting a prevailing top-down direction.

However, Aristoteles does not disregard older generations. The ageing process and the standing of the elderly are subject to his theoretical elaboration, both directly (across physiological and biological studies) or in a slightly oblique manner (throughout his ethical, political or rhetoric reflections) - holding a view, in the latter case, at least ambiguous, but more often regarded as utterly negative.

Moreover, although this perspective regarding the family and the elderly is deeply embedded in its peculiar historic context, the influence of Aristotelian thought has knowingly gone – and still seems able to reach, so findings prove - well beyond such constraints, despite the overall increasing attention to conveyed risks for anachronism.

Therefore, taking into account the outlined premises, we propose to explore the way Aristotelian conceptions might be used nowadays to ascertain how justice can be achieved regarding the elderly, especially in their familial insertion. This exploratory presentation purports, then, to approach issues such as intergenerational relations and the empowerment of the elderly in collective (family, group) and personal decision-making and planning, the values and roles ascribed to them within families, their own expectations of self-fulfilment and warrants of autonomy in and through that sphere, as well as the putative gender discriminations therein involved - all this, ultimately, in an attempted search for the rationality, groundings, ends and contents of their just, right and due treatment by Family Law.

With that in view, it delved into primary (translated) and secondary (historical and critical) sources, reading them against the state of the art on age justice and family law, in order to hopefully clear some paths and advance hints for further endeavours.

12h 15- 12h 35 Discussion

LUNCH

15-16h – Plenary Lecture II

José Reinaldo de Lima Lopes [Full Professor at the University of São Paulo (Law Faculty)],
Equality and membership: between Ethics and Politics

Chair: José de Sousa e Brito

In *Ethics* Aristotle investigates justice as equality (*isotes*) and concentrates on what he calls justice as a particular virtue, whereas in *Politics* he once again takes equality as a fundamental idea and relates it to the very idea of the constitution of a well organized society. Differences and equality will play a decisive role in different constitutions. Different cities will have different constitutions and their distinctive traits depend on how they deal with difference and equality. The paper will argue in its second part that philosophical enquiry, in line with what Aristotle did, is a relevant way of approaching contemporary issues in legal and political theory. If lawyers nowadays consider constitutional law not only part but also the principle of the whole legal system, it is important to recover the links between general

or universal justice, the subject of Aristotle's *Politics*, and particular justice, the subject of his *Ethics*. The argument in the paper will assume that democratic and republican legitimacy depends on the idea of general justice in which equality means membership and indifference to membership is an important source of authoritarian regimes.

16h – 17h 10m – Workshop Parallel Session C

Room 1.01.

Chair: José Reinaldo Lima Lopes

16h **Plínio Pacheco Oliveira** (PhD candidate at the University of Coimbra), *Aristotelian ethics as a foundation for cosmopolitan economic justice: political authority facing the challenge of achieving global (distributive and corrective) justice*

Considering the Kantian notion that there are three levels of rights (domestic, cosmopolitan, and international), the paper indicates that, despite Aristotle's theory of justice being centered on relations within city-states, his conception of justice is applicable to relations at the cosmopolitan level (which takes into account individuals as members of global society, regardless of their nationality or place of residence) and at the international level (referring to relations in which the subjects are states and/or international governmental organizations). Recognizing, according to Nancy Fraser, that justice has at least three dimensions – economic, cultural, and political – the paper presents, based on Aristotle's theory of justice and supported by bibliographic research, an interpretation of demands of cosmopolitan economic justice that fall upon political authorities. In light of Aristotle's thinking, it can be understood that economic justice (in the form of distributive or corrective justice) is achieved as a middle ground where each individual does not have an excess of goods or significant economic burdens. With such understanding, the paper analyses that, at the cosmopolitan level of justice, political authorities are morally required to: a) neither create nor maintain economic injustices that affect individuals in global society (an action produces injustice when it is a determining factor in the emergence of an unjust situation, and an action maintains an injustice when it is a determining element in the preservation of an unjust situation); b) not provide any support for practices through which state actors or non-state actors create or maintain economic injustices that affect individuals in global society. According to the viewpoint that is advocated here, the justification of political authority requires that the actions of authority in favour of individuals not subjected to it do not diminish its capacity to promote justice for those subjected.

16h 25m **Sule Sahin Ceylan** (Associate Professor at Marmara University), *An Overview of Aristotle and the Origins of Natural Rights*

In modern discourse, we express almost all of our legal and political demands in terms of rights. The attention the concept has received is related not only to its widespread use, but also to discussions of the nature and the functions of rights, the conditions of rights holdership, the possibility of a generic concept of rights, and so on.

The discussion generally goes beyond law and legal rights. If we try to understand the essence of human rights as a special category—it is assumed that they are inalienable or

indefeasible and that all human beings possess them without exception-some other questions emerge: What is the origin of the concept? Are natural rights the theoretical precursors of human rights? If so, does the tradition of natural rights go back to ancient Greece and is limited to the target of this article, the thought of Aristotle?

Natural rights, and more recently human rights, are individual subjective rights that enable their holders to assert legitimate claims against others. Can we find in Aristotle's virtue ethics a theoretical basis for equal natural rights that are inherently individual? A leading answer is given by Fred D. Miller Jr. According to him, natural rights can be based on natural justice or derived from a pre-political state of nature. The claim of natural rights theory in this second sense is that people can have moral rights prior to any social or political entity, which Aristotle would not accept since he describes human nature as a social one. Therefore, he claims that rights are not derived from human nature but from natural justice in Aristotle's thought. In the light of Miller's well-known article "Aristotle and the Origins of Natural Rights", I will question the possibility of an Aristotelian concept of rights.

16h 50- Discussion

16h-17h 10 – Workshop Parallel Session D

Room 1.05

Chair:Luís M. Vale

16h - **Stefano Fuselli** (Full Professor at Università di Padova), *'Good' and 'other' in Aristotle's general justice*

In referring to Aristotle's concept of justice, jurists generally have focused on the so-called particular justice, both distributive and corrective. For example, in his criticism of Aristotle's theory, Kelsen was mainly concerned with the proportionality criterion in particular justice. My presentation will focus on general justice. In particular, it aims at shedding light on the role of the relationship to another that, according to Aristotle, characterizes general justice (NE V 1229 a 1-1130 a 13). Being a virtue, general justice (dikaiosyne) is a disposition (exis) too and has different meanings. Nevertheless, justice is the only virtue for which to be directed toward another (pros eteron) is something constitutive and distinctive. This is the reason why it is the only complete virtue (teleia arete), the actual exercise of which makes it complete to the highest level and comprehensive of all virtues.

Of course, the relationship with other people also characterizes other virtues, such as liberality, the anonyme virtue of behaving with others in a proper way, and friendship.

My aim is to focus on the specific way in which justice is directed to another both from the point of view of its object – the good of another it aims at – and from the point of view of its subject – the kind of relationship that exists toward the people it is exercised for. More specifically, I would like to investigate what kind of 'good' is at stake here and what the constitutive characters of the 'others' are toward which it is possible to exercise justice.

The paper is meant to be a work in progress.

16h 25m **Tommi Ralli** (Frankfurt-Based legal consultant), *Justice as Openness to Serendipity*

A single fragment from Heraclitus encapsulates the theme of the paper: 'One who does not expect will not find out the unexpected, for it is trackless and hard to discover.' The paper

examines our responses to events, such as meeting someone who lives a completely different life from you, or learning about a life-changing illness in another's or your own case. I distinguish and compare three types of response: reasonable, surprised ('this cannot happen'), and open to serendipity. The understanding of the first, reasonable response ultimately derives from Aristotle's many-sided thought on reasonableness (decency, *epieikeia*): as good, as just, as better than a certain sort of justice, and as rightly judged. Against possible objections that reasonableness, in its versatility, is able to include the third response, I defend the disEncEveness of openness to serendipity on a number of grounds. In the final analysis, openness to serendipity is a specific virtue, I suggest, not openness in itself, not serendipity in itself, and I justify its character as a virtue by means of arguments that are compatible with Aristotle's philosophy. While this grounding and the comparison of responses are new, the point of the virtue was already expressed in Heraclitus' saying.

16h 50m -17h 10 Discusssion

17h 15-18h 15 – Plenary Lecture III

Room 1.01

Nuno M. M. S. Coelho [University of São Paulo (Law Faculty at Ribeirão Preto)], *Aristotle on equality, *axía* and the search for the political regime*

Chair: Ana Margarida Gaudêncio

In this study, we argue that Aristotle's argumentation in "Politics" in favor of democracy as the best regime for real communities (for ethical, pathological, and dianoetic reasons), as well as his defense of mixed regimes (capable of accommodating conflicting perspectives within the same regime), represents Aristotle's stance on the question left open in Book V of "Nicomachean Ethics" (1131b) regarding the criterion of merit (*axía*) that underlies the allocation of shares in a just distribution. While in "Ethics" Aristotle maintains a neutral position in regard to the viewpoints advocated by democrats, aristocrats, and oligarchs, in "Politics," he takes a complex stance, which we attempt to reconstruct and systematize.

December 7th

9h 40m-10h 50 – Workshop Parallel Session E

Room 1.01

Chair: Nuno Santos Coelho

9h 40m **Antônio Sá da Silva** (Professor at the the Universidade Federal da Bahia) & **Homero Chiaraba Gouveia** (Associate Professor at the Universidade Estadual de Santa Cruz), *Tax Justice and Capabilities Approach*

Taxation and public budgeting constitute the core components of contemporary democracies. These elements play a pivotal role in financing social policies. However, the study of the public fund has predominantly favored a technical and fragmented perspective. Consequently, there has been limited attention, particularly in the realms of tax and financial dogmatics, given to issues related to tax justice, equity in its various forms, social vulnerabilities, the quality of life of individuals, or the democratic quality of fiscal institutions. In defense of this technical approach, grounded in what Lima Lopes labels as logical-idealist positivism, and Castanheira Neves deems as just one of the possible current conceptions of legal thinking, tax experts like Augusto Becker, Aliomar Baleeiro, and Barros Carvalho argue for the necessity of legal certainty for taxpayers. They assert that this can only be achieved through a presumed scientificization of the legal dogmatics. However, this program has had adverse effects. In the field of tax law, it has reduced it to an almost “notarial”; activity, and in the realm of financial law, it has led to the implementation of a fiscal austerity agenda. Currently, in the domain of public finance, a unique logic prevails, one aligned with chrematistics, according to which public well-being is subordinated to an ethos oriented toward economic growth. Drawing from the discourse initiated by Murphy and Nagel (*The Myth of Ownership*, 2001) and engaging in a dialogue with Martha Nussbaum and Amartya Sen, there arises a compelling need to reestablish the Aristotelian conception of the political community. This community is seen as a place where, through careful planning, we can enhance human capabilities to exist and act (capabilities approach), reduce the risk of common human vulnerability, achieve justice, and enable the realization of our happiness projects. In this context, tax and financial law play an indispensable role in both investigating and proposing solutions. The methodology employed in this endeavor is primarily bibliographical.

10h 05 **Giovanni Bombelli** (Full Professor at the Catholic University of the Sacred Heart, Milano), *Justice, equality, ‘social democracy’, politeia. Aristotle and Martha Nussbaum’s “Aristotelian Social Democracy”*

In light of the well-known different re-readings of the Aristotelian tradition (not only by the “New-Aristotelianism” strictly understood) developed within the contemporary debate, the contribution aims to discuss some aspects of the theoretical circle justice/equality/inequality. More precisely, moving from the Aristotelian-inspired Martha Nussbaum’s perspective, the paper focuses and rediscusses the political-institutional horizon underlying the current democratic systems with particular regard to the concept of “social democracy” proposed by the American philosopher.

Through the analysis of her theoretical scheme as well as of some related notions or

conditions of possibility (i.e. criticism versus the liberal tradition, the implementation of the idea of “justice”, the concept of “capability approach”, the development of the political/institutional dimension within the current complex societies, the nexus anthropology-education) many crucial philosophical-legal and political concepts are to be reconsidered in depth: (neo)contractualism, equality and, finally, also the questionable notion of “social democracy”.

In this way, the critical comparison with some fundamental issues related to the Aristotelian theoretical pattern (i.e. politeia and the idea of “constitution”, the “rule of law” based on the isonomia, the idea or model of demokratia) highlights the analogies but, at the same time, the relevant discontinuities between the proposal developed by the Stagirite and the perspective outlined by authors like Nussbam (even though Aristotelian-inspired).

In conclusion, the analysis emphasizes the different horizon underlying Aristotle’s world and Nussbaum’s approach, especially as regards some key notions strongly connected to the debate equality-inequality: the difference between ancient and the new pluralism, the category of multiculturalism, the pattern of “democracy” (for instance concerning the nexus ‘social democracy- Welfare state’). Furthermore, through and beyond the issue equality-inequality, the discussion involves specific aspects of theory of law, especially concerning the “idea” of law and its social role.

10h 30-10h 50 -Discussion

9h 15-10h 40m – Workshop Parallel Session F*Biblioteca**Chair: J M Aroso Linhares*

9h 15m **Martin Koloušek** (Assistant Professor at the Charles University in Czech Republic), *Are We Aristotelian Slaves? A problematic aspect of the foundation of Aristotle's political theory*

A political association, according to Aristotle, is founded on two main principles. First, the union of a man and a woman, second, the union of a master and a slave. Both are subjects of persistent controversies, as they are seen as an expression of Aristotle's support of inequality, a principle we hold dear today.

Main question of my paper is: as members of a modern society, could we be considered slaves according to Aristotle? A subsequent question follows: if yes, what does it mean for us? At first glance, these questions are not apparent. In a contemporary world slavery is generally banned, and even though, despite of this ban, slavery still exists in some forms, we do not generally consider it as a problem that would affect most of us directly. From this perspective the answer is clear – no, we are not slaves. However, from an Aristotelian perspective the answer might change: if the basis of a political association is the union of a master and a slave, and we are indeed political animals living in political associations, then most of us are indeed, in Aristotle's terms, slaves.

I aim to tackle these issues by analyzing Aristotle's concept of slave, slavery and the relation between a master and a slave. I am going to ask whether it indeed lies in the foundation of a polis. Then, from these findings, I will draw conclusions for a contemporary human and society. My conclusion is clear: from Aristotle's perspective, most of us are slaves, but it is not necessarily a bad thing.

9 h 40m **Soraya Nour Sckell** (Full Professor at NOVA School of Law, Lisbon), *Discrimination or Resistance: "Disposition" from Aristotle to Bourdieu*

The aim of my presentation is to analyse both discriminatory behaviour and the behaviour of resistance to discrimination on the basis of socialisation processes that create a "disposition", in the sense that the concept has acquired in the Aristotelian-Thomistic tradition, in phenomenology and in Bourdieu's sociology. The Aristotelian concept of "disposition", hexis, was translated by St Thomas Aquinas as habitus. Before Aquinas, Boethius had proposed the term to denote a permanent 'possession' (habitus is the past participle of 'habere', to have). Various authors have used the term, including Durkheim, Weber, Husserl, Veblen, Elias and Mauss. Thus, Husserl analysed how the experiences lived by an individual, even if forgotten, do not disappear: they create sediments, tendencies, dispositions to feel, think and act. In a latent way, they generate a "potency" which, when stimulated by a situation, becomes an "act" and which Husserl, following the Aristotelian-Thomistic tradition, calls a "habitus". They form what Schütz calls a "stock" of knowledge that guides everyday social behaviour.

Bourdieu, for his part, uses the concept of habitus to explain how, through the process of socialisation in a particular environment, the individual acquires dispositions to act, think and feel. However, socialisation does not imprint social forces on a passive subject, but produces a dynamic agent, i.e. it inculcates practical dispositions that enable the individual to intervene in the historical course of the social world. The habitus has a "libidinal" and a "skilful" dimension. In terms of the libidinal dimension, it drives and animates social behaviour on the basis of the "resources" that are valued in a field. As for the skilled dimension, the habitus equips the individual with cognitive and practical skills. The agent,

endowed with interests and skills, becomes a generator, helping to reproduce but also to transform social structures. The habitus, more than a repeated behaviour, is a matrix that generates behaviours. Socialisation produces a habitus that can reproduce discrimination and the inequalities that go with it, but that can also generate capacities for resistance and transformation.

10h 05m **Brisa Paim Duarte** (Faculty of Law, University of Coimbra, University of Coimbra Institute for Legal Research), *Reinventing the praxis, inventing the law? Some thoughts on Aristotle's contribution to practical reasoning and rhetoric and its possible connections to contemporary aesthetic legal discourse*

On the background of a basic question (it is possible to establish justice and validity in the realm a praxis already confronted with difference and imponderability?), tempting the frontiers of *inventio*, rhetoric evolves from a mechanism able to expose the fractures and imperfections that were believed to be grounding sociopolitical institutions to a philosophical device to establish a plausible truth, insofar as justice was already conceived as a borderline value. Aristotle's voice enables a complex understanding of the relationship between rhetoric, practical reason, and the practice of justice, one that can be linked to contemporary enterprises in juridical thinking, especially those looking to establish closer connections between legal culture and certain experiences of practical rationality typically associated to the artistic realm. This paper intends to discuss such possibilities, mainly focusing on *phrónēsis-poiēsis* axis and its projection in forensic field and legal discourse.

10h 30-10h 50 – Discussion

10h 50m Coffee break

11h 30-12h 30 – Plenary Lecture IV

Room 1.01

António de Castro Caeiro (NOVA FCSH e Ifilnova) , *Selflove (pleonexia) and the love of one's own for the sake of others (dikaiosynē)* (EN: V, X; EE: VII)

Chair: Nuno Santos Coelho

The result of *pleonexia* (ambition that can degenerate into greed) is the asymmetry between the self (*autos*) and the other (*heteros*) - inequality, inequality, injustice. The desire to have more (*pleon echein*) is the motive for injustice (*adikia*), behavior that is out of control, both as an active result (the perpetration of an injustice [*adikein*]) and as a passive result (the suffering of an injustice: *adikeisthai*). The asymmetry factor in relating to others results from the same asymmetry in relating to oneself. The desire to have more for oneself is irrevocable, it distorts the relationship with oneself and thus also with the other. This is the way in which we relate to ourselves in the project (*orexis*) of what we love (*to eromenon*). But ambition can be distorted. It can turn into greed. Wanting to have more (quantity, intensity, frequency) than one has consequences: wanting more than others, wanting everything for oneself and nothing for others. The other, however, exists with ambition, desire to have more for himself.

Justice as excellence perfected in relation to others (*Nicomachean Ethics*) seeks to control and regulate our relation to others, which would otherwise be destroyed if everyone made greed their guiding principle. When the other becomes a "friend" (*philos*) and, at that point, a different self (*autos*), the other comes out of the alienation in which he finds himself, as long as he exists there without *philia*. The asymmetry created by greed, in which everyone becomes a *solus ipse*, can be nullified by an excellent openness to the other, accompanied by an excellent relationship with oneself, based on the *philia* of the self (*philautia*). The discovery of the possibility of justice is not independent of the discovery of the affective a priori, in which each person discovers himself or herself to want the good of the other. The other is understood in the possibility of wanting one's own good. Justice, as a complete excellence based on the constitutive relationship between the self and the other, can be radicalised and take being with the other to the extreme, in which the level of excellence is raised because to be just is to discover the excellent and complete relationship that perfects both self and other.

LUNCH

15h-16h – Plenary Lecture V

Room 1.01

Liesbeth Huppel-Cluysenaer (Amsterdam, Nederland), *De-universalizing Aristotelian ethics*

Chair: JM Aroso Linhares

After the second world war a conception of democracy took hold in which the belief in continuous global technical progress and economic growth were thought to replace the need for authoritarian decisions, because all people would be better off anyway through these processes.

Authority-based decisions have to be made when the issue is not how much more growth of welfare the one has in comparison with somebody else, but that the one will be worse off to realize that others are better off. Such an issue cannot be solved in global universal terms, but asks for local legitimation and enforcement in specific power constellations. It seems in this respect inevitable to rethink the concept of authority in relation to democracy.

The paper explains Aristotle's *Nicomachean Ethics* as an ethics of primarily magistrates i.e. those who exert authority over others. The ethics pertains only to those acts which belong to the magistrate's responsibility in the sense of actual accountability in the specific political community of Athens.

16h – Closing Session

Room 1.01

This session is dedicated to discussing and preparing the volume in which the papers will be published.