SEVENTH BRAGA MEETING ON ETHICS AND POLITICAL PHILOSOPHY

POLITICAL THEORY GROUP
CEHUM

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BOOK OF ABSTRACTS

Plenary session, June 15, 17:00-18:30

DANIEL WEINSTOCK, Varieties of Toleration

In this paper, I argue, first, that moral and political concepts should aspire to individuate normatively relevant considerations as finely as possible. We should have more normative political concepts, not fewer. Second, I argue that the tendency to define one conception of a political concept with respect to which all others are deemed derivative has affected the concept of toleration. Third, I argue that the tendency to view a justice-based conception of toleration as central stems from the wish on the part of a number of theorists of toleration to escape a number of "paradoxes of toleration". Finally, I illustrate the claim that there are distinct conceptions of toleration, which are not reducible to one another, nor to some central genus, by pointing to cases in which toleration is displayed by political agents with indefensible moral or political beliefs, and ones in which it is exercised toward individuals or groups with such attitudes or beliefs.

Plenary session, June 16, 17:00-18:30

KIMBERLEY BROWNLEE, *The Ethics and Politics of Sociability*

We human beings have deep social needs to live in close proximity and connection with each other in order to survive and flourish. This talk explores a range of issues related to the ethics and politics of being social: 1) What reasons and duties do we have to provide decent social contact to each other? 2) What social rights can we assert? 3) What kinds of wrongs do we do to each other as social creatures when we deny or neglect each other's basic social needs? 4) What implications do positive social needs and rights have for freedom of association? What is the value in being sociable?

GENERAL SESSION

ALBERTO ARRUDA, *Personal Worth and Belonging: an Argument Against the Theory of Inevitable Secularisation* (panel 24)

In this paper we begin by looking at Michael Walzer's argument regarding the issue of *inevitable secularization* – an argument defended in his most recent book *The Paradox of Liberation* 2015 – as a way of understanding the moral problem of personal identity and its constitution within civil society.

This paper will offer a reading of the moral difficulties posed by the demand of secularization in societies that are undergoing the process of national liberation. It will chiefly approach the concepts of *personal worth* and *belonging*, as well as the difficulties of offering a stable content to these concepts within secularized societies with a strong focus on individualism. These difficulties are acutely felt in the Walzer's case studies. In all these cases, a religious counterrevolution took place after the failure to constitute a national identity that could be maintained in the generations that followed.

This paper will suggest what some of these reasons of this failure could be; what is it that religion offers that a secular ideology cannot? As previously stated, this paper places the moral phenomena of *personal worth* and *belonging* under scrutiny and attempts to understand what might constitute an impediment to finding a secular *Ersatz* for these concepts. It will also consider the idea of an inherited tradition and the possibility of constituting a secular culture that is capable of offering strong enough grounds for the formation of the personal identity of individuals.

The term "religion" is, in this paper, limited to the Christian tradition (this is a deviation from some of Walzer's case studies); this qualification is necessary, since a study that encompasses all major religions would be excessive in detail. This choice is related to the inevitable presence of theological concepts in western metaphysics. This paper will focus on the political function of some of these theological concepts, mainly as presented in Hegel's *Phenomenology of Spirit* and Kant's *Religion within the Boundaries of Mere Reason*. It will be argued that both of these texts do not attempt to lay bare the dogmatic scheme of religion, but rather its function in shaping the practical identity of persons as political agents.

Finally, this paper will use all of these critical resources to give more content to the argument that there may indeed be no such a thing as *inevitable secularization*, and that such a strong demand may be a prejudice that considerably impairs a healthy democratic culture.

Keywords: Personal Identity – Moral Worth – Religion – Secularization – Agency

Bio*:* I am currently awaiting to defend my PhD thesis at the Faculty of Letters, University of Lisbon. I am affiliated with the Program in Literary Theory (Faculty of Letters, University of Lisbon) and IFIL Nova (New University of Lisbon), where I have participated in projects dealing with the work of Ludwig Wittgenstein and G. E. M. Anscombe. I have also participated on a team that has recently completed the translation of *Intention* by G. E. M. Anscombe. My dissertation thesis, entitled *The Absence of Indifference,* is an attempt to explain the valuable connection between the philosophies of mind and action and political theory.

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ALISON ASSITER, *Freedom/determinism: a Re-think* (panel 14)

The paper will offer a series of challenges to the view that self -causation is impossible. It will suggest, following this, that the libertarian notion of freedom is defensible.

To elaborate a little: I will suggest, in the paper, that many of the assumptions in the free will debate depend on a particular view of the nature of reality –a view that 'reality' consists of substances externally and deterministically related to one another. I will defend a version of the Kantian principle of spontaneity but a modified version that takes into account the possibility of powers in the natural world really existing.

Freedom and self-causation

Kant defended a notion of self- causation – a notion that is critiqued by many contributors to the free-will debate. I find three senses of the expression in his work. Firstly, in the *Critique of Pure Reason,* he articulates the view, in the thesis of the Third Antinomy, that 'causality in accordance with laws of nature is not the only causality from which the appearances of the world can one and all be derived'. His reason for this is not only that if this were the case, then our freedom and autonomy would be compromised, but rather that 'If everything takes place solely in accordance with laws of nature, there will always only be a relative and never a first beginning'. He calls this an 'absolute spontaneity' of the cause. He claims that we, as free beings, act from such a spontaneity. So Kant defends two senses of self-causation - that of an absolute beginning of nature or Being and that of free acts of agents like us. I believe something like these are the notions assumed in many versions of the free-will debate.

But, in his *Third Critique*, Kant offers a different notion of self-causation. There, he defends the idea that a tree is cause and effect of itself in the sense that the seed gives rise to the tree and the tree, in its turn, to further trees. If one adopts something analogous to this third notion, one does not arrive at the absurd view that, in order to be truly free, or to engage in acts that are self-caused, one has to violate the laws of nature (as is assumed to be the case by many critics of the conception of self-causation – see below). The argument of the paper, while it offers a defence of some notion of 'self-causation', will move beyond Kant. The rudiments of my argument, however, are to be found in Kant's Third Critique.

Keywords: Freedom, libertarianism, self- causation.

Bio: I am Professor of Feminist Philosophy at UWE, Bristol, UK. I have written in feminist philosophy, political philosophy and recently on the work of Kant and Kierkegaard.
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DAVID V. AXELSEN, *Exemplary Examples* (panel 12)

Normative philosophers often rely on hypothetical examples for a number of reasons. Examples can help to clarify the concrete implications of moral principles and to systematically separate considerations that might otherwise be conflated. Many take examples to provide more substantive support in philosophical argument, furthermore, if they are met with strong and widespread intuitions.

The use of examples has been criticised from a number of angles. By abstracting from the complexity and contextual detail of complex moral and political problems, they may produce results that are either practically inutile or even misleading, because they represent an oversimplified picture of the normative landscape. Moreover, some object that relying on intuitions is pointless since they are affected by morally irrelevant factors and highly contingent on upbringing, social and cultural milieu. Even when intuitions are not debunked in this way, it may be doubted whether they are indicators of moral truth.

One task facing moral philosophers who utilise such examples is to answer these criticisms. Although there have been defences of the methodology, such defences are few and far between given the proportion of philosophers who rely on the method (see, for example, Kamm 2006, Stemplowska & Brownlee 2016, Tadros 2011). A second task is to specify the role that examples ought to play. Accepting that examples and intuitions play a valuable role is a long way from a well-developed account of this role. John Rawls, for example, provides one picture, in which the theorist goes back and forth between broad principles and specific implications, testing the plausibility of both and choosing to tweak one or the other until a consistency, or 'reflective equilibrium', is achieved (Rawls 1971 – see also, Daniels 1979, Dworkin 1977, and Hurley 1989). Frances Kamm offers a more intuition-centred view, according to which strong intuitions cannot be rejected and provide the initial data that moral theory must explain (Kamm 2006).

This article has two aims. The first is to categorise and explore some of the objections to hypothetical examples; their contingency, their unrealistic nature, and their lack of practical usefulness. Relying on Ronald Dworkin's so-called "constructive model" of reflective equilibrium, according to which the point of political philosophy is not to discover moral truth, but to *interpret* practices, institutions, and relations, we claim that political philosophers can, indeed, escape such criticism and that hypothetical examples play a legitimate argumentative role (Dworkin 1977, 160-163. See also, Dworkin 2011, chap. 7). The role is, however, importantly *argumentative* and, thus, the examples must be suited for this specific purpose. The second aim of the paper, accordingly, is to specify and constrain the role such examples should play. We argue that hypothetical examples must, to serve their argumentative purpose: 1) be sensitive to the political and social context in which they are presented and how examples are likely to be (mis)understood in such a context, 2) take into account how discourses and norms which help uphold current injustices are framed by those who benefit and opposed by those who do not, and 3) ensure and highlight applicability to issues of political relevance. This form, we argue, reclaims and explains the attractiveness of using hypothetical examples while simultaneously specifying and delimiting their role and avoiding major objections.

Keywords: hypothetical examples, normative methodology, reflective equilibrium, Ronald Dworkin

Bio: David V. Axelsen is Assistant Professor Department of Political Science, Aarhus University,and Research Fellow at the London School of Economics. His research topics are several but currently they focus on global and distributive justice, normative methodology, and political activism (with Clare Burgum). He has published in Journal of Political Philosophy, Journal of Human Development and Capabilities, and Ethical Perspectives. He is considered among the founders of flaghelmet.

UGUR AYTAC, *Valuing as Desiring to Desire and Normative Reasons* (panel 1)

The account of valuing as desiring to desire is challenged by the claim that there is no justification for a normative hierarchy between first-order-desires (FODs) and second-order-desires (SODs) (Smith 1994, 144). According to Smith, valuing entails normative reasons that justify agents' actions according to norms of rationality (*Ibid.*). Desires are allegedly sources of motivation without a normative property in their nature because they are not subject to norms of rationality. Hence, only appealing to normative reasons that are independent from desires (of any order) by their nature can eliminate "immoral" desires.

In this paper, I will argue that the account of valuing as desiring to desire based on Frankfurtian second-order-volitions is capable to provide plausible normative reasons. Frankfurt's account of identification explains *the hierarchy* between second-order-desires (SODs) and first-order-desires (FODs). According to him, one of the distinctive features of human beings is that they care about "the desirability of their desires themselves" (Frankfurt 1988, 17). He also emphasizes the role of the "will" when human beings care about their motives. The will is "the notion of *effective desire*" by which an agent is motivated when he acts in a certain way (*Ibid.,* 14). In this sense, a desire has to outweigh other conflicting desires to constitute an agent's will. Similarly, if an agent has a SOD to X and wants the desire to X to be his will, these kinds of SODs are called Second-Order-Volitions (SOVs) (*Ibid.,* 16). SOVs constitute the *volitional complex* with which a person *identifies* himself (Frankfurt 1988, 165). A volitional complex can be defined as a set of desires by which an agent wants to be effectively motivated. Identification via SOVs corresponds to what a person *really* wants.

If a reason to *X* expresses coherence with some other *normative system*, other than norms of rationality, then the reason provides justification from that system's perspective. By a normative system I mean a systematic set of requirements whose violation gives rise to *feelings of guilt* in the violator. Focusing on feelings of guilt in agents may be helpful to understand the justificatory dimension of actions because, at least for our commonsense understanding of an agent, lack of justification and feelings of guilt often go hand in hand.

I claim that Frankfurt's account of identification constitutes a normative system in this sense. Acting on true desires provides a perspective from which agents' decisions are *justified*. The gap between agents' will and their ideal will that is second-orderly expressed is not a matter of requirements of rationality. They define the person they want to be as volitional complexes, as persons who are motivated by desires with which they identify themselves. If they fail to act on their true desires, they feel guilty because they believe that they could have done otherwise. To establish such a relationship between feelings of guilt and failing to act on true desires, I will further argue that agents hold themselves responsible for those failures otherwise there would be no plausible ground to feel guilty.

Keywords: Valuing, normative reasons, higher-order-desires, justification, meta-ethics.

Bio: First year master student in Bayreuth Philosophy & Economics program. My research interests are political philosophy, meta-ethics and philosophy of the social sciences.

ALI EMRE BENLI, *Theorizing justice in asylum here and now* (panel 24)

Since 2014, each month, thousands of refugees fleeing conflict zones in the Middle East are arriving at the borders of the European Union (EU) to claim asylum. The flow of refugees render the asylum system of the EU dysfunctional. Genuine refugees are prevented from enjoying their Convention rights as citizens of the receiving Member States are strained by their presence. What are the responsibilities of the EU Member States towards refugees? Should they be granted admission or membership? If so, is there a limit to the obligations of the Member States?

Mainstream theorizing of justice in migration provides guidance in answering such question by theorizing principles that govern a perfectly just refugee regime. It involves specifying three inter-related aspects; first, the definition of a refugee, which provides the conditions for distinguishing between refugees and other kinds of migrants; second, the kinds of rights refugees should enjoy due to their special status; and third, the parties who bear the duty of making sure that the refugees are enjoying their rights together with a fair distribution and limits of such duties. Once a perfectly just refugee regime is theorized it is then used to derive suggestions on what to do in particular cases.

In the first part of the article, I show that mainstream theorizing is unable to guide us in addressing urgent and important problems such as the current situation we are faced with. The difficult lies with finding an agreement on the superior principles of justice for asylum as well as regimes that may best implement them. Moreover, in the context of such disagreement, it is hard to create the political will required for their implementation. In the second part, I offer an alternative method based on Amartya Sen's work on social choice approach to theorizing justice.[1] I demonstrate that we can reach partial agreements regarding the particular question at hand without reaching an overall agreement on the perfectly just refugee regime. The partial agreements point to ways to improve the status quo. In addition they give us sufficient moral reason not only for choosing one alternative course of action over the others, but also for demanding that others do the same.

Bio: I have recently got my PhD in Political Theory from LUISS University in Rome. Currently I am a research fellow at the Center for Advanced Studies SEE in University of Rijeka. I have been regularly participating in the Meetings in the last two years.

JULIANA BIDADANURE, *The Youth Job Guarantee: a just solution to youth unemployment?* (panel 16)

The paper that I wish to present this year is a chapter of my draft book *entitled Treating Young People as Equals: Intergenerational Justice in Theory and in Practice*. The manuscript contributes to egalitarian thought and intergenerational justice by providing a comprehensive egalitarian account of justice between co-existing generations. Few normative tools are available to assess claims made about the fairness of time-sensitive distributions. The field of intergenerational justice has emerged to fill this gap, but its theorists have primarily focused on the question of what we owe to future generations. My book answers the question of which inequalities between age groups, on the one hand, and birth cohorts, on the other hand, matter; and it offers a framework to establish what counts as a suitably egalitarian treatment of successive cohorts, with an emphasis on what we owe to young people.

The Youth Job Guarantee: A Just Solution to Youth Unemployment?

The paper that I wish to present at Braga is the sixth chapter of my draft book. It compares several work-based solutions to youth unemployment and centers primarily around the debate between the proposal for a Youth Job Guarantee, on the one hand, and the potential benefits of Unconditional Cash (basic income), on the other hand.

Policy proposals aimed a youth unemployment are often *labourist*: they propose solutions that are conditional on the young working, or having worked in the past. From workfare programs to the recent European Commission proposal for a youth job guarantee, policies to tackle youth unemployment often take the right to an income as going hand in hand with the obligation to work. Drawing on my theoretical framework, I provide a normative evaluation of these work-based proposals based on their relative impact on diachronic (over time) and synchronic (at a given time) equality.

I then compare the best work-based proposal (which I take to be the youth job guarantee) with the introduction of unconditional benefits. If, as the European Commission argues, early experiences of employment improve one's chances of having a job in the future, then an argument for the youth job guarantee as promoting lifespan efficiency better than unconditional benefits (and for a smaller cost to the taxpayer) can thus be made. In a sense, giving unconditional cash to the young thus seems to settle for less. If young people want jobs and are unemployed in large numbers and we give them cash instead, it may feel like we are merely compensating them for an important opportunity they should have access to (Harvey 2013, Tcherneva 2013). I respond to this challenge to unconditional cash, and drawing on Guy Standing (2013), I argue that unconditional cash is required for a meaningful right to work. Indeed, the synchronic relational egalitarian principle gives us strong reasons to oppose programs that coerce young individuals into jobs they do not want. Moreover, while unemployment does scar people's lives as a whole, bad jobs do too – which casts doubts on the claim that job guarantees are better than unconditional cash on grounds of lifespan efficiency.

Bio: My name is Juliana Bidadanure and I am an Assistant Professor in Philosophy at Stanford University. I completed my PhD in Political Philosophy from the University of York (UK) in September 2014 and I was a Max Weber Postdoctoral Fellow at the European University Institute (Italy) in 2014-2015. I am now an Assistant Professor in Philosophy at Stanford University with an affiliation to the Centre for Ethics in Society. I am also an associate researcher for the Braga Grupo de Teoria politica. My interests lie at the intersection of Philosophy and Public Policy. I have written on the theory and practice of equality in general, and on age-group justice and what it means to treat young people as equals in particular. I am currently finalizing a book on young people that is under contract with Oxford University Press.

PAUL BILLINGHAM, *The Morality of Public Shaming* (panel 13)

There has been growing interest in recent years in the re-emergence of so-called 'public shaming', especially shaming carried out using the Internet. Individuals have faced barrages of criticism, and even abuse, as a result of material that they have posted online or material that others have posted reporting their offline comments or actions. These cases have been widely discussed in the popular media, but have attracted surprisingly little interest from academics. Yet they raise important questions for moral and political philosophers. What should we make of public, and especially online, shaming? Can it be a valuable way of enforcing, and reinforcing, social norms? Is there something morally objectionable about it? What conditions would public shaming need to fulfil in order to be permissible? This paper seeks to make progress on these questions. I argue that public shaming can be justified, but there are a series of desiderata that constrain its permissibility.

In order to make this argument, I first consider the nature of social norms and the role that public criticism can play in sustaining those norms. Public criticism can be valuable, given the normative importance of social norms for human interaction. Clearly some norms are illiberal or unjustifiable, but many are not, and public criticism can reinforce justified norms. I next examine the connection between public criticism and shame, by analysing the nature of shame and the way that public criticism often involves, or leads to, public shaming. These connections provide a *prima facie* case for public shaming.

Nonetheless, there are also important normative concerns about public shaming, which are reflected in the debate on *state-administered* shame penalties. Section II of the paper outlines this debate. I show that the most prominent arguments made against shame penalties draw much of their force from the fact that the *state* is involved, such that they do not rule out public shaming within civil society. These arguments do point to relevant normative considerations that constrain public shaming's permissibility, however. Drawing on these considerations, among others, Section III develops nine desiderata that pertain to the permissibility of public criticism and shaming. These desiderata relate to the nature of the norm that is being enforced, the moral status of the norm-violator, and the way in which criticism is conducted. In this way, I provide a framework for assessing the justifiability of particular acts of public criticism.

Finally, in Section IV, I apply this framework to cases of online criticism and shaming. I argue that this kind of conduct *can* be justified, but that it has various features that make it difficult for some of the desiderata for permissibility to be fulfilled. Many prominent cases of online shaming are thus objectionable, because they violate several of the desiderata. This conclusion will strike many as unsurprising; most of us are disquieted by these cases. Nonetheless, my account helps us to identify more precisely what is wrong with these cases, and what needs to occur in order for public shaming to be justifiable.

Paper Title: The Morality of Public Shaming
Session submitted for: General

Bio: Paul Billingham is a Junior Research Fellow in political philosophy at Christ Church, University of Oxford. His research centres on the relationship between the actions of the state and the beliefs and values of citizens, especially their religious beliefs. His work has been published in Politics, Philosophy & Economics and Journal of Moral Philosophy, among other places. He completed his DPhil (PhD) at St Anne's College, Oxford, in 2015.

DAVID BIRKS, ***Neurointerventions, Punishment, and the Doctrine of Double Effect*** **(panel 9)**

There is growing political interest in developing alternative methods of punishing criminal offenders. One *prima facie* attractive method of punishing offenders is by administering neurointerventions—the method of changing a person's behaviour by directly intervening on his brain. In forthcoming work, a number of influential philosophers including Jeff McMahan and Peter Vallentyne defend the use of neurointerventions on offenders. In this paper, I argue that the use of neurointerventions on offenders is morally impermissible because it constitutes a disrespectful interference with the offender's reasonable behaviour.

My argument proceeds as follows. First, I note the debate has focused on the question whether it is at least permissible to administer a neurointervention (N) on a criminal offender (C) if it has effect (X) on C, where X is the effect that C is less likely to behave immorally. This masks an important objection. For the foreseeable future, neurointerventions will have effects that go beyond making the offender less likely to behave immorally. We should instead consider whether it is at least permissible to administer N on C if it has effects X, Y, and Z on C, where only effect X relates to C's immoral behaviour, and Y, and Z relate to C's reasonable behaviour. I argue that it is interference with an offender's reasonable behaviour that renders neurointerventions a morally impermissible response to criminal offending.

One objection is that when we administer traditional forms of permissible punishment to an offender, it also interferes with his reasonable behaviour. For instance, when we imprison an offender, we prevent him from pursuing his career, we disrupt his relationships, we restrict the pursuit of his hobbies and interests. Why are neurointerventions impermissible on the basis of these same negative consequences?

In order to address this objection, I appeal to a version of the Doctrine of Double Effect: the view that it is sometimes permissible to bring about as a foreseen but unintended side-effect of one's action a consequence it would have been impermissible to intend, all things being equal.

This distinction can be illustrated by considering the act of inflicting suffering on an offender. It is commonly thought to be impermissible to intentionally inflict suffering on an offender through state administered beatings. Nevertheless, it is also commonly thought to be permissible to punish an offender through incarceration, even when it has the unintended but foreseen side-effect that it would cause the offender to suffer the same extent as if he were beaten. The fact that the suffering is the intended consequence of the beating, whereas it is merely an unintended but foreseen side-effect of incarceration could explain why the latter is permissible, and the former is impermissible. Similarly, even when incarceration interferes with reasonable behaviour to the same extent as a neurointervention, the fact that the neurointervention intentionally interferes with reasonable behaviour, while incarceration interferes with reasonable behaviour as an unintended but foreseen side-effect can account for the permissibility of incarceration, and the impermissibility of administering neurointerventions to offenders.

Keywords: Punishment, Doctrine of Double Effect, Enhancement, Rawls, Autonomy

Bio: David Birks is a Senior Research Fellow in Legal and Political Philosophy at the University of Kiel. He is also an Early Career Research Fellow at the Oxford Research Centre for the Humanities (TORCH), University of Oxford.

ERIC BROWN, *Corruption and (in)justice* (panel 22)

The purpose of this paper is to examine the relations between corruption and (in)justice, along the way offering support for two theses:

Thesis 1: Corruption, both individual and systematic, is often unjust, but it is not reducible to injustice. We do not need the concepts of justice and injustice to develop a significant concept of corruption.

Thesis 2: While justice may be the first virtue of social institutions, as Rawls famously put it, corruption, not injustice, is the first vice of social institutions.

The first thesis is mostly a conceptual claim. Thus, in the initial parts of the paper I will examine some of the features of 'corruption' and '(in)justice,' to show that the former is not reducible to the latter and the specific ways in which the concepts (and the phenomena they aim to capture) come apart. Though instances of corruption will frequently be captured under the extension of the concept of 'injustice,' the intension of the concept of 'corruption' is rather different. This thesis will be supported through the genealogical method, deriving a working understanding of the point of 'corruption' from a minimally specified 'state of nature,' following Craig's (1990) treatment of 'knowledge' and Williams' (2004) treatment of 'truthfulness,' supplemented by work on social traps (Rothstein 2005) and the anthropology of corruption and everyday life in Nigeria (Smith 2007). Corruption will be seen to be (negatively) connected with fundamental constitutive features of social cooperation: general trust, reciprocity, and group identification.

The second thesis is a normative thesis. Corruption is a more fundamental and significant social disvalue than injustice because it is corrosive of the very sources that make possible any scheme of cooperation to which we might apply the notion of justice. The foil for the argument for this claim is Rawls' understanding of the basic structure of society as that which secures conditions of background justice for specific transactions, notably economic transactions (Rawls 1993, lect. 7, Rawls 1999, sec. 43, and esp. Ronzoni 2009). If we no longer assume the strict compliance characteristic of ideal theory then the basic structure of society that secures the background conditions that prevent concentrations of wealth and levels of inequality that lead to and are perpetuated by corruption (Rawls 2001, p. 139; Uslaner 2008) those institutions will tend to drift from their original purpose to ineffectuality or their opposite purpose as they are "captured" by wealthy and powerful persons and organizations. The basic social mechanism involved in this institutional drift is that while the behavior of participants in an institutional order will be shaped by that order, their behavior will also change that same institutional order in a way that becomes locked-in (among others see North 1990, esp. p. 7). Indubitably, this will be (and actually is) accompanied by particular and systemic injustices, but the correction of those injustices in anything but less-than- comprehensive, piecemeal fashion will be prevented to the extent that corruption is not addressed. Thus, while injustice is certainly a social disvalue, corruption is of greater concern: suppressing it is necessary to address injustice and, relatedly, from the first thesis, its relative absence is required for social cooperation to exist at all.

The paper concludes by briefly connecting its account of corruption (via the suspension of the assumption of strict compliance) to the ongoing debate about the methodological statuses of ideal theory and non-ideal theory (in particular, Wiens 2012).

Keywords: corruption, justice, institutions, trust, reciprocity

Bio: My Ph.D. is in philosophy. I am an Associate Professor at International Business School in Budapest. I specialize in ethics, political philosophy, and corruption studies with a particular focus on the use of economics and the social sciences in the former two. I can be contacted at this email address or at

ADAM CEBULA, *The "Cataract" of the All-Seeing Eye. Liberal Safeguards in the Ethical Theories of Adam Smith and Richard M. Hare* (panel 12)

The paper points out a remarkable analogy between R. M. Hare's prescriptivism and the classic type of the theory of ideal observer, put forward by Adam Smith more than 250 years ago. The models of ethical deliberation postulated in *The Theory of Moral Sentiments* (Smith, 1759) and *The Language of Morals* (Hare, 1952) remain analogous in several important respects: the main objective of both is to overcome the solipsistic limitations of moral sentimentalism by devising procedures of intersubjective coordination of individual emotions/desires/preferences which – according to the sentimentalist approach to ethics - underlie moral judgments.

The category of the ideal moral subject developed in both theories (Smith's "impartial observer", Hare's "Archangel") represents the ultimate fulfilment of a distinct type of deliberative competency requirement characteristic of preference utilitarianism. However, the ideal moral "I" cannot - for a number of reasons – efficiently fulfill the role of a substitute for the natural moral "I", which is confirmed by the introduction in both theories of a "simplified" method of ethical deliberation based on general rules. The limitation of the scope of direct jurisdiction of the ideal observer goes, however, even further: it is a specific reticence towards some radical decrees of the ideal moral "I" that enables a political community to protect the liberal consensus which guarantees its very survival.

The controversial character of the principle of obedience to the ideal observer is revealed in the analyses of two intriguing characters haunting the arguments of Smith and Hare respectively. The characters in question point out the limits of validity of standard moral reasoning based on an individual's ability to sympathize with others. The evidence of a fracture within the theory of prescriptivism is provided by Hare's treatment of the case of a moral fanatic – an individual who, for all her despicable personal traits, remains a strict follower of the prescriptivist procedure of ethical deliberation. The emblem of a symmetrically inverse inconsistency in the *Theory of Moral Sentiments* is a greedy rich man - the main hero of probably the most famous fragment of the book, launching Smith's idea of the "invisible hand". Paradoxically, the smooth functioning of a human community is to be ensured by the existence of (an) individual(s) who systematically ignore(s) its officially promoted moral standards. The analysis of these two characters leads to the discovery of a serious breach within the ethical theories of Smith and Hare.

Though the legitimacy of a sympathy-based (anti-)utopia is ultimately withdrawn in both theories, the efficient protection of a democratic society becomes possible only by suspending - at least partially – the paradigmatic model of moral reasoning advocated in *The Theory of Moral Sentiments* and *Freedom and Reason*. Paradoxically, within the framework of Smith's and Hare's uncompromised ethical theories, a real human agent, capable of preserving her own subjective autonomy, must always be classified as "immoral".

Key words: meta-ethics, ideal observer theory, prescriptivism, liberal consensus, sympathy

Bio: PhD, Faculty of Philosophy, Cardinal Stefan Wyszynski University, Warsaw - Poland. I am a lecturer in philosophy at Cardinal Stefan Wyszynski University, Warsaw, Poland. My interests cover meta-ethics, applied ethics and political philosophy.

WOJCIECH CISZEWSKI, *Public Reason and the Novelty Objection* (panel 7)

Public reason is a conception of political legitimacy which requires that political rules and legal regulations in a given society should be justifiable to all reasonable members of the public. According to public reason theorists – John Rawls, Jurgen Habermas, Gerald Gaus, Jonathan Quong, Andrew Lister – in deciding about political matters political actors should rely solely upon a limited range of appropriate reasons. Consequently, the exercise of political power which is not based on so-called 'public reasons' shall be regarded as improper, illegitimate, and even oppressive.

My paper is focused on an issue related to a consensus account of public reason – the view formulated by Rawls [1993, 1997], and developed most prominently by Quong [2011] and Lister [2013]. On the consensus account, reasons, in order to be properly 'public', must be shared by all reasonable citizens. Obviously, the conception is open to criticism at several points. One of the most powerful charges (and surprisingly not so widely discussed in the literature) raised against the idea of public reason is *the novelty objection*. According to this line of criticism, public reason is unacceptably conservative and cannot evolve in time. Due to the shared reasons requirement, Rawlsian conception excludes novel reasons from the range of politically legitimate premises ('the justificatory pool'). It is because, at the same time, a reason cannot be both novel and commonly shared by reasonable citizens. Therefore, critics argue that the idea of public reason is unfair to novel considerations and to people who appeal to these considerations in political debate [Waldron 1993, Humphreys 2008]. Rawlsian conception is also criticized for impoverishing public discourse [Waldron 1993].

In my paper, I will examine three possible ways of responding the novelty objection. The first one, which may be called *the illusive mutability conception*, states that the content of public reason evolves, however only in non-ideal circumstances. At the same time the ideal of public reason is stable and unchanging. The second answer, *the radical mutability conception*, rejects the notion of the ideal of public reason and permits unlimited transformation of public reason. In my opinion, both responses are very problematic, but for different reasons. I reject both of them and argue for the third answer, the *limited mutability conception*. This answer assumes that the content of public reason changes, however only to a certain extent. Some considerations, such as central democratic values, form an indispensable part of the justificatory pool. I claim that the last conception is resistant to charges and, therefore, constitute a plausible response to the novelty objection.

Keywords: public reason, political liberalism, novelty objection, fairness, consensus

Bio: Wojciech Ciszewski is an assistant professor in the Department of Legal Theory at the Jagiellonian University in Cracow. He obtained PhD degree in legal theory in 2016. He published several articles on issues related to political philosophy. His main research interests include contemporary theory of justice, public reason, state neutrality principle and religious accommodations.

SIMON CLARKE, *Would Mandatory Vaccination be a Violation of Individual Rights?* (panel 16)

Immunization is an important social good but some people choose not to have their children vaccinated. Few societies make vaccination mandatory because there is a view that such compulsion would be a violation of people's rights. This paper examines this view by analysing two libertarian theories of rights, and argues that on neither of them is there reason to think that compulsory vaccination violates people's rights.

Keywords: rights, libertarianism, coercion, vaccination.

Bio: Simon Clarke is Associate Professor in the Political Science and International Affairs program of the American University of Armenia. He is the author of Foundations of Freedom: Welfare-Based Arguments Against Paternalism (Routledge, 2012).

ÇAĞLAR ÇÖMEZ, *Intuitions in Moral Philosophy: A Critique* (panel 1)

The primary aim I have in this paper is to develop a critique of intuitionism in ethics. For this purpose, I focus on two intuitionist moral theories. They belong to David Ross and Robert Audi. In the first part, I raise two objections against Ross' intuitionism to address an important criterion that normative theories need to satisfy. In the second part, I show that Audi's Kantian attempt to ground Ross' intuitionism does not succeed.

The first problem with Ross' intuitionism is that it leads us to characterize our moral relationships in a manner that does not accord with our nature as rational beings. One of the striking facts about humans as rational beings is that they are capable of demanding from each other reasons as to why they act in a certain way and regard themselves as responsible for giving reasons for their actions. However, Ross' intuitionism overlooks this fact about humans as rational beings. To see the second problem Ross faces we ask: Whose intuitions will we look at to get our moral principles? There are at least two answers Ross can give for this question. I call them the egalitarian answer and the elitist answer. I argue that although it is not easy to decide whether Ross is an egalitarian or an elitist about intuitions, both egalitarianism and elitism are implausible. I believe that these objections make clear a criterion that normative theories need to satisfy: Moral theories need to specify a public procedure by which we can give and ask for reasons for our normative judgments. Ross' intuitionism realizes this criterion only to a very limited extent. In this sense, Kantianism and utilitarianism are superior to Ross' intuitionism.

The problems I find in Ross' theory arise from his view that the basic principles of morality are self-evident. As he is aware of these problems that Ross' theory faces, Robert Audi believes that he can ground Ross' theory on something beyond intuitions and make it normatively complete. This ground, according to Audi, is Kant's categorical imperative. I argue, however, that Audi's attempt to make Ross' theory normatively complete is not satisfactory. One reason why Audi's attempt is not satisfactory is that he fails to provide a solution for those cases in which there is a conflict between at least two moral duties. This problem becomes especially pressing since Audi proposes to solve those cases. Another problem of Audi's project to ground Rossian intuitionism on the categorical imperative becomes apparent if we remember Ross' view that an act that follows from a good motive can never be a duty. However, according to Audi's reading of the categorical imperative, we have a duty to do a certain type of act which follows from the motive that is directed to the good of persons for its own sake. Therefore, there is a significant incompatibility between the categorical imperative and Ross' theory that Audi thinks the categorical imperative can ground and systematize.

Keywords: intuitionism in ethics, moral justification, publicity, self-evidence, Kantian intuitionism

Bio: I got my B.A. and M.A. degrees from the Philosophy Department at Bogazici University, Istanbul. After I received my M.A. degree, I went to the U.S.A. as a Ph.D. student at the Philosophy Department in Duquesne University, Pittsburgh. However, for family reasons I turned back to my previous institution and decided to continue my Ph.D. studies at Bogazici University. My primary interests lies in political philosophy, ethics and epistemology.In ethics, I am mostly interested in Kantian accounts of moral justification. In political philosophy, I am mostly interested in contemporary liberalism. Besides the paper I am planning to present in Braga, I am working on a paper in which I address whether the Rawlsian project to develop a political conception of justice as a "free standing view" succeeds or not.

CHRISTIAN CONSTANTINESCU, *Sexual Desire and Wrongful Discrimination* (panel 16)

Standard accounts of discrimination often assume that wrongfully discriminatory acts can only occur in the public domain (e.g. in contexts such as appointing people to posts, or conferring rights before the law). In this paper, I want to question this assumption by drawing attention to a class of motivations and actions which, although typically performed in the private sphere, can nevertheless constitute instances of wrongful discrimination. I refer, more specifically, to the possibility that one's sexual preferences and desires, and the actions they give rise to, might under certain circumstances be considered wrongfully discriminatory.

At first blush, this may seem implausible. Consider the case of discrimination on the basis of gender. In the public domain, this is a paradigmatic instance of wrongful discrimination. Things are different in the private sphere: when looking for prospective partners to date, there is nothing wrong with declaring that one will exclude certain people on the basis of their gender. So the very kind of act that would be wrong in the public domain seems permissible in the private sphere. This difference in moral valence becomes evident when we reflect on the fact that unlike prospective employees, prospective lovers have no grounds for complaining that they have been refused access to one's resources on the basis of their gender.

Such considerations may suggest that intimate discrimination is never morally problematic. But this conclusion would be too hasty. There are situations in which excluding people from consideration as prospective sexual partners could be seen as wrongfully discriminatory. Consider someone who says: "I'm not a racist, but I simply don't find African Americans (or Asians) attractive". Under certain circumstances, it is conceivable that such sexual preferences could be wrongfully discriminatory. My task in this paper will be to clarify what these circumstances are, and then to formulate an account of discrimination that can recognise such situations as instances of wrongful discrimination.

My claim that there are acts of wrongful intimate discrimination has important philosophical ramifications. For one thing, it appears to imply that wrongful discrimination is neither a matter of denying someone their rights, nor a matter of harming them. After all, no one has a right to date anyone else in particular, nor could one's refusal to consider certain people as potential lovers be conceived as an instance of harm. For these reasons, some (e.g. Alexander 1992, Lippert- Rasmussen 2014) have suggested that intimate discrimination is not wrong intrinsically, but rather by proxy (i.e. because of its correlation with other beliefs which are themselves intrinsically wrong, such as the belief in white superiority). I will argue instead that intimate discrimination can be wrong not just indirectly, but also intrinsically. In doing so, I will also consider two objections: (i) that the cases to which I draw attention are morally objectionable on grounds other than their being instances of wrongful discrimination; (ii) that classifying such cases as wrongful discrimination would have deleterious effects (e.g. the need for the state to police sexual relationships).

Keywords: discrimination; sexual desire; public/private domain; race; gender. (Word count: 500)

Bio: I have been a Lecturer in Philosophy at Birkbeck College, London since 2010. Prior to that I was educated at the University of Bucharest (BA, MA), and then at Oxford (BPhil) and Cambridge (PhD). I was a scholar of the Dulverton Trust at Oxford and of the Newton Trust at Cambridge. I also taught philosophy for one year at the Polytechnic University of Bucharest. My main research is in ethics and metaethics. I also have longstanding interests in philosophical debates around naturalism, expressivism, evolutionary accounts of morality, Humeanism about motivation, and generally all things Hume. I have published papers in peer-reviewed journals like Ratio, Ethical Theory and Moral Practice, and Oxford Studies in Metaethics.

JULIAN CULP, *How (not) to justify cosmopolitan democratic education* (panel 19)

In this paper I defend an internationalist conception of the *content* and *ground* of cosmopolitan democratic education. In Section 2 I begin by laying out Martha Nussbaum's (1997, 2004, 2006, 2010, 2011, 2013) human capabilities-based conception of cosmopolitan democratic education. That conception holds that cosmopolitan democratic education is necessary to realize fundamental socio-political justice within all states under conditions of globalization. The socio-cultural diversity of virtually every nation, as well as the influence of international organizations and multinational corporations, so Nussbaum, renders it mandatory to educate citizens in a cosmopolitan fashion. Citizens must be able to cope with socio-cultural diversity and be able to navigate in internationalized political and economic affairs. Otherwise they will not enjoy those ten central capabilities that Nussbaum regards as fundamental entitlements of all human beings vis-à-vis their respective legal and political orders, and which include the capability to co-determine democratically political affairs. Hence under contemporary conditions an education must prepare citizens for democratic life and needs a cosmopolitan orientation. In practical terms Nussbaum's conception requires foremost a multicultural education that instills both empathy and sympathy towards members of other cultural groups that co-reside within one's state. I follow Nussbaum's method of justifying a particular conception of education on the basis of the functional importance of education for the realization of fundamental socio-political justice.
However, as I explain in Section 3, I disagree with her particular *ground* of democratic education, because I endorse an internationalist conception of democratic justice. According to this conception, fundamental socio-political justice requires the democratization of international affairs. In that sense my conception is more demanding than Nussbaum's, as her conception recognizes democracy as a requirement of justice at the domestic level only. My central argument in favor of the democratization of international affairs is that in its absence there is no way in which to ascertain adequately the justifiability of the current distribution of holdings between states and – correspondingly – between individuals from different states. In addition, I also put into question the *content* of Nussbaum's account of democratic education. I view it as mandatory that education prepares citizens to partake in international democratic decision-making. The kind of multicultural education that Nussbaum envisions, however, is for two reasons insufficient for such a preparation. Firstly, it does not recognize that citizens of *different* countries must develop a considerable degree of empathy and sympathy vis-à-vis one another, despite the fact that they do not share the same national political system. Secondly, it also fails to reflect the epistemic consideration that citizens of all countries must acquire a significant amount of information about legal and political affairs of international institutions and of other countries. In Section 4 I conclude by applauding Nussbaum for highlighting the normative relation between theories of justice, democracy and education. However, I also emphasize that Nussbaum fails to pay sufficient attention to the importance of international democratic arrangements for realizing justice in an age of globalization. Consequently, her account of cosmopolitan democratic education mistakenly does not encourage the cultivation of democratic attitudes among citizens from different countries.

Keywords*:* democratic education, justice, multiculturalism, diversity, globalisation

Bio: Julian Culp works as Research Associate within the Leibniz Research Group Transnational Justice at the University of Frankfurt. As Postdoctoral Fellow he has done research and taught at the Centre for Ethics of the University of Toronto. He received his Ph.D. in Philosophy from the University of Frankfurt and studied philosophy, economics and politics at the universities of Bayreuth (BA), Bern (MA) and São Paulo as well as at Duke and Princeton universities. He is a political philosopher and theorist with research and teaching interests in issues of transnational justice, deliberative democracy, human development and democratic education. He is the author of Global Justice and Development (Basingstoke and New York: Palgrave Macmillan, 2014) and his work has appeared in Third World Quarterly, The Journal of Global Ethics, Analyse & Kritik, and The European Journal of Political Theory. He serves as co-editor of Global Justice: Theory Practice Rhetoric.

GEOFFREY CUPIT, *According to Desert* (panel 23)

It is often suggested that the distribution of goods (and bads) should be 'to each according to his or her due', with desert being (at least) one of the components of due. But what is it for an allocation to be according to desert? In some cases what is required is unequivocal and indisputable. If there are 10 apples, and Adam deserves 4 and Eve 6, the only allocation according to desert is: Adam 4 and Eve 6. Or if Adam and Eve deserve an equal share of all available apples, then allocating according to desert requires that each gets 5. But in other cases what counts as 'according to desert' is not so clear, and even if what it is alleged to be deserved is unambiguous.

In order to distinguish different possible interpretations of 'according to desert', it is necessary to focus on some case where any different possible interpretations diverge. Thus we must consider a case where what is available for allocation is *not* equal to that which is deserved. Cases of excess (where what is available is more than is deserved) are cases of this kind. (So too are cases of scarcity; but I focus on cases of excess.) Within the set of excess cases, it will be best to focus on those where deserts are such that all possible allocations of the excess satisfy the requirement of not being contrary to a desert (even if this requires that the case we consider is counterfactual).

I argue that if we consider such cases we may distinguish between four different senses of 'according to desert' which may be ordered in terms of their demandingness. I argue that these different senses, when arranged in terms of increasing demandingness, can be seen as corresponding to the progressive elimination of different types of failing – failings that might reasonably be described as, respectively: injustice; unfairness; a lack of fairness; and avoidable arbitrariness (with respect to desert).

Keywords: Desert, Justice, Fairness, Arbitrariness, Accordance

Short Biography: Geoffrey Cupit teaches political philosophy at the University of Waikato, New Zealand. His publications include Justice as Fittingness (OUP 1996); 'Age, Justice, and Veneration', Ethics 108 (1998) pp. 702-18; 'The Basis of Equality', Philosophy 75 (2000) pp. 105-25; 'Fairness as Order: A Grammatical and Etymological Prolegomenon' Journal of Value Inquiry 45 (2011) pp. 389-401; 'Age Discrimination' and 'Desert' entries in International Encyclopedia of Ethics, Hugh LaFollette (ed.), (Blackwell, 2013); and 'Fraternity and Equality', Philosophy 88 (2013) pp. 299-311.

MAYELIN DE LA CRUZ, *Non-Emergency Medical Transportation* (panel 2)

This research argues that the current vacancy of ethics that exists within Non-Emergency Medical Transportation (NEMT) creates a gateway for malpractice and a lack of respect towards patient safety and autonomy. I also argued that the lack of knowledge and training about proper protocols pertaining to NEMT affects the well-being of the patient. In this research I will demonstrate how the fundamental ethical principles of bioethics can guide Emergency Medical Technicians when faced with a critical ethical decision and how they can empower and promote the autonomy and safety of all patients. The four principles are autonomy, beneficence, non-maleficence, and justice.

Keywords: Autonomy, Beneficence, Non-maleficence, Justice

CHIARA DESTRI, *How Do We Justify Democracy? Proceduralism, Instrumentalism and Independent Criterion* (panel 18)

We live under democratic regimes. We don't live too badly. We think this depends (in part) on the fact that we live under democratic regimes. Hence, we may find those regimes *good* in this respect. But is democracy really justified? And are we to take its outcomes as legitimate even though we may find them sometimes plainly wrong? In my paper I want to tackle two related issues that concern democracy: its justification and legitimacy.

First of all, I intend to clarify a small confusion that happens to blur the debate: the one between single outcomes and democratic procedures. This may seem a minor point, especially because many democratic theorists declare manifestly to embrace it. However, they do not always follow consistently such intent, as I will try to show. Intuitively, such a distinction serves to understand that, while we can take certain democratic outcomes to be unjustified, their legitimacy hinges only on the kind of procedure that issued them, rather than on their objectionable content.

This is particularly relevant if we aim to account for the so-called 'circumstances of politics': insofar as the 'fact of disagreement' is true (and I will assume it is), cooperation would be jeopardized if it were to fall or stand with unanimous agreement over what to do. Nevertheless, contrary to what Waldron seems to think, we disagree over decision-making procedures as well. Hence, if we take outcome legitimacy to depend on democratic procedures, these very procedures ought to become the new focus of inquire.

Secondly, then, I turn to the justification of democracy, for which there are two well-known broad approaches: instrumentalism and proceduralism. My second aim in this paper is to propose a new ground to draw a line between these two and to reframe such opposition as instrumentalism versus intrinsecalism. While instrumentalism qualifies those accounts that view democracy as a contingent condition to realize some further value or interest, intrinsecalism takes democracy to be a necessary, though not sufficient, condition for the realization of other aims.

Therefore, I intend to argue that: (a) a proper justification requires to conceive an independent criterion that acts as justifier of democracy; (b) the connection between such criterion and democracy itself may be either necessary or contingent. Whereas, for instance, Fabienne Peter's account qualifies as properly procedural or intrinsic, I take David Estlund's account to exemplify an instrumentalist approach to democratic justification. However both of them misunderstand their standing in the debate exactly because they lose sight of the distinction between outcome and procedure, or so I try to argue.

The paper is organized as follows. The first section regards the distinction between justification and legitimacy of outcomes. Section two introduces a reformulation of the possible justifications of democracy and proposes to use an independent criterion whose connection to democracy serves as qualifier of the justificatory approach. Finally, in section three I criticize Peter's and Estlund's accounts, while trying to argue for the relevance of my endeavor.

Keywords: Democracy – Justification – Legitimacy – Proceduralism – Instrumentalism.

Bio: I am a PhD student in Political studies at the University of Milan and I write you because I would like to attend the Ethics and Political philosophy meeting that will take place in Braga. I am in my third year, I just got back from the University of Arizona where I have been a Visiting student for one term, and I work on democratic theories. My research focuses on the relationship between justification of democracy and moral requirements of democratic citizenship. In particular, I aim to inquire the reasons that a justification of democracy should provide to democratic citizens in order for them not only to obey, but also to act in a way that is consistent with democratic stability.

CRISTIAN DIMITRIU, *New Directions in Global Justice: an agent-principal approach* (panel 11)

In this paper I will describe the two most important traditions in the global justice debate. Following Samuel Scheffler, I will call the first one "additive" and the second one "unitary". These traditions have also been referred to as "Statist" and "Cosmopolitan" by global justice scholars. Second, I will highlight a problem both traditions have. The point I would like to make is that the global justice debate has been structured in a way that makes the most pressing issues of global justice *invisible*. That is, despite the fact that they are so popular, and have been carefully developed, they have not addressed some of the most salient injustices in current real world. Two of such injustices are the fact that poor countries have been forced to repay sovereign debts that they are not morally obligated to repay, and the fact that public officials have been using proceeds from natural resources for purposes for which they are not authorized. Third, I will propose a different way of approaching global justice which, I believe, radically departs from the additive and unitary traditions. This new different way, I believe, would in fact capture these kinds of injustices.

Keywords: Global Justice, International Lending, Resource Privilege, Cosmopolitanism, Statism

FILIPE FARIA, ***Is Classical Market Liberalism Evolutionarily Adaptive? Rethinking F.A. Hayek.*** **(panel 26)**

Harsanyi (1953, 1975, 1982) and Rawls (1999) disagree mainly over two issues when it comes to distributional justice. Firstly, they disagree on what to distribute. While Harsanyi (and welfarism in general) advocates a maximandum of utility, Rawls advocates a maximandum of an index of primary goods. Second, they disagree on how to choose a distribution. Harsanyi argues for the expected utility maximisation principle (after the use of the indifference principle or a similar one) as a decision rule, and Rawls argues for the use of the *maximin* principle. In this paper I argue for the expected maximisation of primary goods. I argue for this in three steps.

First I show that the maximisation of expected value in Harsanyi's theory is inconsistent with the use of utility as the measurement of welfare. In a standard individual decision problem, there is one agent deciding given different possible states of the world, and her preferences are held fixed. State independence is then assumed: the agent obtains the same amount of preference satisfaction from *x* independently of the state of the world in which *x* occurs. However, with Harsanyi's framework, *x* happens under different persons one could be (and not under different states of the world as in the standard decision problem), and therefore there is no reason to think that state independence still holds, as different people can very well assess the same thing differently. Without state independence, maximisation of expected utility leads to a contradiction (Savage, 1954). The maximisation of primary goods however is free of this contradiction.

I then show that Rawls's indifference principle – the equivalent to the use of the *maximin* rule, which prescribes one to choose the distribution with the highest minimum – is unnecessary given the rest of his theory. The Difference Principle is Rawls's least important principle – he has one and a half other principles: the Principle of Liberty, and Fair Equality of Opportunity (which together with the Difference Principle forms the second Rawlsian principle). Given the other one and a half principles, which have lexical priority over the Difference Principle, it seems that assuming the maximum risk averseness is too extreme. Rawls himself seems to agree: in light of several critiques made to the maximin principle, he says that, given his other two principles, the bottom is high enough and this second half of his second principle loses its importance, so he is not really concern with the criticism towards it. However, if this is true, why would people be maximally risk averse?

Finally, I combine the two arguments above, together with additional support for Rawls's use of primary goods and his two other principles, to argue for a distributive theory of justice that maximises the expected primary goods to be obtained.

Keywords: Distributional Justice, Rawls, Harsanyi, Difference Principle, Expected Utility Maximisation, Primary Goods, Utility.

GRETA FAVARA, *Normative Political Theory and the Realist Challenge* (panel 8) — cancelled

'Mainstream' normative political theory, for which examples are usually taken to be Dworkin's and Rawls's liberal theories and Nozick's libertarian theory, is currently facing a number of methodological critiques which fall under the label of "Realist Challenge" (hereinafter, RC). The RC, far from being a systematic and clear criticism, is best understood as a 'family' of methodological complaints held together by a common claim: contemporary political theories severely neglect real politics; for this reason – it is said – they cannot provide us with an adequate understanding of what ought to be done politically.

In this paper, my aim is to provide a systematisation of the RC in order to assess its merit and its supposed originality. I will argue that the RC should be better understood as group of three different and independent critiques: the action-guidance, the second-best and the ethics-first critiques. According to the action-guidance critique, contemporary political theories are methodologically wanting as, given their abstract character, they are unable to provide guidance in real-world circumstances. For this first critique, contemporary political theory fails because of its inefficacy. The second-best critique claims that, since the practical demands contemporary political theories pose in present circumstances are derived from unrealisable political ideals, they should be considered inadequate ways to regulate our political life. Typically, indeed, this second critique fears the potential dangerous character of contemporary theories. Finally, the ethics-first critique laments that within contemporary political theory politics is naively interpreted as a sub-product of morality – i.e. as a field of application, among many, of a single moral system independently justified. This third critique, then, judges contemporary political theories not tantamount useless or dangerous, but rather inappropriate.

I will show that only the third of these critiques can pose serious challenges against some contemporary political theories. Indeed, the first two critiques raise internal challenges which – far from being debunking – can be easily overcome by getting rid of some methodological misunderstandings; namely, by clarifying the scope and the task of the theories under exam, and by extending some of their parts. The third critique, on the contrary, represents an entirely external challenge. By claiming that politics cannot be a sub-product of morality, realist writers contend that the structure of real-practices exercise a fundamental normative weight upon theories. On this reading, the fallacy of 'mainstream' political theory lies in its research procedure, which would need to be wholly reframed in order to take into account the normative specificity of political practices.

So, I will conclude, if there is a value in the RC, that lies entirely in the ethics-first critique, although such thesis surely needs to be further investigated. However, this achievement is by no means an original one. In fact, as it has been extensively argued, the normative role of practices is a core methodological assumption of the Rawlsian project itself. Hence, I will conclude that, paradoxically, the RC and Rawls's methodological approach constitute part of a common enterprise aimed at assigning normative value to existing practices.

Keywords: methodology, political realism, action-guidance, second-best, ethics-first

Short Bio: Greta Favara is a PhD student in Political Studies at the Graduate School in Social and Political Sciences of the University of Milan. She obtained her MA in Philosophy at Vita-Salute San Raffaele University in Milan where she is currently a member of CeSEP – Centre for Public Ethics Studies. She has been a visiting scholar at the Centre for Philosophy of Natural and Social Science (LSE) in 2014 and 2015. Her PhD thesis deals with methodological issues in normative political theory. Specifically, her project aims at clarifying the boundaries of imagination in normative political theory examining whether, and to what extent, political theories ought to be constrained by political reality. She has presented parts of her research at University of Manchester, Sciences Po, University of Pavia, and University of Calabria (Italian Political Science Association).

BJÖRN FRETER, ***An attempt to establish the genesis of the ought*** **(panel 1) — cancelled**

Philosophy mostly connects the ought with a dependence on an external will, with coercion or subjugation emanating from others. However, there is at least one form of the ought for which this is most certainly not the case. This ought, we suspect, is born of care. In this contribution, we will attempt to outline the genesis of this ought.

In order to arrive at an adequate grasp of the ought, we will first turn our attention to a description of care. Care is always initiated by an appeal. Something appeals to us – perhaps purely coincidentally. We then allow this appeal to become a matter of our concern. In accordance with this concern, we develop a volition: we want that which promotes the thriving – even to the smallest extent – of that which has appealed to us, that which concerns us, regardless of how we may establish what that entails. Eventually we take practical action. This connection is what we refer to as care.

Let us imagine that something untoward happens to a person who is of concern to us, to a friend. We do not want our friend to suffer, we do not want the situation as it is. Our concern intensifies to become a volition, or to be more precise: a volition for the sake of the one who appeals to us.

Such volitions that we take practical action to follow arise because we wish to address the concern of the one who appeals to us. We posit in this case a practical causality, a practical necessity, from which we can no longer withdraw once it has been posited.

We place our volition in the service of our friend's interests. The will at work in the realisation of our care is a will to which we obligate ourselves. This will is by no means purely a matter of reason. We are this will. In the act of volition, our vitality is stirred in elemental fashion.

We can express this volition, in turn, as an ought: our friend ought not to suffer. The situation ought to be different: it ought not to be as it is.

When we practically obligate ourselves to a will, the implementation of which is our concern, we subjugate ourselves to the demands of an ought. By allowing the appeal of our friend to become our concern, we have indeed instantiated this ought ourselves. This seems to us to be the decisive point: in caring, we have instantiated an ought, a regulative factor, which we have then wilfully followed.

Normativity is thus arrived at first and foremost because we want it: normativity is essentially nothing other than a desire that we perceive as being addressed to us and that we wish to fulfil, and indeed that we ought to fulfil: in the ought, the vigorous appropriation of our reality through our care comes to the fore.

Keywords: Ought, Normativity, Care, Will, Vitality

Bio: I have studied Philosophy‹ and ›Modern German Literature‹ in Kiel and Berlin. In 2014 I received my doctorate with his thesis »On Facticity and Existentiality. Preliminary studies for a phenomenology of normativity, Currently I do not have an affiliation. I am working as an independent researcher, resp. I am currently applying as PostDoc.

KHADEEGA M. GA'FAR, *The Difference between Political and Philosophical Freedom in Hannah Arendt* (panel 14)

In The Life of the Mind, Hannah Arendt concludes that human beings experience two types of freedom: namely, political freedom and philosophic freedom. She asserts that both of them are completely different. Political freedom is a phenomenon of a multitude acting together, while philosophical freedom is a phenomenon of individual free will.

Arendt's assertion that the two types of freedom are distinct stimulates us to ask whether the two types are somehow related to each other, or whether they are entirely unrelated. Arendt points out that the two kinds of freedom are opposed. That is, the existence of one necessarily nullifies the existence of the other. To be more specific, Arendt claims that philosophical freedom seeks domination through the I-will, while political freedom seeks action through the I-can. The latter is a completely external phenomenon that takes place between agents, and is hence an intersubjective. Thus, political freedom has no internal existence. In my paper, I shall explain how the I-will, which is a completely internal phenomenon, crosses its boundaries to realize itself as a commanding faculty asking for complete obedience and submission from others. This is what Arendt claims to be the origin of the problem of sovereignty. The paradoxical result is that the mental faculty, the faculty of will, which we habitually take to be the faculty of the very experience of human freedom, ends in the utter dominance of one will over the wills of others who end up being completely deprived of their freedom. In this sense, will, paradoxically enough is an organ for domination when it extends itself to the public realm.

In my paper, I shall argue that Arendt seeks to transform the faculty of will from one that realizes itself in commanding and obeying, both internally and externally, to a faculty that realizes itself in the act of beginning.

Keywords: Freedom, Sovereignty, Action, Free Will, Hannah Arendt

Bio: Khadeega M. Ga'far is alumnus of philosophy at the American University in Cairo. Previously, she worked as research associate at the Dominican Institute for Oriental studies in Cairo IDEO (2014), held a visiting research position at the Center for Christian Muslim Understanding ACMCU at Georgetown University (2013), and worked for Center for Islamic Legislation and Ethics CILE as non-resident researcher (2012).

PETRA GÜMPLOVA, *Justice and Rights to Natural Resources* (panel 17)

The paper focuses on the neglected question of rights to natural resources. Contrary to prevalent tendency in contemporary philosophy and in global justice debate where rights to natural resources are theorized and defended as purely moral rights, the paper suggests we approach the question of rights to natural resources from the perspective of existing legal rights (which, according to international law, belong to sovereign states) and attempt to extract a notion of natural resource justice underlying it. The paper then proposes and outlines a "justice-based reconstruction" of legal rights to natural resources.

A justice-based reconstruction of legal rights to natural resources is not meant to be the defense of the system of sovereign territorial rights to natural resources as the best possible system. Rather, it is meant to uncover a plausible and continuously relevant notion of justice underlying it. To extract the notion of justice, I look first into the postwar process of decolonization and international lawmaking and show that the system of sovereign territorial rights to natural resources is co-original with the reinvention of the principle of self-determination into a legal right and with the emergence of international law of human rights. The analysis of the right to self-determination then yields a conception of justice which centers around the notion that collectives with political identity and with a rightful claim to be self-determining have both the right to establish political authority ruling within territorial domain and the right to ownership of natural resources within that domain.

After establishing the right to self-determination to be the key justification for sovereign territorial rights to natural resources, I look in greater detail at what are the inherent substantive moral principles upon which the system of sovereign territorial rights is based. In the first step, I reconstructed the duality of *ownership rights* (held by politically self-determining collectives) and *jurisdictional rights* (held by sovereign states), arguing that the ownership rights not only provide the ultimate source of justification and authorization for the states' jurisdictional rights to natural resources but also a minimally limiting demand that states exploit natural resources for the benefit and the well-being of their people. To further explore possible sources of limits to states' rights to natural resources, I look at the "internal" dimension of the right to self-determination. I argue that the continuity of the validity of the right to self-determination and the content of its domestic exercise can be established by linking it to human rights. Human rights not only provide clear criteria of political legitimacy of governmental power and hence conditions of rightful exercise of resource rights; they also provide an exhaustive set of duties and limits on state power with regard to natural resources.

In conclusion, I defend my justice-based interpretation of legal rights over purely moral theorizing about rights to natural resources and natural resource justice by pointing out how it better responds to a number of real world injustices concerning the use of natural resources.

Keywords: natural resources, justice, international law, self-determination

Bio: Petra Gümplova holds a PhD from The New School for Social Research, New York, USA. She is a researcher in political science at Max Weber Kolleg, University of Erfurt, Germany. Her Research is focused on state sovereignty, constitutionalism, international law, international justice, territoriality, and natural resources. Her book Sovereignty and Constitutional Democracy was published in 2011.

TOM HANNANT, *A Civic Republican Theory of Human Rights* (panel 8)

I begin with two hypotheses. First, human rights exist and are valuable. Second, republican political theory is right to emphasise the importance of freedom as non-domination. In spite of the plausibility of these hypotheses, there exists a tension between the two. Republican theories claim to accommodate human rights, but they remain suspicious that human rights constitute a prime example of the pernicious influence of individualistic liberalism in modern politics. As a result, republicans pay lip-service to the idea of human rights, while in substance their theories do not accommodate a recognisable conception of human rights.

The first half of this paper seeks to explain why republicans have failed to reconcile the tension between human rights and republicanism. With particular focus on the arguments of Philip Pettit and Richard Bellamy, I set out two main criticisms of existing republican theory. First, republican theory remains committed to a consequentialist approach to freedom as non- domination. This approach both commits republican theory to an impractical, idealistic ethics and undermines republicans' attempts to accommodate human rights in recognisable form. Second, there is a tendency to conflate the moral question of the nature, justification, and content of human rights, on the one hand, with the institutional question of how to protect human rights in practice on the other. Although the two questions are undoubtedly connected, an unwarranted assumption that acknowledging a moral right leads automatically to protection of that right through legal institutions has led republican theorists down an unduly conservative path. If I am right, and republicanism has thus far failed to account for human rights, we must ask whether republicanism ought to embrace its apparent antipathy to the concept of human rights and adopt a critical stance, or, alternatively, whether we conceive of a republicanism which can show fidelity to the core principles of human rights?

In the second half of the paper I suggest that republican theory, slightly modified, can both accommodate human rights and contribute to human rights theory more widely. By adopting a non-consequentialist approach to freedom as non-domination, not only is republican theory better equipped to deal with practical constraints on moral reasoning, but obvious barriers to recognising moral rights are removed. Having cleared the ground, I tentatively argue that, first, there is a human right to freedom as non-domination. Freedom as non-domination provides ample justification for several core human rights, including those human rights broadly protective of democracy and the rule of law. Recognising the inadequacy of reductive, freedom-centred theories of human rights, I go on to acknowledge that not all human rights are grounded in freedom alone. Certain core human rights, including the rights to life and freedom from torture, require further justification. A republican theory of human rights must look beyond the primarily political interest in freedom as non-domination. If we are to accommodate all core human rights we must recognise that other, non-political interests, notably life itself, are pre-conditional to freedom.

Keywords: Republicanism, Human Rights, Freedom as Non-Domination, Consequentialism, Pluralism

Bio: Doctoral student affiliated to the Law School at Queen Mary, University of London in the final stages of completing my thesis: 'A Civic Republican Theory of Human Rights'. Received degrees in Law from Cardiff University (Bachelors) and the University of Cambridge (Masters). Work published in *Public Law*, *Cambridge Journal of International and Comparative Law*, and *Political Studies Review*.

KAISA ISO-HERTTUA, *Rethinking Locke: The Conflict between Religious Truth and Political Order* (panel 4)

Hobbes is often considers a defender of absolutism and individual's dependents of sovereign where Locke is hold to be the first who argued for the separation of church and state and equal toleration of individual's freedom to choose his religious conviction. Hobbes's use of toleration could be said to be strategic and based on skeptical understanding about religious world view. Instead Locke tries to combine the knowledge of true salvation and religious toleration to secure political safety and security without turning into value relativism or skepticism.

Hence among others John Dunn has insisted on Locke's theory of knowledge to be skeptical. Nicholas Wolterstorff claims that skepticism was not anxiety for Locke however the existence of skepticism had an effect on his thoughts about reality and how he considered people capacity to find reality.

I will not set out to tell a different story about Locke and his concept of toleration but I want to point out that Locke's relation to skepticism is intricate and it will not give justice to him and his concept of toleration if the concept is simple said to be skeptical. I am willing to give credit to Susan Mendus's reference to Locke when she argues that value pluralism and liberal toleration does not require value skepticism. Instead she claims the acknowledgement of irreconcilable world views.

In this paper, I will ask how skeptical Locke's concept of religious toleration was. I do that by focusing on three points of view: individual, religious group and sovereign. I will show the role of skepticism in Locke's argument of toleration by considering the limits and rights that Locke gives these three while he claims the possibility of true knowledge of salvation and requests the safety and security of state to hold at the same time.

It seems that the toleration Locke expects of these three is not alike. Individual's responsibility is only to take care of his soul and eternal life. Sovereign, in the name of the separation between church and state, is expected to tolerate different world views however state safety and security may not be endangered. Where individuals and religious groups do not need to tolerate those who think differently because they can have the knowledge of the true salvation. However, only sovereign has the right to punish and use coercive power. Whereas religious groups may excommunicate dissidents but not use punishment or coercive power. Locke seems to think that in order to maintain states safety and security some kind of skepticism is sovereign's obligation.

In the seventeenth century, Europe was a battlefield of religious wars. Today the world is many ways different then Hobbes's or Locke's Europe nevertheless these days the requirement for combining religious truth and toleration is once again relevant. This makes Locke's argument for the equal toleration of different world views again interesting.

Keywords: Locke, religion, security, skepticism, toleration

Bio: 2014 Doctoral student of Social Ethics in the faculty of Theology at the University of Helsinki, 2002 Ordination at the Lutheran church of Finland, 2002 Master of Theology at the University of Helsinki

BENJAMIN FARDELL, *Price and pricelessness should be central ethical categories* (panel 23)

The price of a thing is what could be substituted for it without loss, what else we could do or have fully equivalent to it in value. The idea of price is not specifically monetary. Whether a thing is priceless is also a different question from that of whether it can permissibly be bought and sold. Yet further, it concerns not only potentially marketable items, but any kind of ethical consideration objectively counting in favour of having or doing something: Kant in his *Groundwork* introduces pricelessness precisely to distinguish the value of *acting* from duty from that of everyday goods. Failures to respect the moral law in action cannot be compensated by producing or doing anything else.

Price and pricelessness should be central ethical categories. Some authors have proposed that consequentialism can be expanded so far as even to take into account all traditionally non- teleological considerations. Others have countered that this move risks making the position trivial. However, I suggest that consequentialism would still be the distinctive view that everything has its price, though it might need a new name ('aggregation', maybe).

Non-consequentialist theory requires, therefore, some account of pricelessness—though most will find Kant's absolutist take on the idea unattractive. Yet it is extremely difficult to see what else it might be. The problem concerns the attraction of the idea that value and choice can be described in terms of quantities. Among others, we talk all the time in terms of *levels* of well-being, doing *more* good, and *outweighing*. And since absolute overriding and literally placing *infinite* value is unattractive this practice seems indispensable. This is why although talk of pricelessness is very common in wider society, equally common is deep scepticism—above all in those influenced by the economic picture of the rational agent.

I propose first a non-quantitative account of value to a person that distinguishes needs from trivialities. This can help with the problem of repugnant outweighing, in which a highly significant item—a friendship, say—looks vulnerable to being outweighed by something *individually* insignificant—fun, say—if the latter comes in sufficient quantity.

But the problem of pricelessness recurs even at the level of needs. Although Kant thought the moral law would prescribe precisely one duty in any given situation, and admitted therefore of no clashes between priceless items, this is not plausible in general. Clashes between obligations to different friends threaten to make one friendship's value to another expressible in terms of some ratio. Consequently, even these qualitatively higher goods threaten to be substitutable by other items within that category. While developing a theory of practical reason that can deal with this problem is harder, I delineate several conditions that might at least provide a beginning.

A theory in this area would have great significance for political and economic theory, as it would alter how distributional questions are framed. It might vindicate talk of needs popular in wider society that in the context of quantitive conceptions currently lacks much theoretical basis.

Keywords: practical reason; aggregation; weighing; incommensurability; needs

Bio: PhD candidate at UCL, and as an undergraduate studied at the University of Adelaide. Current work is in the structure of well-being (and of value more broadly) involving incommensurability and needs, but he is also interested in practical reason, political theories of distribution, and ethical theory generally.

TERESA FRANZA, *The Pléroma as a Normative Model* (panel 21)

In a profoundly changed world, where the cultural, ethical and religious pluralism eludes any attempt trying to give it a composition, the law, by itself, is no longer able to offer reliable and stable landmarks. Efforts are being made to find new normative parameters that could orientate the legal world and fill its *dynamic* gaps.
The *pléroma* notion – word that derives from Greek meaning "fullness of being" – provides a both philosophical and historical reference to the most relevant phenomena of this evolution. If understood as a non-reductive fullness of being, in all its dimensions material-natural, historical-cultural and personal-spiritual, and in its conservative and promotional-creative practical explanations [1], it may be the regulative ideal of ethics and politics, and it may function to a highly desirable model of development of the human and non- human world, namely of the person: in itself, in the social relation and structures, in and with the cultural and cosmic environment [2].
The ability to translate the *pléroma* in a concrete political-legal project up to the times seems to be *utopia*. In this regard, the crucial issue concerning the ontological limits of the law arises, particularly its regulating abstract typical roles, his demanding justiciability of rules, in sum, a type of intervention that cannot generate the *pléroma*, but it can only organize normatively favorable conditions to its advent. However, the law, even with its limitations, is an essential prerequisite of a foreseen fullness of being. Therefore, a "best possible law" policy makes sense and a corresponding legal technique designed to make legally obtainable purposes that philosophy (as a moral and political philosophy, as well as normative legal ontology) may propose, in order to get the "feasibility" of legal norm.
The strength of *pléroma* does not consist in being a concrete program of action, but is rather intended as a pure philosophical paradigm that is in tension between intrinsic theoretical validity and realization attempts, and as the overall criterion of the ethical action which we can all work.

Keywords: philosophy of law, pléroma, normative model, ontology of law, philosophical paradigm

Bio: Has a degree in Law with honors cum laude and recently defended her PhD dissertation in Philosophy of Law at the University of Florence entitled: "Costituzionalizzare la Costituzione. Una prospettiva pleromatica". Research interests include the neo-constitutionalism, the theory of legal interpretation and the legal philosophy of the Italian philosopher L. Lombardi Vallauri.

CORRADO FUMAGALLI, *Unreasonable that are not so unreasonable* (panel 7)

Recently, a burgeoning literature has been focusing on the so-called unreasonable. The tension between a fundamental commitment to stability and the alleged incompatibility of political liberalism with the curtailment of basic liberties and rights has prompted criticism and defences of the Rawlsian paradigm. Most of the existing literature revolves around the problem of containment and its connection with the urgency to construct an enduring and stable order vis-à-vis the fact of pluralism. Following Rawls's scattered insights, the debate has followed two fundamental directions. On the one hand, people have speculated on a set of transformative strategies that could bring the unreasonable back in the legitimating constituency (transformative containment). On the other hand, scholars have focused on how and why the unreasonable can be coerced from the point of view of a stable liberal democratic society (enforcement containment). This paper goes to the roots of these two theoretical trajectories in order to demonstrate that, regardless the form one favours the most, if we take seriously what means to be unreasonable within a well-ordered society, containment fails to satisfy the commitment to stability. Drawing upon textual evidence from A Theory of Justice and Political Liberalism, we advance a dilemma. Either we assume that unreasonable people are nothing more than a heuristic category to justify, to the reasonable, the implementation of practices that explicitly collide with the principles of justice; or, if we maintain the connection between containment and stability as well as the idea that unreasonable people, with Rawls's words, are a fact, we should also admit that containment to those people that are truly unreasonable is likely to bring about even more instability. As provocative as it might seem, this dilemma does not undermine Rawls's construction, but rather it opens the debate on the consequences of whatever form of containment, both for the unreasonable and for a well-ordered society in general. In order to develop this argument, we will proceed as follows. First, we shall reconstruct what happens when intolerant accept the principles of justice. Second, we shall scrutinize the couple reasonable/unreasonable and the viable strategies of containment. In the last two parts, eventually, we shall study enforcement containment and transformative containment as a way to reflect upon the unreasonable and the very connection with the stability requirement. Together, these analysis shall demonstrate that the success of these forms of containment hinges upon a partial reading of what means for the unreasonable to be unreasonable.

Keywords: Rawls, unreasonable, containment, pluralism, stability.

Bio: Graduated from the LSE and the University of Miln with master's degrees in Political Theory and Philosophy respectively, Now a Phd candidate in Political Studies at the University of Milan and the head of research atAgenda for International Development (www.a-id.org). In the past two years, have been visiting researcher and affiliated member at the CSDS-New Delhi and at the Cluster of Excellence 'Normative Orders' at the University of Frankfurt.

MARTA HUK, *Does Law need Moral Legitimacy? Between the State of Devils and Amoral Law* (panel 3)

In my lecture I would like to focus on one of the most exclusive forms of separation between legal and moral orders, reflected in Hans Kelsen's normativism. This thesis, proposed prior by moral philosophy of Immanuel Kant, was adopted on transformed through legal positivism. Thus, the main aim of this presentation is to show Immanuel Kant's major and direct influences on Kelsen's concept. I will attempt to indicate, according to the pure theory of law, that the question about relations between law and morality is in fact the question about a normative structure itself, not about content of particular legal and moral norms. Onthe basis of legal and moral orders separation thesis, there is anecessity of presupposing the relative theory of values. Logical consequences of the latter lead to the conclusion: recognition that validity of law does not depend on moral evaluation of form and content oflegal norms. Nevertheless, the thesis provides instruments for appropriate interpretation of relations connecting legal and moral normative orders. This concept allows to specify conditions, regarding to which moral legitimacy of law affects its effectiveness trough establishing in the contents component of norm a specific moral value. Furthermore, law can be justified on grounds of morals only because of the contrast occurring between those two normative orders, caused by relative theory of values. Hans Kelsen develops a very restrictive concept of amoral law, inside which, the description of norms is not depended on standards ofmoral evaluation (H. Kelsen, *Pure Theory of Law*, 2009). Philosophical background of these claims is viewed in Immanuel Kant's moral philosophy, namely – the coercion of rationality (I. Kant, *Perpetual Peace*, 2007). Kant implies, that people, primarily asocial and egoistic beings, can indeed create a civil community independently from established axiological systems or even cultural identity. Kantian *State of Devils* mirrors the fact, that widespread lawmaking is established through Reason and it ought to be nothing but rational. However, law and morality are somehow connected in Kant's philosophy. Both of those normative orders begin in Practical Reason and they both share a common cause – categorical imperative, which can be assumed as a ground for Kelsen's basic norm. Amongst many similarities reflected in Kant`s and Kelsen`s theories, this assumption seems to have the greatest methodological impact on modern philosophy of law. In conclusion, I would like to explain the specific way, in which Hans Kelsen claims that legal order has a power of justifying itself and how law gains its legitimacy.

Keywords: State of Devils, Amoral Law, separation of legal and moral orders, relative theory of values, moral legitimacy of law.

Bio: Marta Zuzanna Huk is Ph.D. candidate in Adam Mickiewicz University in Poznan (Poland). She graduated from Adam Mickiewicz University in 2014, receiving cum laude Master`s degree in Philosophy. In her dissertation, concerning the problem of legitimacy of law, she is specializing in philosophy of law, political philosophy and selected problems in ethics.

PATRICK KACZMAREK, *Responding to McMahan's Challenge for Population Ethics* (panel 17)

Most of us accept the following two propositions.
The Asymmetry: That a person would have a life not worth living provides a moral reason not to cause that person to exist, and indeed a reason to prevent that person from existing. By contrast, that a person would have a life worth living does not, on its own, provide a moral reason to cause that person to exist, though there is no general moral reason not to cause such a person to exist [McMahan 2009, 49].
According to Jeff McMahan, the assumptions that underlie this position are ad hoc. As he puts it, "[why] should goods have both reason-giving and can- celing functions in individual-affecting choices but only a canceling function in procreative choices" [McMahan 2009, 54].
When defending the Asymmetry from McMahan's challenge, the usual strat- egy has been to turn to other, more familiar asymmetries or to hive off the good caused by bringing possible persons about by appealing to certain modal con- siderations. I wonder however, would it not be more natural to turn instead towards distributive considerations for an answer to McMahan's challenge? In other words, the explanation for why goods have no reason-giving force in pro- creative choices may have little to do with metaphysics and everything to do with what we owe each other.
I propose to start by determining what the Asymmetry is minimally commit- ted to, and work from there. I will argue that certain distributions of the good are incompatible with this population axiology, and go on to show that, from the standard sample of ideal distributions, only Roger Crisp's Sufficientarian- ism passes mustard—both (a) satisfying all of the proposed adequacy conditions, and (b) offering a non ad hoc explanation of the Asymmetry. The paper closes with a discussion of reasons we may have for resisting the proposed Crisp-ian solution. Even though the response developed here mollifies McMahan's worry, it comes at grave cost. A population ethics that's satisfactory according to asymmetric axiological considerations may move us away from Parfit's Theory X that so many of us have been searching for. Some of our most cherished moral beliefs may get lost along the way, having been given up in order to retain the Asymmetry.

Bio: Completed undergraduate studies in Philosophy at Simon Fraser University (Vancouver, Canada). Before starting graduate school, studied Environmental Development at the London School of Economics. Went on to complete a MSc in Political Theory under the supervision of Prof. Hayward at the University of Edinburgh.

JOHANNES KNIESS, *The Human Right to Health: Naturalistic or Political?* (panel 2)

The human right to health raises difficult philosophical questions. It is viewed with suspicion by those who deny that human rights provide entitlements to social and material goods. But even more so than other socio-economic rights, it is often thought to place impossibly demanding duties on those who must fulfil it. Article 12 of the ICESC famously declares "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," yet few philosophers find this plausible. For one thing, the right to health cannot be interpreted as a right to be *healthy*, since this is often outside human control. But it is unclear whether it should it then be understood narrowly as a right to medical care, or rather more broadly as encompassing all social factors that are health-promoting.

Other questions concern the level (as opposed to the scope) of obligations. Even the richest nations cannot afford to provide the highest technically attainable level of healthcare to all their citizens. Given that expenditures on health must be balanced against other legitimate social goals, how exactly can the level of provision required by the human right to health be specified? It is not immediately obvious, furthermore, whether that level of provision should be understood as universally valid, or rather relative to the capacities of each country. In the former case, the right to health might impose impossibly high, even utopian, duties on governments in low-income countries. The latter scenario, however, may be thought to weaken the normative force of human rights as truly global standards.

These questions about the content of the human right to health invite theoretical reflection. In recent years, however, the theoretical literature has become increasingly divided over the very concept of human rights. According to "naturalistic" theories, human rights are rights that people possess simply in virtue of their humanity. Here, some distinctive feature of humans—such as essential interests or needs—are taken to ground rights and shed light on their nature and content. A more recent "political" approach, in contrast, proposes to understand human rights through their role in global politics. John Rawls, for instance, has argued that human rights are normative standards that qualify the sovereignty of states, justifying international interference in cases of non-compliance.

In this paper I explore questions about the nature and content of the human right to health through these two conceptual lenses. Although on first sight the naturalistic perspective seems a natural fit—after all, health is undoubtedly a vital interest—I will argue that the political conception is better suited to illuminate the right to health, and in particular the correlative duties it places on governments. Since our interest in health must be balanced against other social goals (including the fulfilment of other human rights), our interest alone is insufficient to specify the content of the right. It is therefore plausible to see the right to health *not* as a right to a determinate set of healthcare services or health-promotion policies, but rather as a right to institutions or procedures that balance diverse social aims in ways that are fair and legitimate. Violations of the right to health, I argue, are not instances of an individual interest in health going unfulfilled, but institutional failures serious enough to warrant international criticism.

Keywords: human rights, right to health, natural rights, philosophy of human rights, healthcare

Bio: Johannes is a doctoral student in political theory at the University of Oxford. In his thesis, he attempts to integrate a concern for health and health inequalities into a general theory of distributive justice. He is also more broadly interested in global justice, human rights, egalitarianism and the relationship between social science and political theory.

NUNO LEBREIRO, *Berlin's Wall: Understanding Freedom Ontologically* (panel 14)

In this paper I argue that, although it is frequent to refer to Berlin's famous distinction between positive and negative freedom, this dichotomy is largely misunderstood. The many contributions regarding the pertinence of the positive-negative distinction (e.g. Nelson, 2005; Christman, 2005), the alleged incompleteness of such distinction (e.g. Petit, 1997), or the necessary complementarity of both positive and negative aspects of freedom (e.g. Maccallum, 1967; Rawls, 1971), show the relevance of this topic. The generally accepted idea is that positive freedom focus on collective duties, social responsibility and in a reasonable individual capacity for being personally free while, on the other side, negative liberty focus on individual rights, individual responsibility and personal freedom as being the result of a necessary absence of social coercion or interference. I defend the notion that this traditional reading of Berlin is incomplete. I will first show that, although offering a very attractive distinction between these two concepts of liberty, Berlin is clearly unsuccessful in truly separating them at a practical level: we cannot imagine a 'positively' free society composed of individuals without any personal area freed from external interference, just as we also cannot imagine a 'negatively' free society without any interference whatsoever upon the individual in what concerns his capacity, his values or his duties towards society. I argue in my paper that Berlin's distinction configures a weak practical distinction: Berlin is, on the one hand, unable to provide a clear frontier between the two alleged concepts and, on the other hand, both concepts actually require the simultaneous existence of the other to exist, making it impossible to know where one ends and the other begins. Following Charles Taylor's distinction between advocatory and ontological levels of discussion (Taylor, 1995), I will show that Berlin's distinction should be understood ontologically: Berlin shows us that there are two fundamental irreconcilable and divergent ontological views of the world that derive into two opposing stances regarding the balance between the conflicting values of collective freedom and individual liberties that composes the concept of political freedom. Those two ontological stances are, I argue, on the one side, the 'positive ontology' – with rationalism as a justification for a political solution focused on the capacity of individuals to decide for themselves, rationally, independently from their inclinations, how society should be universally ordered – and, on the other side, the 'negative ontology' – that derives the justification for its interpretation of freedom from a shared, social, cultural, and particular, interpretation of Good, Man and the world. Viewing Berlin's distinction ontologically provides a helpful tool to better organize our political debates by uncovering that these two conflicting understandings of the world are deeply rooted in human thought and reveal an important division within contemporary political philosophy. Also, understanding the importance of the connection, and distinction, between ontological and advocatory levels deepens the discussion, clarifies the debates and shows just how much ontological background moulds and influences the political debate.

Keywords: Freedom, Liberty, Advocacy, Ontology, Berlin

Bio: Start academic research in the field of Political Science. Got my MA in Political Philosophy at Leiden University (The Netherlands) and my MPhil at KU Leuven, in Belgium. Currently working in my PhD under the supervision of Prof. Tim Heysse at the Higher Institute of Philosophy at KU Leuven.

ANTONIUS LIMAHEKIN, *Discourse-theoretical democracy and the problem of free-riding in the climate-hange mitigation* (panel 18)

In this paper I want to explore the way in which Habermas's version of deliberative democracy can contribute to resolving the problem of free-riding in the climate change mitigation. Climate change poses us with a challenge not found in early environmental problems in terms of scope, in that its impacts travel across national borders and are felt globally. This very nature of climate change requires that the solutions to the problem be sought on a global level, i.e. through a concerted action of the nation-states. Yet achieving such a concerted action is no easy thing. One difficulty that impedes the realisation of the collective action is free-riding, i.e. unwillingness of a country participating in the climate change agreement to translate the agreement into actions while continuing to benefit from the mitigating actions of other nation-states. This is a form of climate injustice, and it furthermore runs the risk of bringing the global climate-change mitigation effort to a failure. It is going to be difficult to achieve the globally agreed target for the reduction of the greenhouse gases emission if one nation-state does not do its part. The problem of free-riding must be resolved given the damaging impacts this unfair act has on the global effort to fight climate change. In this paper, I attempt to think of a solution to the problem by making use of Habermas's discourse-theoretic democracy and applying it in the context of a nation-state. At the heart of this version of deliberative democracy is an emphasis on the importance of discursive opinion- and will-formation, political public sphere, and civil society in providing input for the decision makers engaging in public decision making. I want to suggest that discursive opinion- and will-formation of the citizens in the political public sphere can provide the Greens with an avenue to voice their ecological concerns that *may* be able to shape the outcome of the decision making by giving it an ecological flavour. When issued in the political public sphere, the green voice serves not only as an informational input but also as a pressure force to the decision makers. In that sense, Habermas's discourse-theoretic democracy carries a promise for at least easing the problem of free-riding in the climate-change mitigation. But whether or not this potential can get realised, it depends very much on – among other things – the existence of a green culture and citizens with eco-selves in the nation-state in question. These are the preconditions for a successful deliberative solution to the problem of free-riding in the climate-change mitigation. They are at the same time the limits of the discourse-theoretic democracy in solving the said problem.

Keywords: Habermas, discourse-theoretical democracy, free-riding, climate-change mitigation

Bio: Indonesian national and currently a PhD researcher at *Research in Political Philosophy at Leuven* (RIPPLE), Institute of Philosophy of KU Leuven, Belgium. His PhD research concerns the potentials and limits of deliberative democracy in fostering environmental protection, with a special attention to Jürgen Habermas's version of deliberative democracy. He did his BA in philosophy and Masters in contextual theology at STFK Ledalero, Indonesia; and BA Abridged, MA and MPhil in philosophy at the Institute of Philosophy, KU Leuven. See: http://www3.kuleuven.be/ripple/staff/bastian_limahekin.html.

CHRIS MARSHALL, *Killing, sacrificing and ducking. Self-defence and moral equivalence* (panel 9)

There are at least three ways in which one might bring about the death of an innocent person when acting in self-defence. First, one might kill an innocent person who unintentionally poses a threat to one's life (call this *killing an innocent threat*). Second, one might sacrifice an innocent, non-threatening bystander when acting in defence of one's life, (call this *sacrificing an innocent bystander).* Third, one might evade, or "duck", harm by withdrawing from a threatening situation, and in doing so, foreseeably expose another innocent person to harm instead (call this *ducking harm*).
Some philosophers have argued that killing an innocent threat to save one's own life is, other things being equal, morally equivalent to sacrificing an innocent bystander to save one's own life (call this *the moral equivalence thesis*) and that both are impermissible. By contrast, the moral status of ducking harm is underexplored, but is commonly thought to differ from killing and sacrificing in self-defence.

In this paper, I argue that one cannot coherently believing that killing a threat and sacrificing a bystander are morally equivalent but ducking is morally distinguishable from those acts. There is no property which is necessarily present in killing and sacrificing but always absent from ducking, or vice versa. Morally relevant features are contingently present in each act type and there is sometimes moral parity between individual cases of each act type.

One may try to distinguish between killing and sacrificing on the one hand and ducking on the other in five ways. One may appeal to (a) a distinction between intended harm and foreseen harm, (b) distinctions between doing harm, allowing harm, and enabling harm, (c) the wrongness of using a person as a mere means, (d) a moral difference between initiating, sustaining, redirecting and redistributing harm or (e) rights of ownership to one's body or the indivisible good of continued life.

I argue that none of the attempts succeed. I conclude that one cannot coherently maintain that *the moral equivalence thesis* si true but deny that this moral equivalence extends to acts of ducking. The permissibility of any act of killing, sacrificing or ducking depends on properties which are contingently present or absent in each kind of act. These claims are practically significant because they may call into question the moral status of, for example, adopting "ducking" military strategies which reduce expected harm to one army or population while increasing expected harm to another.

Keywords*: Harm, Killing, Self-Defense, War*

Bio: Third year PhD candidate at the London School of Economics and Political Science, supervised by Michael Otsuka and Alex Voorhoeve. My thesis is an enquiry into what individuals faced with unjust inequality are required, permitted, and forbidden from doing in the name of justice.

SATOSHI MATSUI, *Marxism and Three Types of Ethics* (panel 26)

In this paper, I investigate the relationship between Marxism and essentialism. Contemporary ethics is divided into three types: deontology; utilitarianism or non-utilitarian consequentialism; and essentialism, which is composed of virtue ethics and perfectionism. Deontology and utilitarianism are the predominant ethics in a capitalist society. Although Marxists use these ethics to criticize capitalism, they do not employ them in constructing their communist society. Non-utilitarian consequentialism is close to essentialism in that it denies hedonism. Nevertheless, it has not overcome the modern way of thinking in that it relies on consequentialism. In a communist society, essentialism is predominant. However, not all of the elements of essentialism are adopted.

We can enumerate five qualities of essentialism, which are important from the perspective of their relationship with Marxism: relativism, neutralism, moralism, elitism, and paternalism. Although Marxists adopt an historical relativism about morality in general, they are universalists because essentialism will be prevalent in a communist society in any region or culture. Communist society is not value-neutral because essential values are prioritized through democratic deliberation. However, this non-neutralism is different from a non-neutrality of proletarian values that cannot be compromised by bourgeois values, as could be seen in Marxist-Leninist countries. As for moralism, Marxists use deontology and utilitarianism and do not wage campaigns against them recommending essentialism. In a communist society, essentialism will be achieved not by moralism, but it will arise naturally. As long as democratic equality is esteemed in this society, it is not possible that some elites will be given privileges just because they have particular capacities to pursue perfection or virtue. Therefore, elitism will not be adopted. Since Marxism does not presuppose that each has the full capacity to judge anything rationally, a kind of paternalism is sanctioned for them to enjoy objectively optimal lives. However, the following conditions of constraint are added. According to historical materialism, essential values in life are not constant and can change with historical development. Individuals cannot be forced to accept these essential values. A horizontal and democratic discussion is embraced in recommending essential values.

	Essentialism in general	Essentialism in Marxist-Leninist countries	Essentialism in communist society
Relativism	Y or N	Y	N
Neutralism	Y or N	N	N (compromising)
Moralism	Y or N	Y	N
Elitism	Y or N	Y	N
Paternalism	Y	Y	Y (democratic)

These arguments are described in this table. Comparing relativism, moralism, and elitism, essentialism in Marxist-Leninist countries and communist society have opposite stances. They share non-neutralism and paternalism in common; however, non-neutralism in communist society is compromising among competing values, and paternalism is democratic. Thus, essentialism turns out to be the most appropriate ethics in the communist society that Marx envisaged. However, this essentialism has the above constraints.

Keywords: Marxism, essentialism, deontology, utilitarianism, consequentialism

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RICARDO MIGUEL, *How not to value receptacles: a reply to Chappell* (panel 23)

Chappell 2015 discusses the well-known "value receptacles" objection to utilitarianism. The upshot of this objection is that individuals are pictured as replaceable, which is an unwelcome result to normative moral theories. Chappell notices that some utilitarian views have trouble accounting the intuitive badness of death and also at representing our reasons to help others. He links both troubles to a mistaken value theory in which individuals do not matter because pleasure and pain are independently valuable. That is, a theory in which pleasure should be promoted and pain should be avoided even if the first is not good for individuals and the latter is. He rightly believes that utilitarians need not be committed to this "Utility Fundamentalism" and can, instead, take the view that pleasure is good because it is good for individuals, just like pain is bad because it is bad for individuals. Yet, I argue that Chappell's approach to the badness of death does not overcome the value receptacles objection. In addition, I raise some doubts on whether Utility Fundamentalism is really worth considering. But my reply is mainly focused on Chappell's proposal of token- pluralistic utilitarianism at the light of his discussion of the strongest version of the objection: "that utilitarians treat particular individuals not as ends in themselves, but merely as fungible or replaceable means to the end of promoting *aggregate* welfare." (Chappell 2015: 325) I conclude that such proposal does not answer the objection because his main argument misses the target: while the objection is about the rightness of actions, Chappell's answer concerns the rightness of agent's feelings in the relevant context.

Keywords: Badness of death; welfarism; replaceability; utilitarianism; value receptacles.

Bio: Licenciatura (BA) in Philosophy and Mestrado em Ensino de Filosofia (MAT Philosophy), both from the University of Lisbon. Ricardo is mostly interested in topics within ethics, philosophy of logic and philosophy of mathematics. He is currently studying for a Ph.D. in Philosophy, also at the University of Lisbon, with a research topic on the moral status of animals and the problem of replaceability (FCT studentship SFRH/BD/107907/2015). He published the book "A Razão à Mesa. O Especismo na Alimentação Humana Padrão" (Lisboa: Esfera do Caos, 2015) and several translations of philosophy articles.

ZORAN MIMICA, ***Thomas Hobbes - from persona non grata to a celebrity in political philosophy and questions concerning war refugees and their status*** **(panel 6)**

In my dissertation on Hobbes and Kant in 1999 I have predicted that European Union will become a place that is similar to a Medieval fortress. And now-a-days it seems that I was right. EU is trying to defend its borders and pure refugees escaping wars are trying to find a shelter in it. The struggle continues and Hobbes theory that one can seek another sovereign if the previous does not protect proves to be true. ("The end of obedience is protection" and "the end of knowledge is power" – those are Hobbes' two extreme rules for a political behavior.) However, it is not all. The rule of "bellum omnium contra omnes" seems to be true as well, considering suicide bombers who made war happening everywhere. I was aware that Hobbes theory of deserting the army as a morally permissive act was a super-modern thought than, and off course did not fit into the model of a nation state, where such behavior was capitally punished as a betrayal to the loyalty. But it showed that citizens (by Hobbes are those still named subjects) can decide whether the war sovereign leads (as he or she is in the state-of-nature, i.e. not under the rule of positive laws and therefore absolute free to do as he or she pleases) is their war or not.

The third point I would like to address is Hobbes "white" (Leo Strauss') liberal interpretation of uncertainty of the political outcome (in contrary to the "black" interpretation of Hobbes by Carl Schmitt) in the struggle politics "ad hoc" and rules planned on a long run. In that sense is Hobbes notion of sovereign state more flexible as it allows the state to be split into the parts which was not allowed by any constitution in the nation-states. Hobbes is a kind of philosopher where the rule "primum vivere, diende philosophare" comes prima facie. His materialism, determinism ("what have happended have happended necessarily" and "what is possible to happen will happen") and his pessimistic anthropology are realities of our neo-liberal post-modern world. We have to cope with those facts and with the clash of civilizations, and be aware, in Hobbesian terms, that "Leviathan" (law and order) is far better that "Behemoth" (anarchy or state of nature, where "life is brutish, nasty and short".) Hobbes thought, then maybe overrating himself in 17th century, that his political doctrine should be thought at all universities, and I agree that if we want to avoid World War III we have to take his teachings seriously and only then become tolerant.

Keywords: tolerance, war, sovereignty, citizens, state of nature, refugees, obedience, protection, knowledge, power.

Bio: I was born in Zagreb, Croatia on 13.8.53. I have three children and a grandson. I worked one year at the Univ. of Vienna where I did Ph. D. under supervision of late Prof. Michael Benedikt. My dissertation was published in German in 1999 by University of Vienna Press. I lived 7 years in England and 13 in Vienna. I was born by Croatian parents and lived in Zagreb until the war in former Yugoslavia, i.e. I left Croatia in the middle of war in 1993. I have legal background and worked several years in Zagreb as a lawyer. I am now unemployed since I returned from London to Vienna. (I plamn to go back to Vienna after getting a state pension, soon I hope.) I have Bachelorßs degree in Law, Masterßs in Jurisprudence and doctorate in philosophy. I was mostly studying Hobbes and political philosphy as well as philosphy of law by Kant , Hegel and Rousseau.

BEATRIZ MIRANDA, *Derek Parfit's concept of person and of personal identity and its consequences in the fields of Ethics and Law* (panel 25)

[Abstract in Spanish only] Na obra *Reasons and Persons* o filósofo americano Derek Parfit aborda o problema da identidade pessoal como decisivamente condicionante da resposta à pergunta sobre "o que temos mais razão para fazer", isto é, como factor determinante na eleição de um modelo de racionalidade prática e, portanto, de uma ética racional. Chega, assim, a explicar que a nossa forma comum de conceber a identidade pessoal como uma "verdade profunda" (*Reasons and Persons*, cap. 15) e a importância da distinção entre os indivíduos que dela decorre tornam insustentável, do ponto de vista das nossas razões para agir, uma ética perspectivada segundo o cálculo dos benefícios e custos gerais – isto é, uma ética utilitarista. Ao considerar os benefícios e os custos em si mesmos, subalternizando a identidade daqueles que concretamente os recebem e sofrem, este modelo de racionalidade ética prescinde, com efeito, de um "ponto de vista pessoal" e demarca-se da recondução da decisão ética ao valor e ao bem da pessoa individual. Demonstrada esta relação entre a questão da identidade pessoal e a racionalidade prática, o autor refuta a referida concepção comum e busca mostrar que não temos razões para a aceitar, desenvolvendo (na senda de Locke e de Hume, mas com importantes reformulações) um conceito reducionista ou "relacional" de identidade pessoal, o qual, enfraquecendo substancialmente o significado da individualidade, faz desaparecer a objecção relevante à ética utilitarista e leva mesmo a reconhecer nela a opção racionalmente mais forte. O presente trabalho visa:
a) expor este conceito e a argumentação essencial que o sustenta;
b) reflectir sobre a radicalidade das consequências práticas concretas que a sua assunção comporta, bem para além da genérica legitimação do modelo utilitarista, e mais especificamente sobre a sua compatibilidade com a própria sobrevivência do edifício do Direito;
c) esboçar uma contestação do conceito de pessoa defendido por Parfit, quer identificando alguns pontos em que a sua argumentação é menos coerente, quer mobilizando o pensamento de autores contemporâneos que têm procurado defender a unidade e a permanência da pessoa no tempo face à negação que enfrenta por diversas vias, entre as quais esta. Mobilizaremos privilegiadamente, nesta sede, o pensamento Robert Spaemann, que confronta explicitamente algumas das premissas basilares de Parfit.

Keywords: Parfit, person, personal identity, law, psychological continuity

Bio: Mestre em Direito pela Universidade de Coimbra, tendo realizado o segundo ciclo na área de jurídico-filosóficas com a elaboração de uma dissertação final sob o título *Direito, Tradição e Vida Boa: a «desconstrução» do discurso acultural do liberalismo nas propostas de Taylor, Sandel e MacIntyre e o seu contributo para uma possível compreensão do problema do Direito.* Aluna de doutoramento em Filosofia na Faculdade de Letras da Universidade de Coimbra, está neste momento a elaborar uma dissertação versando a forma como a problematicidade filosófica do conceito de pessoa na contemporaneidade se repercute no Direito.

PEDRO MOREIRA, *Revisiting Mises' laissez-faire liberalism* (panel 26)

Ludwig von Mises (1881-1973) is famous for being one of the first authors to initiate what is today known as 'free-market libertarianism.' Already in his Nation, State, and Economy of 1919, Mises uses the traditional liberal idiom to draw a political narrative of colossal proportions: socialism and liberalism, he says, are fighting a battle to decide the course of mankind itself; either liberalism will be victorious and bring a world of wealth and peace, or socialism will initiate the downfall of western civilization. What is fascinating with Mises' political thought is the way he retrieves traditional liberals' ideas in order to create this sharp narrative of the market against the state, of liberalism against socialism, of the 'rationality' of economics against the 'irrationality' of state interventions in the economy. This narrative will then become a background-story on which many libertarian authors will rely: each will tell, in many shapes and varying degrees, his own version of how the individuals must fight state interventions.

This paper proposes to revisit Nation, State, and Economy, Mises' first formulation of his staunch laissez-faire liberalism, in order to look at the creation of this powerful background-story (here called 'storyworld'). We will first notice what we could call Mises' fascinating reversal of the Marxist narrative he is fighting: against the socialists' consistent defense of state intervention, Mises answers with a consistent defense of the market; against their accusation that capitalism favors the few at the expense of the many and that socialism brings general welfare, Mises reverses this idea by saying that it is socialism that favors the few at the expense of the many while capitalism brings general welfare; and against the socialists' claim to know the 'true science' foreseeing the communist world, Mises advocates his 'true science' of economics foreseeing a world where liberalism would reign.

We will then argue that one of the particularities of Mises' liberalism resides in this reversal of the Marxist narrative: from there, Mises draws his own narrative of emancipation where the abolition of capitalism is replaced by the withering away of socialism. This enables him to create a strong and enthusiastic political theory where liberalism must fight for a world where the market can finally strive unhampered. However, this narrative of emancipation also comes in tension with pluralism: Mises' free-market can only be achieved at the cost of socialism becoming politically irrelevant. The strength of a narrative of emancipation seems to be its uncompromising fight against an element of society that is separating it from emancipation. This, however, also seems to be a weakness: although it might accept some formal pluralism, a narrative of emancipation seems to reject any form of substantial pluralism with the element from which it demands to be emancipated.

Keywords: Political theory, narrative, liberalism, Marxism, free-market.

Bio: Graduou-se em Ciência Política pelo Instituto de Estudos Políticos (IEP) da Universidade Católica Portuguesa, concluiu o Mestrado em Ciência Política da mesma e completou o Europaeum Master in European History and Civilization entre as Universidades de Leiden, Sorbonne e Oxford. Publicou um ensaio sobre Thomas More em The Early Moderns (2014, Epigramm: Vienna), bem como o ensaio 'Platão – Os Rivais' em Platão Absconditus (2014, Aster: Lisbon), livro que co-editou com José Colen. Pedro Góis Moreira está actualmente no doutoramento do IEP da Universidade Católica e é bolseiro da Fundação para a Ciência e Tecnologia.

Katharina Nieswandt, *Practice Views Revisited* (panel 12)

According to "practice" or "conventionalist views," at least some moral duties exist within social practices, and these practices play an important role in justifying the respective duties. Among others, the theories of Hobbes, Gauthier, Hooker and Rawls are commonly classified as practice views.
Thomas Scanlon has levelled a formidable and widely reiterated objection against practice views: They give the wrong reasons for our duties, which shows up in the fact that they identify the wrong addressees. The reason why I must not break my promise to you, for instance, should lie in the harm that this does to you—rather than in the harm it does to the practice of promising or to all the participants in that practice.
I grant that Scanlon's objection applies to the mentioned theories. But I offer a surprising diagnosis: (1) I argue that the conventionalism of these theories is superficial. (2) I show that Scanlon's objection applies to them precisely because they are not genuinely conventionalist, whereas genuinely conventionalist theories identify the correct addressees of our duties. (3) As a last step, I outline one such theory. My particular proposal uses the understanding of the role of the practice in moral justifications that Elizabeth Anscombe suggests. One of its advantages is an interesting application to rights: It enables us to claim that rights are socially constructed without being cultural relativists about rights.

Keywords: practice, promise, right, Th. Hobbes, J. Rawls, Th. Scanlon

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CENK ÖZDAĞ, *A Possible Way to Construct an 'Ideology' Compatible with Objectivity* (panel 3)

The gap between ideologies (or, conceptual frameworks) and objectivity is studied by various philosophers. Yet, the reasons for such a gap have not been stated in an ideology-proof discourse, implying the difficulty of such a project. If conceptual frameworks would be in question, Hegel's critique of "self-certainty" in his masterpiece *Phenomenology of Mind* can provide a fruitful ground to find these reasons, which in turn may be the way through which one can find a new kind of 'ideological' discourse that enables to construct a framework that can be employed both for the analysis of reality and for that of the relation between ideologies and objectivity.

In order to make such a move, in this paper, I will appeal to Searle's social ontology and interpret Marxian discourse through the framework of formal ontology, advocated by Barry Smith. In doing that, I will focus on the rational kernel beneath the mystical shell of Badiou's event ontology. Following this reasoning, a revolutionary analysis of the liberal tendency to construct a secure room for political science will be exposed. This analysis, in turn, will appear as a rational tool that can be used in order to draw a critical line between Marx's and Lenin's understandings of the concept of ideology.

This new kind of 'ideological' discourse has three ontological commitments: First, objectivity is more than factuality (and/or actuality); second, revolutionary (or, political, in general) praxis is already part of objectivity; and third, political discourse is a part of objectivity though not by its own terms but by its implications that are objectified in political struggle.

Keywords: Conceptual framework, Ideology, Factuality, Actuality, Objectivity, Political Discourse, Event Ontology, Formal Ontology, Ontological Commitment

Bio: Research Assistant at the philosophy department at METU (Middle East Technical University, Ankara, Turkey). Publications: https://odtu.academia.edu/cenk%C3%B6zda%C4%9F

MARGARET O'BRIEN & ALEXANDRA WHELAN, *What's Wrong With Hypocrisy?* (panel 13)

"Hypocrisy is the tribute vice pays to virtue." - La Rochefoucauld in *Maxims*
"I hope you have not been leading a double life, pretending to be wicked and being really good all the time. That would be hypocrisy."
Oscar Wilde in *The Importance of Being Earnest*

To be accused of hypocrisy is a serious matter, particularly in public life. But what's really wrong with hypocrisy? To accuse someone of hypocrisy can amount, it seems, to one or more of the following claims: a damning assessment of the hypocrite's character; an assertion that the hypocrite has no standing to speak on such matters; or a fatal condemnation of the position that the hypocrite endorses. In this paper, it is our contention that hypocrisy is not the damning criticism it is held to be. We will contend that hypocrisy bears only on the character of the hypocrite and his or her standing to make the claims, and not on the rightness or wrongness of the claims made. Further, even as a criticism of character and standing it may not be such a damning blow.

We will begin with an attempt to define hypocrisy. Hypocrisy requires an inconsistency between a claim or assertion by the agent that is meant to be action-guiding and the agent's beliefs, acts or other assertions. We will distinguish hypocrisy from mere inconsistency, lying, and bullshitting. And we will present our view that hypocrisy does not necessarily require deception. Nor does it entail that the hypocrite claims to endorse a morally superior position than she actually endorses. We will work through a series of examples that tend to attract the charge of hypocrisy. On close examination, we contend that in many cases of alleged hypocrisy there is no hypocrisy at all because there is no relevant inconsistency. In cases where the charge of hypocrisy holds true, we will argue that there are different kinds of hypocrisy and different explanations for it (some persons are hypocrites because of weakness of will, others are two-faced, insincere, or apply double standards).

Next, we will consider what's wrong with hypocrisy and what role a legitimate charge of hypocrisy ought to play in our practical reasoning? We contend that the answers depend on the explanation for the hypocrisy. But, in sum, there is not much wrong with hypocrisy *per se*. This conclusion leaves us with a number of puzzles. If there is nothing wrong with hypocrisy *per se*, then why admire those who practice what they preach? And, why do we tend to be more persuaded to adopt a normative position if those who advocate it practice it? We will conclude by exploring whether there are any bases upon which to deny a person standing on the grounds that they are guilty of hypocrisy or to condemn their character.

In this paper we contend that hypocrisy is a troubling criticism and one we ought to be wary of. It is an easy charge to level and a difficult one to which to respond (partly because it is often unclear what the charge is a criticism of). Thus we conclude, you're a hypocrite – dining on Karl Marx and caviar – so what?

Keywords: hypocrisy, standing, moral character, inconsistency

Bio: Margaret is currently finishing her PhD in philosophy of law at McMaster University, Canada, under the supervision of Wil Waluchow. Last year Margaret was a visiting scholar in the Law Faculty at Oxford under the supervision of John Gardner.

Alexandra completed the BCL and is currently working on her MPhil in jurisprudence at Oxford under the supervision of John Gardner. Alex is also a teaching fellow in law at University College London.

MILAN PAP, *Neo-Hobbesian democracy? The theory of modus vivendi and democratic legitimacy* (panel 6)

In political theory, the criticism of Rawlsian constructivist liberalism has been articulated in theories of political realism. John Gray, one of the promoters of realist liberalism, recommends a neo-Hobbesian way of social coexistence which is based on the conflictual and antagonistic idea of political life. It takes social values and forms of life as incommensurable in modern multicultural societies. Taking value-pluralism and its conflicts seriously, a theory of *modus vivendi* has been articulated among realist political thinkers. Being a post-liberal (or post-Enlightenment) theory, *modus vivendi* is more a practice oriented and open-ended theory than philosophical constructions based on high morality. Nevertheless, as Gray writes, *modus vivendi* is not the theory of "anything goes" and it is necessary to have a solid theoretical foundation. *Modus vivendi* theorists as David McCabe, Glen Newey, John Horton and others make an emphasis on the peaceful co-existence of social groups and a moral minimum of the political society. In this sense, modus vivendi theories are less ambitious than contemporary constructivist (Rawls) or perfectionist liberalisms (Raz). At the same time, the basis of legitimacy in *modus vivendi* theories seems to be too weak, since it is justified on secondary political values, as social peace, political order and the absence of fear (Skhlar).

One of the deficiency of the theory is that it says not much about democracy. Nowadays, similar to the interwar and post-war years, democracy need protection against various forms of anti-democratic extremism. Populist movements and religious-political groups are up against the culture and ideology of liberal democracies in Western societies. Though, unlike the abovementioned historical periods democracy exists among altered circumstances. On the one hand, a modern political system would be impossible or outrageous without any form of democratic legitimacy. On the other hand, there is an exhaustion of the liberal project(s) and the societies featured by multicultural prosperity. Besides constitutional protection, defending democracy in this new context means balancing between cultural and other value-oriented groups in modern societies. Balancing would mean proactive and reactive manners of state actions, irrespectively, and requests a new definition of democracy and democratic ideas.

Has democracy only an instrumental role, say in the way of representing values of different communities? Will democracy leave behind its 'exaggerated formalism', as Karl Loewenstein, the theorist of militant democracy, put it, in the context of *modus vivendi* intentions? Or, can democracy or democratic ideas have coercive force in the conflicts of cultural communities, that is forming the foundation of *modus vivendi*?

In my paper, I make an attempt to examine the concept of democracy in the light of *modus vivendi* theory, confronting the latter with its critiques as well.

Keywords: political realism, pluralism, democracy, legitimacy, moral balancing

Short bio: Graduated from Eötvös Loránd University, Hungary, and the University of Sheffield, UK, as a political scientist. Currently in for defending the doctoral dissertation on political legitimacy and utopian plans of socialist society in Hungary (1956-1985). As a junior research fellow of the Institute of Political Science, Hungarian Academy of Sciences, studied political theory and its practical repercussions. Being one of the coordinators of The Paradox of Realism Research Group, focus on current theories of political realism, especially neo-Hobbesian theories of social coexistence and legitimacy.

RUI PEREIRA, *Three models of counter-terrorism* (panel 11)

Since 9/11, the question of how to fight terrorism became one of the most pressing issues of our time. The number of victims, the apparently random and unpredictable nature of terrorist attacks produce a terrible experiment within society and immediate reaction by States. These respond, invariably, with tough new counter-terrorism measures that reflect each country's particular history, political and legal culture. But, to compare and normatively evaluate these reactions we need abstract models, able to explicitate the value choices that underpin the development of counter-terrorist measures in liberal democracies.

Drawing on recent responses to terrorism from three countries (USA, France and UK), I will propose three distinct counter-terrorist models : the war model, the justice model and the administrative model. In the first model, terrorism is defined as involving violence against innocent civilians. Terrorists are waging a war but kill civilians and thus contravene established norms of the international law of war. Military commissions are considered the appropriate fora to try war crimes and lethal force can be used in a preventive manner. The second model denies terrorists the statute of combatant. Terrorism is a crime, even if of a special kind. Prohibitions and the threat of punishment do not suffice to deter criminals prepared to die for a cause and, given the consequences of terrorist attacks, criminal law should be used proactively. Differently from common or garden criminality, authorities should be able, to intervene within a certain limit at a very preparatory stage of the criminal enterprise. Finally, the administrative model interprets terrorism in terms of a more general and diffuse kind of terrorism-related risk. A citizen can be submitted to administrative measures if a member of government believes he is engaged in some kind of terrorism-related activity and if criminal prosecution is not feasible. Indefinite detention without judgement, electronic tagging, deportation, proscription of terrorist organizations, exclusion from particular places and prevention of travel are some of the measures most commonly used under this model. Since the breach of some of these measures can lead to prison, these measure make it easier to prosecute citizens suspected for terrosist activities.

Each model provides different frameworks to counter-terrorism powers and is animated by different assumptions about the nature of terrorism. After characterizing and discussing the merits and weaknesses of each model, I will try to give a first answer to the following question: Which model should liberal democracies privilege in the fight against terrorism?

Keywords: counter-terrorism, terrorism, just war theory, preventive justice, rule of law, exceptional courts

Bio: Doutorando contratado em Estudos Políticos na Escola de Altos Estudos em Ciências Sociais de Paris, instituição onde também lecciona. Prepara uma tese em teoria política e do direito, sob a direcção de Bernard Manin, onde compara e analisa numa perspectiva normativa os dispositivos antiterroristas dos Estados-Unidos, França e Inglaterra. Os meus interesses de investigação centram-se nas questões da reacção das democracias às situações de urgência, das liberdades e garantias no processo penal e da separação de poderes.

JOHN PITSEYS, Why – if so – should we promote counterdeliberative practices? The case for Parliamentary filibustering (panel 18)

As citizens, we strive to live in a democratic regime characterized by a civil and rational debate between actors of good will. However, various practices can have goals that are indifferent to this ideal of civility and whose consequences can be contrary to it: it is called strategic activity. Thus, counter-deliberative practices such as parliamentary filibustering imply blocking public debate where and when it is supposed to be held. Doing so, counterdeliberative practices break with the idea that public debate must follow the ideal patterns of the deliberative ideal. Nevertheless, they are also used as tools of 'struggle' or 'resistance' by those who denounce the factitious character of democracy. Generating a fascination akin to that found in sports competition, they are part of the informal rules of the discussion game and as such are tolerated, even integrated into the political game (Sidgwick, 1874). Is this acceptable, and if so, why? To what extent are counterdeliberative practices compatible with a process of legitimate public decision-making?

The definition and relationship of rightness and legitimacy requires to tackle a triple questioning in contemporary political theory. First, what content to give to the principles of freedom and rationality, so that each of the two principles can be reflexively respected? Second, are the promotion of everyone's freedom and rationality of discussion necessarily concomitant, and how to choose between them in the case they contradict themselves? Third, how could we conceive the institutions in charge of giving flesh to these two principles?

In order to answer these questions, political theory tends to explore the conditions under which promoting both everyone's freedom and a rational construction. It explores then the conditions of possibility and the possible institutional translations of the deliberative ideal (Cohen, Elster 1994; Habermas 1992). It also widens the field of public discussion to bargaining, persuasion (Garsten, 2006), activism (Young, 2001), or civil disobedience (Ogien and Laugier, 2010).

We would like to take another path of inquiry and challenging the widely accepted definitions of the principles of freedom and collective rationality. Assuming that citizens could diverge not only on the criteria constitutive of virtuous deliberation but also on the reasons and opportunity of pursuing such a deliberation, we propose to examine the place that should be occupied, in democracy, by practices – here referred as "counterdeliberative practices" – perverting or obstructing the conditions of deliberation.

For these questions to be broached, our normative reflection will be founded on an public law and jurisprudence approach of filibustering techniques in the Belgian parliamentary system.

Analyzing the institutional devices with which the Belgian parliamentary system intends (or not) to direct the method of discussion presiding over public debate (quorums, speaking time limitations, amendment regulation, stakeholders hearing), the first part of the paper (I) will explore what we mean by counterdeliberative practices – their object, their shape, their use.

The second part (II) will study how and why the political regimes tolerate, incorporate or, conversely, rule out obstruction practices. Referring to the collected legal material (reports of constituant assemblies, parliamentary debates, notes internal to the political parties, jurisprudence,...), it will clarify the political discourses both at the basis of and proceeding from the institutional treatment of these cases.

A third part (III) will conclude on a normative assessment of these arguments, with a view to justifying the place which counterdeliberative practices must occupy in a legitimate political regime. This section will show to what extent the study of parliamentary obstruction contribute to the reflection on public deliberation (III.1) and egalitarian proceduralism (III.2)

Keywords : non ideal theories of democracy, filibustering, public deliberation, political equality

Bio: John Pitseys has a PhD in Philosophy and a Master of Law. He is Research Fellow at CRISP - *Centre de recherche et d'information socio-politiques*, Belgium. His main research interests are: analysis of democratic systems, institutional organization in Belgium, the European political system.

MATTHEW RENDALL, *Why We Needn't Discount the Future to Enjoy Our Jam Today* (panel 17)

A persistent argument for discounting future costs and benefits is that if we gave the same weight to the future as we do to the present, we would invest nearly all our income, but never get to spend it. Rather than enjoying the fruits of our investment, we would always do better to re-invest them. Tjalling Koopmans (1967: 8-9) warned of the 'paradox of the indefinitely postponed splurge' in which the prospect of greater payoffs prompts an endless cycle of investments. Jan Narveson (1978: 59) calls it 'the 'jam tomorrow' paradox: the benefit is always in the future, and each actual generation is miserable'.

This paper will show that the argument rests on a dubious empirical assumption and mistaken reasoning. The implausible empirical claim is that extreme investment rates would maximize returns even if maintained for a finite period. If we did not run out of resources, we would almost surely run up against ecological constraints (Dasgupta, Mäler and Barrett 1999). Moreover, cultural benefits are inherited from rich and flourishing societies, not those that impoverish themselves for the sake of their descendants.

Suppose, nevertheless, we *could* maintain high growth rates indefinitely through punitive investment rates. The 'jam tomorrow' argument holds we would be obliged to do so because it would maximize expected value. But this would only be true if we could foresee the end of the world and start dis-saving in a timely manner. If we could do this, extreme savings would be optimific, and no 'jam tomorrow' problem would result. Since in the real world we can't, punitive investment rates have very low subjective expected utility, and even without discounting, cost-benefit analysis will not prescribe them.

Koopmans writes that 'too much weight given to generations far into the future turns out to be self-defeating. It does nobody any good' (1967: 9). That is just the point: if it does nobody any good, a cost-benefit analysis won't advise us to do it. We can't benefit the far future by starving ourselves, and even if we could, we wouldn't know when to stop.

Keywords: discounting; intergenerational justice; indefinitely postponed splurge; jam tomorrow; climate change

Bio: Political theorist at the University of Nottingham who works on climate ethics, intergenerational justice and consequentialist moral philosophy. Thanks for taking a look.

CRISTINA ROADEVIN, *What is Forgiveness Emotionally? Forgiveness as deciding to trust* (panel 13)

The main aim of this paper is to make sense of the claim that forgiveness involves a change of heart towards the wrongdoer, and to spell out exactly what this change of heart consists in. I shall argue for the claim that forgiveness involves overcoming retributive emotions or negative attitudes toward the wrongdoer, as a result of having had a change of heart towards the wrongdoer. Drawing on Holton's (1994) notion of 'trust', I propose to understand this change of heart as 'deciding to trust' that the wrongdoer will not repeat the moral offense.

I shall look first at other influential accounts, which have tried to make sense of the 'change of heart' metaphor, in particular to Butler 1896, Hampton 1988 and Bennett 2001. All these accounts portray forgiveness as a correction of our negative exaggerated and unjustified feelings (usually resentment) towards the wrongdoer. When we are wronged, we tend to exacerbate our negative feelings towards the other person, we misperceive what has happened and we tend to see the other person as totally reduced to this particular wrong or as a totally rotten individual (Hampton). These feelings, in turn, are disproportionate to the wrong done to us, which is why they are unjustified. The role of forgiveness then, in these accounts, is to correct for these unjustified feelings, so we can again see the wrongdoer in a more positive light.

What I find unsatisfactory about these accounts is the claim that forgiveness involves overcoming unjustified feelings – feelings that you should not have had in the first place. The problem is that it is not clear why correcting for unjustified feelings should deserve the name of forgiveness.

I argue that an account of forgiveness should make room for the possibility that we can also overcome *warranted* feelings of resentment. The challenge then will be to explain what is involved in overcoming warranted feelings of resentment.

So, what is involved in a change of heart toward my offender where I am justified in feeling resentment and where I do not think my offender is totally rotten? I propose to understand this change of heart in terms of *trusting* or *deciding to trust* that the other person can change their behaviour; in forgiving we give the other person a chance not to do that same thing again, not to repeat the bad behaviour. For example, if my partner cheats on me, I can forgive him when I decide to trust that he will not cheat on me again, even if I do not expect or I do not believe he will not do it again for certain. My decision to trust him on this might have the desirable effect on him – assured by my trust he might come to keep his promise. This, in turn, might make me change my beliefs about his trustworthiness. I might come to the realization that he will not cheat on me again.

Keywords: forgiveness, change of heart, trust, resentment, wrongdoing

Bio: I'm a fourth year PhD student at the University of Sheffield, working on issues of blame, moral responsibility and forgiveness. See below my details:

LISA ROSE, *Democratic Confederalism: local self-government in Rojava after (and during) Syrian uprising of 2011* (panel 6)

Aim of the speech is to apply some philosophic categories, developed starting from Walter Benjamin's *Critique of Violence* to an organizational form, which is currently taking place, the so called 'libertarian municipalism'. It will be considered the self-management of territories of Rojava, north of Syria, after the uprising and the resulting civil war that have led to the weakening of the control on the country by the Syrian president Assad. It will be then analyzed, by the libertarian shift of its leader Öcalan, the PKK change of strategy and the abandonment of the claim to a Kurdish national state.

I will try to verify the practicability of a revolutionary action as described by philosopher Walter Benjamin in his text *Critique of Violence*. This text was chosen on the grounds that it exposes the connection between violence and law in a way that makes it, almost one hundred years later, an unsurpassed study on sovereignty.

From this text, we will attempt to draw a useful criterion to judge those praxis that claim to be revolutionary. In particular we will try to apply the categories deduced from the text on violence to the Syrian Kurdistan context after the so called Syrian "Arab Spring" of 2011. Purpose of this operation is to test a self-organization method, therein where it seems to work, in order to see if – at least in theory – it does not fall into the trap that lies in wait for every revolution: that to resemble what it wanted to fight against.

It is worth mentioning that before the beginning of the rebellions in Syria, Kurds of Rojava had already created some councils and committees and, thereby, they had already began to exercise a radical democratic organization. Starting from June 19, 2012, cities of Kobane, Afrin, Derik and many other places were one by one freed from the regime control; thus the strength of the organization finally revealed itself. Military bases were reconfigured, and the vastly outnumbered regime troops were offered the option to withdraw.

As a consequence of the – relative – security that Rojava enjoys in respect to surrounding regions and, without any doubt, of the solidarity networks and the organizational capability preceding the outbreak of 2011 uprisings, the so called 'Syrian Kurdistan' is not at all populated only by Kurds and it is not homogenous neither in respect to religions, nor to inhabitant's ethnicity. Suffice to think Syria is home to Sunni and Shiite Arabs, Sunni Kurds, Assyrian Christians, Chaldeans, Yezidi Kurds, Armenians, Aramaeans, Chechens, Turkmens,
and many other cultural, religious or ethnic groups. These deep religious and ethnic differences among those who today inhabit Rojava do not constitute a problem for Kurdish liberation movement, but, on the contrary, they tend to confirm the unsuitableness of the nation-state paradigm in a territory as the middle-eastern one.

Keywords*:* Democracy, Middle-east, Benjamin, Arab Spring, Self-government

Bio: Lisa Rose is a Ph.D. student at the University of Trento, Italy. Her research interests focus on transformations of law in the global society; political spaces; processes of subjectivation and dynamics of inclusion/exclusion; modern German philosophy, critical theory and globalization.
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THOMAS ROWE, *When are Risk Impositions of Harm Impermissible?* (panel 9)

Risk impositions of harm are a common feature of modern societies. What makes risk impositions of harm themselves potentially impermissible? Some risky activities are generally seen as permissible, such as car and air travel, whereas other activities such as playing Russian roulette on unsuspecting victims are not. This paper defends an account of what makes some risks of harm potentially impermissible. The account has two parts: 1) that a potentially impermissible risk imposition of harm treats the victim as if they do not possess a valid claim against the risky action, and 2) that the chance of harm itself within such risky actions constitutes a non-material harm.

The paper consists of three sections. Section one considers the relationship between risk and harm. Some hold that risk impositions of harm do not themselves constitute a harm (Perry, 2007), and others argue that they do constitute a harm (Finkelstein, 2003). I argue that either approach has limitations, and follow Oberdiek (2012) in claiming that the harm that risk impositions themselves cause must be a non-material harm. Further, I argue that in order to distinguish between permissible and impermissible risks of harm there must be some reference to the intentions of the risk imposing individual. I argue that there are two desiderata for a plausible account. Firstly, that the harm in question is a non-material one, and secondly, that there is appropriate reference to the intentions of the risk imposing individual.

Section two considers John Oberdiek's (2009; 2012) recent influential account of the moral significance of risk impositions of harm. Oberdiek argues that what makes risks impositions of harm potentially impermissible is that they curtail a person's autonomy by restricting the amount of safe options that they have to pursue. I argue that the autonomy-based account fails to successfully account for the moral significance of risk impositions of harm. Further, I argue that there is insufficient focus on the role of the intentions of the risk imposing individual. As such, the account fails to plausibly meet the two desiderata.

Section three outlines and defends my own account. The first part of the account argues that risky actions are impermissible if they treat the victim as if they do not have a claim against you acting as you do. For example, a person will have a reasonable claim against you playing Russian roulette on her. I argue that this is part of the explanation of why the act is impermissible. The second part of the account draws on the 'fairness of equal chances' literature in order to argue that chances of benefits or burdens can themselves possess (dis)value even if they fail to materialise as material benefits or burdens. I argue that together with the first part of the account, this type of non-material disvalue best captures the reason why some risk impositions of harm are impermissible. I end by demonstrating that my account plausibly meets the two desiderata from section one, and provides a superior alternative to Oberdiek's account.

Keywords: Risk, Harm, Autonomy, Ethics, Legal Theory

Bio: I am a third year PhD student in the philosophy department at the London School of Economics. My undergraduate degree was in PPE at Manchester University and my MA degree as in Political Theory at Sheffield University. My research is on the ethics of risk and uncertainty. I have a strong interest in ethics, political philosophy and legal theory.

SEBASTIÁN RUDAS, *Martha Nussbaum and Steven Wall on Equal Respect, Toleration, and Political Liberalism* (panel 19)

Martha Nussbaum's criticism to 'perfectionist liberalism' is grounded on her understanding of "equal respect." According to her, perfectionist liberalism places a sectarian value that coordinates state's institutional arrangement. Nussbaum's examples of political expressions of perfectionist liberalism are Raz's autonomy-based perfectionism, Bentham's utilitarian liberalism, and moderate versions of religious establishment. Against all these views Nussbaum presents the same criticism: they fail to provide equal respect to all citizens. The superiority of 'political liberalism' is therefore grounded on its restraint from accepting sectarian values as foundational of the institutional arrangement of the state.

Political liberalism's non-foundationalism allows for a conception of toleration that is suitable for addressing contemporary challenges in liberal politics, as diversity is growing due to both increasing immigration from non-Christian countries and social secularization in Christian (western) countries. This form of toleration is more inclusive of what in the literature in political philosophy has been named as the *unreasonable citizen*. Importantly, this form of toleration has very low standards of epistemic reasonableness, requiring only a particular form of ethical reasonableness. In other words, according to the political liberal conception of toleration, it is no business of the state or fellow citizens in political deliberation to analyze the epistemic soundness of the cosmology of, say, Scientology.

Steven Wall defends a version of liberal perfectionism that relies on a robust requirement of epistemic reasonableness. He criticizes Nussbaum's view by arguing that the state adequately respects citizens by respecting their rational capacities, which includes the "capacity to distance themselves from any of the epistemically unreasonable doctrines that they currently affirm."

In this paper, I evaluate Wall's criticism of Nussbaum's non-epistemic understanding of *respect*. The hypothesis I defend is that, while Wall is right in highlighting the importance of introducing (some) epistemic elements to the idea of reasonableness and its related notion of respect (a line of thought also recently defended by Fabienne Peter, and, as I will show, by Rawls himself) he fails to address Nussbaum's bigger project, which consists of defending a *robust* understanding of "equal respect," one that borrows elements from a republican understanding of equal citizenship. Wall's emphasis on the epistemic view of respect fails to guarantee what Nussbaum thinks contemporary states should be ultimately committed to: respecting citizens' deepest commitments of conscience, which is respect to citizens' faculty to search life's ultimate meaning. In other words, Wall fails to see Nussbaum's diagnosis of a need for a definition of a conception of toleration for contemporary politics: that states must honor the commitment to respect citizens' search for meaning and to be able to abide by it.

Ultimately, the paper aims at defending Nussbaum's political liberalism, highlighting the importance of respect in the symbolic domain (avoiding "expressive subordination") and its relation with republican-inspired ideas of "non-domination or non-subordination" (as developed in *Liberty of Conscience*). It presses in two research directions that may be pursued in further work: a) is Nussbaum's diagnosis correct? and b) is her view on equal respect adequately *political*?

Keywords: toleration, political liberalism, perfectionism, equal respect.

Bio: My research focuses on debates on secularism, toleration, and church state separation. I investigate whether mainstream liberal theory provides adequate guidance for institutional arrangements in contexts where dominant and majoritarian churches influence politics. The alternative to mainstream liberal theory that I am advancing is liberal anticlericalism.

RICARDO SILVA, *Normative Necessity and Naturalism* (panel 21)

> "We call 'necessary' 1) (…) the conditions without which good cannot be or come to be, or without which we cannot get rid or be freed of evil (…)" (Aristotle, *Metaphysics*)

According to naturalism, norms are real or natural states of affairs (they can be facts, participate in causal relations and be known by the senses) – in other words, normative terms like 'obligatory' have a definition. But naturalism hasn't be able to provide solutions capable of both 'naturalize' normativity and keep its special features, the normative character.

Skepticism about the compatibility between normative naturalism and the maintenance of normative's special features arises as long as an adequate semantics for normative terms isn't provide. The best known expression of this kind of skepticism is – as Hare, in *The Language of Morals*, as called it – Hume's Law (or the normative equivalent of what Moore as said in *Principia Ethica* about goodness, as Kelsen noted).

Some authors have proposed that the concept of obligation is reducible to the concept of necessary condition. Von Wrigt in *Deontic Logic and the Theory of Conditions* states "to say that something ought to be, or ought to be done, is to state that the being or doing of this thing is a necessary condition (requirement) of something else".

The justification for the above proposal is the intuition that when one says '*x* is obligatory' or '*x* ought to exist', one wants to express an imposition or a force that leaves no alternative. Those phrases can be replaced by the phrase '*x* has to exist', becoming evident the absent of alternative. So the phrase '*x* has to exist' states a necessity: '*x* is obligatory' is reducible to '*x* is necessary'.

If the good is he end of the ought, then necessity we are speaking about has to be unconditional. This is the kantian inspired account of normativity: '*x* is obligatory' means '*x* is necessary (period)'. If necessity we are speaking about is conditional, then the good is not the end of the ought. This is the utilitarian inspired account of normativity: '*x* is obligatory' means '*x* is necessary for *y*'.

Therefore, we have a dilemma: either the utilitarian inspired account is true, with an adequate semantics for normative terms but losing the meaning of 'good' which is relevant to Ethics; or the kantian inspired account is true, keeping the meaning of 'good' which is relevant to Ethics but with an inadequate semantics for normative terms – in Von Wright words "that which necessarily is the case is also as a matter of fact the case; but that which ought to be the case is far from being always actually the case".

I argue that this is a false dilemma: ought is conditional and the good is its end. Therefore, the consequent (the '*y*') is the good itself and not other state of affairs like *x*: 'If *x* doesn't occur, then the good won´t be realized'.

Keywords: Normative Necessity; Naturalism; The Good; Kantianism; Utilitarianism

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SHIVPRASAD SWAMINATHAN, *A Subjective Source of Normativity of Law: Prolegomena to an Apology* (panel 21)

In the metaethical literature, two views are taken on the nature of morality from which flow two views about moral bindingness or normativity: the impinging model based on a cognitivist and the projectivist model based on a non-cognitivist metaethic. The cognitivist camp asserts the existence of objective moral requirements which our moral judgments claim to track. These truths "impinge" on us to borrow Simon Blackburn's term. The non-cognitivist camp, in contrast, claims that our moral judgments are an expression or projection of our subjective attitudes. The bindingness of morality according to the impinging model is a function of the objective moral standards; according to the projectivist model it is nothing but the motivational pull exerted by a moral judgment owing to the attitude underlying it. From this follow the impinging and projectivist models of normativity of law: a successful account of the normativity of law is meant to establish how legal requirements come to be morally binding. On the impinging model, the source of normativity of law is objective moral standards and on the projectivist model, the source of normativity is the subjective attitudes of agents subject to it. An overwhelming majority of contemporary legal philosophers have an unspoken adherence to a cognitivist metaethic and the impinging model of normativity of law emerging from it. The projectivist model of normativity of law which was pioneered by the Scandinavian Legal Realists and used to be prominent in the first half of the 20th century has hardly any backers among contemporary legal philosophers, with the exception of some recent scholarship proposing a reading of Hart's internal point of view along non-cognitivist lines.

Here is the biggest hurdle in the way of the projectivist account of normativity of law being thought plausible; qua morality, a subjective attitude is thought to be too flimsy to bind agents uniformly. An analogous objection to the projectivist account of normativity of law has been invoked. If the law is morally binding, it must uniformly bind all subjects; and as on the projectivist model, the source of normativity is a subjective attitude of approval, it leads to the result—seen by the cognitivists as deeply problematic—that the law could be binding for some and not for others. Taking an attitude of moral approval towards the law is, after all, contingent on the agent's subjective attitudinal set, and no projectivist account could ever be in a position to ensure that people have uniform attitudes towards the law. But this, it will be argued, can only be thought to be an exclusive problem for the projectivist account if one supposes that the objective 'source' of normativity on an impinging account operates as an "apodictic" device—in the sense that Rorty used the term—that could non-contingently ensure uniformity of moral commitments towards an objectively morally binding law; as a uniform source of normativity that causes agents to make certain moral judgments though some ineluctable power. But since belief in such an apodictic device is unwarranted, it will be argued that the projectivist model is not any worse off than the impinging model. This is not meant to be a complete defence of the projectivist account of the normativity of law but a plea to bring it back in the reckoning—a prolegomena to an apology, as it were.

Keywords: non-cognitivism, projectivism, attitude of approval, normativity of law, uniform bindingness

Bio: I am Associate Professor at Jindal Global University (Delhi). I was awarded the D. Phil in Law (Jurisprudence) by the University of Oxford in 2013. B.S.L., LL.B (ILS-Pune); B.C.L (Oxford); D. Phil (Oxford) Associate Professor & Executive Director, Centre on Public Law and Jurisprudence Jindal Global Law School, O.P. Jindal Global University, NCR Delhi, India

TIMOTHY SYME, *An internal critique of effective altruism* (panel 25)

Effective altruism is a philosophical and social movement that advocates evidence-based charitable giving that aims to save as many lives as possible. I argue that this interpretation of effective altruism fails to take into account the direct contributions to structural harms that donors may make in the course of earning and controlling wealth. My critique addresses effective altruism on its own terms, appealing to considerations of urgent harm and epistemic virtue rather than injustice or paternalism.

In order to acquire and control significant wealth that they can then give to effective charities, individuals have to participate in prevailing economic and political practices, such as by having bank accounts or working for a rich corporation. Some or all of these economic practices may themselves be very harmful, causing many premature deaths by way of poverty and the like. If this is the case, participation could contribute to unnecessary deaths that match or outnumber the lives saved through charity. I argue that it is more difficult than effective altruists have acknowledged to weigh the good done by charity against any harm donors do in acquiring and controlling wealth.

It is difficult to measure individuals' impact on collectively produced outcomes, especially when the numbers are large and the outcomes seemingly over-determined. This includes those of charity and structural harm, which rely upon or are caused by prevailing social practices and so upon the contributions of innumerable people. Effective altruism avoids this difficulty by using marginal analysis, which measures the impact of a single additional unit of something, such as a charitable contribution. It holds fixed the motives and reasoning of other actors, such as their desire to purchase a good at a certain price or take a job with a certain salary. I argue that marginal analysis is unsuitable for the evaluation of contributions to harmful structures or efforts at social change, because these contributions work to either maintain or alter the prevailing patterns of motivation and reasoning that underpin social structures.

I also argue that current epistemic practices systematically mask the harms done by contributions to harmful economic practices, such as working for a wealthy corporation, while and by highlighting the size of monetary contributions, such as salaries and charitable donations. The impact of a charitable contribution can be measured in terms of how effectively it turns money into lives saved. There is, currently, no such convenient quantitative metric for measuring, say, the impact on climate change of the professional efforts of a single oil-company employee; the extent to which everyday financial transactions help sustain a harmful economic system; or the impact of political organizing on social change.

The evidence gathering practices that effective altruists rely on may therefore both contribute to structural harms by masking the impact of individual contributions and mislead effective altruists about how they can do most good. In order to have confidence in the effectiveness of their altruistic efforts, potential philanthropists must also critically evaluate the epistemic tools they use to evaluate their own actions.

Keywords: Charity, structural harm, collective action, social epistemology.

Bio: A recent a graduate of Brown University, Tim Syme completed his doctoral work on the implications for justice of individuals' everyday actions and choices. Originally from Scotland, he is now a Teaching Fellow at IE University in Madrid.

RAFAEL VAN DAMME, *The state of exception's sacrificial blueprint*

René Girard claims that order is founded upon a sacrificial crisis. In tribal societies, the effect of extreme threats, like natural disasters or a blood feud spiraling out of control, was the dissolution of symbolic social distinctions. In the end this crisis entails a *bellum omnium contra omnes*: when husbands are killing wives, sons are slaying fathers, symbolic barriers and proto-legal principles canalizing behavior have lost their significance. The only way to preserve the community is to curb the opposition of all against all into an opposition of all against one, by irrationally casting blame for the crisis on a scapegoat, a marginal figure whose alleged guilt is 'evident' to all, and whose alleged terrific powers over life and death of the community are God-like. By collectively excluding or killing the scapegoat, social cohesion, peace and harmony have been reestablished, and a new order is founded on the victim's death. This sacrificial crisis is reenacted in rituals, which display both the crisis and the dissolution of order (a temporary suspension of taboo or proto-legal prohibitions), as its bloody culmination in sacrifice.
Throughout history, the doctrines of the state of exception as described by the legal historian Saint-Bonnet, seem to have a lot in common with Girard's sacrificial crisis: there is *a suspension of order*, because social order is facing *an existential threat* which normal procedures can't deal with. The *survival of the community* is the end of these doctrines, whose means are succinctly petrified in the adagium '*pro patria mori*'. Just as the belief in the scapegoat's 'evident' guilt and terrifying power is mimetically shared by all, and blame is casted irrationally, the state of exception portrays an emotional infrastructure of a *quasi-unanimously felt evident necessity*, "un *sentiment de terreur*" (Saint-Bonnet) that *paralyses reason* but asks for *vigorous action*. Furthermore, Saint-Bonnet mentions a *fusion of the political community, acting as one body*, whereby *social distinctions are blurred*.
The history of the *ius commune*'s criminal law (+-12th-18th century) provides further clues for a possible sacrificial blueprint in state of exception doctrines. To tackle exceptional crimes like heresy and lese-majesty, conceived as posing an *existential threat to society*, the prince or the judge as his proxy could decide upon exceptional measures. For *reasons of state*, these implied a partial *suspension of procedural law*, hereby heavily eroding the rights of defense. Torturing almost at will, persecutors could obtain *evidence* of *alleged guilt* by confessions from *people irrationally deemed to have terrifying powers* (e.g. witches). As any crime could be arbitrarily relabeled as lese-majesty, "l'état permanent d'exception potentielle" (Théry) is a hallmark of the ancien régime's penal system. The "spectacle of suffering" (Spierenburg) wherein these exceptional criminal trials could result has strong sacrificial undertones. A suspension of criminal law's legal order might therefore be a relapse into an age-old sacrificial order in Girardian terms.

Key Words: René Girard, State of exception, Sacrifice, History, theory and philosophy of criminal law, Reason of state

Bio: 2012-2013: PhD-student at the Max Planck Institute for European Legal History, Frankfurt
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ANTHONY TAYLOR, *Public Reason and the Scope of Natural Duties* (panel 7)

The ideal of public reason requires that the rules or principles governing social cooperation be made justifiable to the reasonable citizens who live under them. This ideal is typically understood as placing stringent restrictions on the reasons that citizens and legislators may appeal to when advocating and voting for political positions. Claims that are the object of reasonable disagreement—which include metaphysical claims and claims about what constitutes a good or flourishing life, among others—cannot be appealed to as justifications in various political processes without falling afoul of the ideal.

These stringent restrictions are sometimes thought to generate various problems when it comes to questions about how we ought to treat beings whose moral status is contested, such as foetuses and non-human animals. These problems echo a more general concern about the ability of social contract theories to provide a satisfactory account of how we ought to treat those who are not fully cooperating members of society.

In this exploratory paper, I examine what can be said about the scope of moral status within the constraints of public reason. The first key move is to argue that the political conceptions of justice which set the content of public reason must include natural duties that go beyond a requirement to support and further just institutions: duties to aid and to refrain from harming and injuring others. While the status of natural duties within political liberal theories is far from clear, I believe that exploring their relationship to public reason is necessary to reach a satisfactory view about how we ought to treat beings whose moral status is contested, and can be shown to be consistent with the underlying ideas of the philosophical project. Once this claim has been established, the question of the scope of moral status is appropriately framed as a question about the set of beings whose protection falls under the scope of these duties within political conceptions of justice. With this in mind, I go on to argue that within the constraints of public reason a variety of considerations can be adduced to debate the moral status of beings whose status is contested. I then sketch an outline of an account of which claims to moral status all political conceptions must acknowledge. Finally, I conclude by responding to the objection that an account of this nature, even if it can vindicate a variety of claims to moral status, inevitably does so for the wrong kind of reason.

Keywords: Liberalism; Moral status; Natural duties

Bio: I am a DPhil candidate in Political Philosophy at Nuffield College, Oxford. I am writing a thesis public reason and the foundations of liberal rights.

ASHLEY TAYLOR, *Consent: Breaking the Magician`s Code* (panel 8)

Consent is usually taken to be normatively transformative: an act that would ordinarily be wrong can become permissible when consent is given. This transformation is called the 'moral magic' of consent. The view relies on a strongly voluntarist account of consent whereby consent is transformative because of the autonomous choice it represents. The voluntarist account of consent must posit limiting conditions to consent in order to ensure autonomy: the agent consenting must have appropriate knowledge and competence; the act being consented to cannot be grossly immoral; and the consent cannot be coerced. These limiting conditions, however, are incompatible with a number of cases which seem like consent, but which do not fit the voluntarist model; for instance, the cases of the German who wanted to be eaten because of a keen interest in cannibalism, and many S&M practices.

Against the voluntarist view I argue that consent is of normative significance because of the kind of intentionality it involves and its impact on our moral standing. The paper proceeds by first, developing and defending a descriptive account of the necessary features of consent. This description includes a robust intention regarding moral claims, communicative intent (though not necessarily success), and sometimes reliance. One upshot of my account is that the limiting conditions on the voluntarist account of consent are transformed and mostly abandoned; I argue that this fits better with our intuitions about consent and avoids many problem cases.

After presenting my deflationary account of consent I argue that the normative work of consent is actually being done by the agent's intent to not make ordinary moral claims in a particular context. It is the agent's mental act of deciding not to press these claims, whatever they may be, that gives consent its normatively transformative force. In other words, there is no moral magic. This holds for both tacit and explicit consent. I next argue that there is a second, weaker normative aspect to consent if it has been successfully communicated, which is a kind of reliance. As with other acts of reliance, it is prima facie wrong to betray this reliance, but the force of this normative claim is very weak as individuals often consent to immoral acts, which all things considered, a person ought not do.

I close my paper with the suggestion that it is possible that the voluntarist account is not always wrong, but only appropriate in limited contexts. I argue that we can use context specific judgments about when autonomy-consent should be considered useful. I finally suggest that this distinction between consent and autonomy-consent might offer a solution to Estlund's puzzle of normative consent which asks under what conditions non-consent can sometimes be null and under which it cannot.

Keywords: consent, intention, voluntarism, moral standing, reliance

Bio: I am a lecturer in political philosophy at the University of Sheffield. I accepted this post after a year at the University of Toronto. I completed my PhD in 2014 at the University of Edinburgh. My research interests are primarily in social and political philosophy.

ISAAC TAYLOR, *The Principle of Fairness and the Scope of Political Obligation* (panel 22)

The principle of fairness is a moral principle that many philosophers have appealed to in an effort to explain why citizens have political obligations. At its most basic level, the principle says that agents who benefit from the costly efforts of others are required to reciprocate that benefit by taking on similar costs. Since individuals benefit from their co-citizens obeying the law of their state – through paying taxes to fund various public goods, for example – it is thought that those individuals have obligations to take on similar costs and obey the law as well.

The principle of fairness has faced a number of powerful objections, most notably a series of counter-examples put forward by Robert Nozick. If the principle of fairness generates obligations to obey the law, says Nozick, why not obligations to pay for unwanted books that are forced into your hands, or to contribute towards a PA system that broadcasts entertainment across your neighbourhood? If the principle generates political obligations, it would equally appear to generate obligations in these sorts of cases, and this is taken to show that it is intuitively implausible.

In response to these counter-examples, proponents of the principle have placed a number of conditions on its application to avoid the principle generating obligations in these cases. It has been suggested that the principle only applies with respect to non-excludable benefits; that the principle only applies when the costs and benefits of cooperation are fairly distributed; that the principle only generates obligations when individuals accept the benefits in question; and/or the principle only applies when the benefits supplied are of a particularly urgent variety. Yet in placing these conditions on the principle's application, theorists have severely limited its ability to explain the full range of obligations that modern states purport to generate for their citizens. It would seem as if the principle can only justify obligations to support a small number of central state functions and not, for example, the provision of public parks, free education, or macroeconomic efforts to stabilise the economy. These theorists have thus sought to either supplement the principle with other moral principles, or abandoned it altogether as a way of explaining political obligations.

In this paper, I argue that fewer conditions need to be placed on the principle of fairness than has been supposed. While many theorists appeal to the condition that costs and benefits must be fairly shared, they rarely discuss what such a distribution would look like. I will seek to defend a plausible requirement of distributive justice for these costs and benefits, and argue that if such a requirement is met, we can avoid the implausible implications that Nozick's counter-examples suggest without appealing to more expansive conditions. The principle of fairness will thus be shown to be able to play a larger role in explaining political obligation that has previously been thought.

Keywords: principle of fairness; political obligation; public goods; distributive justice; Robert Nozick

Bio: Isaac Taylor is a Postdoctoral Fellow at the Centre for Advanced Studies? Justitia Amplificata?, Goethe University Frankfurt. He is interested in global justice, the ethics of armed conflict and normative issues surrounding the supply of public goods, and has recently published work in CRISPP and Res Publica.

VANESSA WILLS, *"False Consciousness" and the Politics of Belief and Desire* (panel 3)

Most of us will admit all too close familiarity with the phenomenon of having and being motivated by false beliefs or counterproductive desires (there are times, it seems, when we do not really want what we want). Yet, our beliefs and desires are of course quite real, and seemingly as well known to us as anything is to anyone. The apparent contradiction cannot be resolved at the level of thought about individual idea-formation. A renewed political theory of False Consciousness is needed to explain the mechanisms by which individual, subjective beliefs and desires are shaped by, and in turn uphold, objective, socially reproduced structures of oppression, even in spite of the interests and intentions of believing and desiring subjects.

A political theory of False Consciousness primarily concerns second-order beliefs about the causes of our mental states and their relationship to the external world. One believes *that* others are racially inferior, for example, but lacks insight into the array of social forces that have produced that belief. The role of external forces operating on our minds, but independently of our minds, is obscured. Yet, many beliefs formed under the influence of False Consciousness are in an important sense "true," encoding information about the real arrangement of the social world in which members of particular social groups are relegated to inferior status.

The most important corrective to False Consciousness, then, is not better epistemic hygiene at the individual level (although this helps), but rather transformative social practice that makes plain the role of human agency in producing the world that human consciousness is consciousness of, and that can act as a guide in directing human agency toward the production of a more just world.

Highlighting the inherently political implications of social epistemology, False Consciousness must be theorized as a process of belief-formation that routinely and systematically mistakes a partial, inverted perspective for a freely, autonomously produced "view from nowhere." False Consciousness is worse than merely false belief: it bolsters and lends theoretical support to the unjust material conditions that give rise to flawed belief about, for example, the value of human persons.

A theory of False Consciousness is indispensable in theorizing the relationship between partial, situated subjective experience and objective knowledge of the external world. It allows one to account for the truth—truths, even—of partial perspectives, without denying the existence of an objective reality giving rise to experience and grounding belief, and while generating an account of belief that can act as an aid in the struggle to end oppression and exploitation.

Keywords: False Consciousness; Social Epistemology; Oppression; Ethics of Belief; Racism

Bio: I am Assistant Professor of Philosophy at The George Washington University in Washington, DC, USA. I would like to submit the attached proposal for consideration for inclusion on the program of BMEPP VII.

MATS VOLBERG, *Conditions for Disagreement* (panel 19)

Large portions of contemporary political philosophy are dedicated to the question of disagreement. In most general terms the question people seek to answer is this: "How we ought to organize our political institutions in the context of wide disagreement on the conceptions of good?" If we simplify things a little we could say that within liberalism in general terms the most popular answer is instituting some set of special rules for public justification, in other words some model of public reason. Such solutions try to work around the disagreement when justifying laws and policy by, for example, avoiding certain types of reasons. Despite numerous differences concerning the scope, the constituency, the content, and the structure of such public reason models one common assumption is that "there is deep and intractable disagreement amongst some people, and this disagreement is not simply the result of irrationality, prejudice, or self-interest, but rather arises as a result of the normal functioning of human reasoning under reasonably favorable conditions" (Quong 2013). This has led to a situation that very little, if any, attention is paid to agreement in this context and this is the void I want to fill. First, I intend to show that because of their focus on disagreement many of the public reason models proposed would not yield satisfactory results in situations of agreement. I will look at the theories of John Rawls (1993), Charles Larmore (1987, 1996) and Gerald Gaus (2011) in more detail. Second, I aim to show that not only is it required for a liberal to take into account disagreements but also that maintaining the conditions for disagreement (in the face of agreement) play a vital role in any public reason model. Meaning that we should not think of deep and persistent disagreements of the conception of the good as merely obstacles to overcome but also as a premise for a legitimate liberal state.

Keywords: disagreement, public reason, public justification, John Rawls, Charles Larmore, Gerald Gaus

Short bio: I defended my PhD thesis titled "The Foundation and Nature of Contemporary Liberalism" in University of York in 2015. In it I examined closely the ida of persons as free and equal and how that provides a grounding for liberalism which cannot be perfectionist. Currently I am working as a researcher in Department of Philosophy at University of Tartu. My main research interest are in disagreements in political philosophy.

BEKKA WILLIAMS, *Dementia and Prior Sexual Consent* (Panel 2)

In 2015, Henry Rayhons was charged with third-degree sexual abuse of his wife, who at the time of the alleged abuse was suffering from advanced Alzheimer's-related dementia. Prosecutors argued that Rayhons was guilty of sexual abuse on the grounds that he engaged in sexual activity with his wife after being clearly informed by the doctor heading her care team that Mrs. Rayhons no longer had the capacity to consent to sexual activity.

While Mr. Rayhons was acquitted, his case highlights important ethical and legal questions regarding consent and dementia. In this paper I focus on the ethical questions. I begin by arguing against the view that in cases of advanced dementia, it is always best to "err on the side of caution" and assume that valid consent is not in place. This assumption is problematic, I claim, because many individuals with progressive dementia have a significant interest in retaining access to sexual interaction with others.

I then argue against a family of views according to which consent is not always a necessary condition of permissible sexual activity in long-term sexual relationships—in particular (i) the view that long-term sexual interaction throughout a marriage undercuts the need for ongoing consent, and (ii) David Archard's view that some long-term intimate relationships are "beyond consent". The resulting difficulty is how to require (mutual) consent for permissible sexual interaction with individuals who have lost the capacity to consent while at the same time not automatically disallowing these individuals from sexual interaction with others.

I attempt to solve this difficulty by appealing to the validity of *prior consent*. I defend what I call the Prior Consent Principle: If S at t_1 knows that S at t_2 will lack the capacity to consent to φ, and morally permissible φ-ing requires valid consent, and S at t_1 has a non-trivial interest in S at t_2 having the opportunity to φ, then there is very strong (yet nonetheless defeasible) reason to hold that S's t_1 consent to t_2 φ is valid. In defending this principle, I appeal to both intuitions about and current practice regarding dementia and non-sexual consent, especially consent to future medical intervention.

After defending the general Prior Consent Principle, I argue that it yields that there is strong (yet defeasible) reason to hold that, in at least some cases, prior consent to future sexual activity given by an individual with progressive dementia is valid. I then argue that while this strong reason may be defeated in some *individual* cases, there is no plausible *general* defeating condition that applies across the board to future-oriented sexual consent given by those with progressive dementia.

Thus, I claim, the Prior Consent Principle provides a plausible strategy for allowing those with progressive dementia to retain control over their sexual lives and opportunities; and I conclude by briefly explaining the advantages of the prior consent approach over a related potential approach which appeals to *hypothetical* consent.

Keywords: dementia consent sex autonomy personal identity

Bio: Received a Ph.D. from the University of Wisconsin-Madison in 2013, after which she taught as a Visiting Assistant Professor at the University of Arkansas for two years. Bekka is now an Assistant Professor of Philosophy at Minnesota State University, Mankato. She teaches Business Ethics and Introduction to Ethics, as well as upper-level courses in ethical theory, applied ethics, and social-political philosophy. Bekka's current research interests are divided between metaethics, group obligation, and various issues in applied ethics. Her metaethical interests are primarily focused on pro tanto obligation and residual obligation. Bekka has recently been teaching an upper-level course on Sex and Ethics, and this has sparked her interest in sexual consent and diminished capacity.

PHANOMKORN YOTHASORN, *Under the General Will: on the Place of Dissenting Opinions in Rousseau's Political Thought* (panel 4)

The influence of the social contract theory on modern politics is fundamental. It is seen as a reasonable answer to the question of political legitimacy as well as political obligation which has been a major concern in modern politics. In other words, social contract theory is put forward to serve as a foundation of modern states and a justification to their existence. Furthermore, it also defines the rights of an individual when she enters a contract, thus becomes a citizen. J.J. Rousseau's social contract theory has been prominent in this regard, as, via this theory, he offers a legitimate, lawful, and complete rule of civil administration. What's distinct about Rousseau is that, unlike other major social contract theorists, he places the states and the legislator as a protector and facilitator of not only the interests of the people, but of the general will, namely the common good which transcends particular wills of any private individuals. This concept has always been subject of both philosophical and historical debates due to its ambiguity and how its application resulted in bloodshed and terror during major political change. The literature on Rousseau's concept of the general will and the social contract, both for or against Rousseau, concerns generally the legitimacy of Rousseau's idea of general will, and how, if at all possible, to achieve it. This paper will try taking a different, more pragmatic approach by considering the idea of the general will or what comes closest to it, which seems to be at play in politics in reality. We do live in a world that strives for a general consensus that should be good and thus supported by all members of the society; although it is often regarded impossible. It has become a crucial problem not only what the general will is but how an individual is to live in a modern society where individual opinions vary yet universal consensus is deemed essential. This paper will attempt to extract some answers by scrutinising Rousseau's thought, as his theory offers an analysis not only on general will but also the becoming of it. The focus will be on Rousseau's handling of dissenting opinions. This paper will reexamine the traditional, rationalist interpretation which contends that dissenters are merely those who have not understood the universal good of the public. In this case, education and persuasion are the appropriate means. The paper will offer textual support for this point of view. However, it will be put forward that Rousseau in fact has not neglect the individual, both on a social and psychological level. According to Rousseau, an individual is to be made a part of the community, however, it will be pointed out that Rousseau gives room for diversity as well as change, and that the public good is in some degree open for interpretation. The main texts for analysis will be Rousseau's *S ocial Contract* and the *G eneva Manuscript*; however, much attention will be given to other writings that illuminates the nature of man as human beings and as a member of a political community.

Keywords: Jean-Jacques Rousseau, general will, private wills, social contract, dissent

Short Bio: Is a philosophy lecturer at College of Interdisciplinary Studies, Thammasat University in Bangkok, Thailand. Phanomkorn received her MA in History of Political Thought. Her research interests are centred around early modern intellectual history and philosophy of the Enlightenment.

DAVID HERNANDEZ ZAMBRANO, *Sovereignty and international law: the perils for social rights* (panel 11)

The main issue I address with the paper is the role of sovereignty in the protection of social rights, in third world countries. The paper advances a normative view on the problem on how distributive justice can help to forward social rights, taking into account the importance of the relation between sovereignty and international law.

The main conclusion of the paper is that distributive justice, as a means to grant social rights in the third-world countries, especially for the worst off, in necessarily connected to the claim of sovereignty over economic matters. Countries are held responsible for the protection of rights through the state action and legislation but, due to international interdependence, third world countries are not free to decide on economic matters: sometimes willingly, but several times because of international pressure, these countries instantiate cuts on public budget, austerity measures, and privatization of public resources and services which in turn, make the protection of social rights a non-feasible enterprise. That being the case, states do not have much liberty on regulating economy, they would just have legislation, especially the one about taxation but, then, due to economic pressures, that legislation is modified or created from the basis of advice of richer countries that depend of poor countries' resources (human and natural) and the claims and advice from private corporations that have also economic interests involved.

Nevertheless, the paper does not endorse neither a claim for absolute sovereignty of third world countries over economy, nor a straightforward affirmation of the victimization of third world countries by first world countries. The reason for this restriction is double: on one side, given the globalization of the contemporary world, absolute sovereignty is not a feasible proposal. Also, and even more important, the claim for absolute sovereignty (even in the case of democracies) leaves open the possibility for oppression of minorities, proliferation of corruption and of the neglect of social rights, especially for the worst off. On the other side, even accepting, in the paper, that international influence over third world countries sometimes is an obstacle for the protection of social rights in those countries, due especially to the so called soft law, it is important to acknowledge the relevance of its participation if distributive justice is to be brought out of the purely national perspective. The emphasis on the necessity of introducing distributive justice in the international sphere is made because given that rights protection has global causes and consequences, and given the lack of resources of several countries, international action, based on a clear normative perspective, is needed to guarantee social rights in third world countries.

Keywords: Sovereignty, distributive justice, international law, rights, self-determination

Bio: I am a PhD student working mainly on topics of ethics, and legal and political philosophy. I studied philosophy and did my research masters in political philosophy at Universidad del Rosario, and worked as a lecturer in that university until the beginning of my PhD.

The Ethics of Dissent: Civil Disobedience, Conscientious Objection, and Whistleblowing

ERIC R. BOOT, *Classified Public Whistleblowing: when does a pro tanto wrong become right overall?* (panel 15)

The subject of my talk is *classified public whistleblowing*, that is, the *pro tanto* wrongful act of unauthorized disclosures of classified government information to the public by a civil servant which, however, may become right *overall* if certain criteria are met. The main questions I will answer are:

1. Why is classified public whistleblowing a *pro tanto* wrong?
2. Under what conditions may it become right overall?

In answering these questions I presuppose (near)ideal circumstances, in which the state is reasonably just and democratic, but in which cases of grave injustice may still occur. In such circumstances, I argue, whistleblowing is a *pro tanto* wrong, because it constitutes a breach of (1) promissory obligations, (2) role obligations and (3) the obligation to respect the democratic allocation of power.

Ad 1: As you benefit from a just institution of promising, when you make a promise under this institution you incur an obligation to uphold the institution by keeping your promise, lest you become a free-rider. Consequently, by signing a confidentiality agreement, civil servants incur a *pro tanto* obligation to refrain from whistleblowing.

Ad 2: The scope of role obligations is limited to those who have taken on the role. Furthermore, the content of role obligations is determined by the institutional role in question. Finally, the normative force of role obligations issues from the role itself. Role obligations do, therefore, not rely on external moral justification. Consequently, role agents, e.g. civil servants, may be *pro tanto* obligated to perform acts they consider to be wrong. In such cases, the norms of their institutional role command them to perform a particular action, which they, on the basis of external moral norms, reject.

Ad 3: Whistleblowers usurp the power to decide what does and does not fall within the bounds of legitimate state secrecy, whereas this is properly the prerogative of our democratically elected officials. These officials have received a mandate from the people to decide upon matters of state secrecy, whereas those involved in unauthorized disclosures have been elected neither by the people nor by its representatives.

As a *pro tanto* obligation, the obligation to refrain from whistleblowing is liable to be defeated by countervailing moral reasons, rendering the unauthorized disclosure right overall. This obligation, I maintain, is defeated when the information disclosed demonstrates grave moral wrongdoing that threatens the public interest, *and* if such disclosures are executed in the proper manner. This "grave wrongdoing" should be interpreted both in a liberal and in a republican manner. That is, both violations of fundamental rights and threats to the democratic process – i.e., when the vast scope of state secrecy threatens the process of democratic deliberation and consent – present us with moral reasons that allow us to override our obligation to refrain from whistleblowing. Such justified cases of whistleblowing must, furthermore, be executed correctly, which entails respecting three further *procedural* criteria:

1. Exhausting alternative means of disclosure before going public;
2. Verifying the authenticity of the information;
3. Minimizing the harm caused by the disclosure.

Keywords: Whistleblowing; civil disobedience; *pro tanto* obligations; democratic theory; rights.

Bio: Eric R. Boot studied philosophy and literary studies at the University of Amsterdam, the Naples Eastern University and the Free University of Berlin. In 2010 he graduated with a MA thesis on the concepts of freedom and responsibility in the works of Kant and Heidegger. As of June 2011 he started work on his PhD in philosophy of law (supervised by prof. dr. Thomas Mertens and dr. Ronald Tinnevelt) at the Faculty of Law of the Radboud University Nijmegen. For the duration of the spring semester 2013 he visited the Department of Philosophy of the University of Pennsylvania as a visiting scholar. His supervisor there was prof. dr. Kok-Chor Tan. Following the completion of his PhD with honors (cum laude) he started work at Leiden University in December 2015 on the three-year postdoctoral project "Unauthorized Disclosures," which is part of the project "Democratic Secrecy: Philosophical Analysis of the Role of Secrecy in Democratic Governance." This project is funded by the European Research Council.

STEFANO CALBOLI, *The Whistleblower Game* (panel 15)

When policymakers select strategies aimed at encouraging the blowing of the whistle their approach is often normative. It means that not only the broad political goal but also the strategy to fulfill it is based on the ground of normative justification. For instance, whistleblowers should be rewarded because their decisions are ethically right and not because rewarding is more effective than do not reward them.
I argue that this kind of approach to strategies could trigger heterogony of ends and could lead policymakers to failure in achieving the political aim. I give an example of this related to the effectiveness of fines in diminishing the occurrence of behaviors fined.
A worry side effect of the normative selection is that it denies the possibility to find out the more effective strategy within those that realize the broad political aim, namely boost the blowing of the whistle. I show this inadequacy of the normative approach through the nudge theory and libertarian paternalism, comparing individual incentives (qui tam) to group incentives.
Instead of a normative approach, I propose a positive and empirical approach in selecting strategies, rooted in the field of experimental economics. It is based on an original economic game (the whistleblower game) in which participants find themselves in a decision environment akin to the decision environment in which whistleblower takes his decision in real life. The structure of the economic game introduced gives us the possibility to act on the cognitive mechanisms that I conjecture underlying the choice of the would-be whistleblower. The whistleblower's utility function defined by both monetary payoff and psychological utilities. I propose three fundamental psychological utilities, that is strong reciprocity – that increase the probability of denunciations – in-group loyalty and worry of social pain, that decrease it.
Comparing the results of different experimental treatments allow us to predict the effectiveness of available strategies and as regards utility function it provides us the theoretical framework to interpret the data. A compelling application is worth mentioning: through the whistleblowing game we are able to verify the failure of the neoclassical economics' prediction on the choice to denounce a wrongdoing or not and proposing an explanation of its failure, that is to shed light on the failure of neoclassical economics to predict decision when both economical and ethics considerations matter.

Keywords: whistleblowing, whistleblowing game experiment, neo-classical economy, libertarian paternalism, whistleblower's utility function.

Bio: Currently I'm a PhD student at the University of Urbino "Carlo Bo". My main area of research is philosophy of economics with particular emphasis on the methodological assumptions of economic theories and how ethicsconcerns can affect economical choices. I have been visiting scholar at Denver University where I conducted an experiment about corruption and whistleblowing and I'm planning to conduct the same experiment at the University of Macao.

GEOFF CALLAGHAN, *What is the Right to Dissent, any way?* (panel 10)

The way scholars speak about the right to dissent often leaves much to be desired. Many authors simply *presume* that the right is so and so, and formulate arguments concerning the adequacy of its protection (by a particular state) on that basis. The problem of course is that seldom (if ever) do we get an explanation for why their initial presumption is credible. Take a recent book by Michael Ratner and Margaret Ratner Kunstler as an example. In *Hell No: Your Right to Dissent in Twenty-First Century America* (2011) the authors equate the right to dissent with the contents of the First Amendment to the U.S. Constitution (p.1). Clearly this amendment has something to do with the right, but there is no prima facie reason to simply accept that it is exhaustively captured by it. As I will show in this paper, there are in fact powerful reasons to think that the right to dissent is a much broader right than what the various elements included in that constitutional provision secure, and this bears important consequences to how it should be discussed.

With this in mind, my goal in the paper is to undertake a robust study of the *content* of the right to dissent such that any future descriptive analysis undertaken on the right will have a much more secure foundation than it has at present. The paper develops in the following way. In part I I examine the nature of dissent itself -- a task far too often overlooked in the literature -- arguing that it can be distinguished from other forms of disagreement on the basis of its group-dependent character. I then, in part II, explain the function played by the right to dissent, both for the right- holder and for society at large, and detail the importance of recognizing the highly contextualized nature of the right. In part III I execute the objective of the paper by offering a systematic analysis of the content of the right to dissent. I argue that it is a much broader right than what is normally attributed to it, including as it does a range of political participation rights, as well as a number of the positive rights typically included in international rights instruments. Finally, I float a somewhat controversial normative claim in part IV, arguing that the broad nature of the right to dissent leads to the surprising, and perhaps even counterintuitive, result that a limitation on a range of the activities most often associated with the right can in fact be justified on the basis of the right itself.

Keywords: Dissent, Rights, Autonomy, Political Participation, Group-Dependence

Bio: I am currently a SSHRC post doctoral fellow at McGill University's Faculty of Law. I obtained my PhD in Philosophy from McMaster University (supervised by Dr. Wil Waluchow) and hold an MSL (Master of Studies in Law) degree from the University of Toronto. I write generally in the area of political dissent, but have published on general jurisprudence, and have a few upcoming publications in the area of constitutional law. Interestingly, I have close affiliations with both keynotes for the conference: Daniel Weinstock is currently supervising my work while at McGill, and Kimberley Brownlee sat as the external on my PhD thesis defense.

JOSÉ COLEN, *Civil Disobedience without contract, nor consensus* (panel 20)

John Rawls famously wrote a serene text on "The justification of Civil Disobedience" in the heat of on the civil rights movement (1969). He addresses the grounds of civil disobedience "in a constitutional democracy" unconcerned, as he himself explains, at that moment with other forms of government. In brief, he asserts the relation between civil disobedience and "the theory of political obligation"—the most difficult problem of political theory according to Isaiah Berlin—referring to a "natural duty" to uphold just institutions, or not to oppose them if they exist. Since a shared conception of justice does not assure the enactment of just laws, Rawls looks for the role of civil disobedience in a democracy, a task certainly made easier by Martin Luther King's mostly pacific stance. The justification itself is subject to certain Kantian conditions, but the assumption is that "in a reasonably affluent democratic society justice becomes the first virtue of institutions" and social arrangements should be modified accordingly. Among the conditions is that "the dissenter" should grant everyone the same right to protest.

Now we must acknowledge that the problem of civil disobedience is nowadays especially relevant in non-democratic countries and almost all involve some form of violence. Moreover, even in a democratic country, one cannot or should not assume that everyone is a well-bred, liberal gentleman, ready to grant others the same right to protest. The cynical case against justice is also to be taken seriously: in fact, the question of civil disobedience is not merely an intellectual question, but often a matter of life and death.

Moreover, the most difficult cases of civil disobedience rest on 'thick' (nationalist, religious, etc.) and not 'thin' conceptions of the good, whose motivations differ widely from Rawls proposal, maybe because many do not live in a reasonably affluent democratic society. We should not however throw the baby out with the bathwater. Rawls was not merely addressing a question of the day, but a difficult problem with a long tradition, because since Plato's *Apology* through Thoreau's *Civil Disobedience* most upholders of civil disobedience espouses the need to prioritize one's conscience over the dictates of laws, while Rawls is probing the limits of such stances.

This paper tries to address the problem of 'conscientious objection' in a war—let's say a just war, using a *reduction ad Hitlerum*. Our starting point is a text of Raymond Aron on the subject. We follow this path because the civil disobedience of the pacifist certainly resists Kantian universalism, if there is a "natural duty" to uphold just institutions, while pacifists are usually motivated by "thick" conceptions of the good or strong moral feelings against the use of force or violence.

Key Words: John Rawls, Raymond Aron, objection of conscience, pacifism, protest.

Bio: Colen has an MBA by IESE (Barcelona) and a PhD in Political Science from IEP (Lisbon) and he is Associate Researcher of Minho University and recurrent guest Professor of IEP (Portuguese Catholic University). He was researcher of CESPRA of the École des Hautes études en Sciences Sociales (Paris) and Visiting Scholar at Notre Dame University (2014), University of Vienna (2015) and Navarra (2016). His most recent books include: Voting, governments and markets (2010);Guide to the Introduction of the Philosophy of History (2011); Facts and Values: A conversation (2012), Platão Absconditus (2013), The Early Moderns (2014) and The Companion to Raymond Aron (2015).

MIQUEL COMAS I OLIVER, ***The e-leaking of secrets as a civil disobedience: the case of WikiLeaks PLC*** **(panel 27)**

This paper evaluates the usefulness of civil disobedience theory to legitimate the e- leaking of secrets, i.e. ethical disclosure of confidential information through ICTs. Admitting that this practice would be only one subtype of online civil disobedience, the case of WikiLeaks is particularly focused (among other "subjects" as Anonymous), because it represents the burst of e-leaking as a rebel action.

To be able to arrive to that point, first, the main definitions of offline civil disobedience are reviewed. After the original but individualistic proposal by Thoreau, the liberal tradition (Rawls, Dworkin) establishes the dominant set of conditions of validity, such as: symbolic, peaceful, responsible, public, etc. We criticize this standpoint thanks to the republican view (Arendt) and by connecting the legitimation of any radical action with the pre-legal relations of recognition. That is, the deliberative democracy (Habermas and beyond) is vindicated as the best normative background to assess the new electronic activists. However, the discursive approach still suffers from some of the same traditional prejudices: the statocentric bias and the repressive stance (Iglesias).

Furthermore, although cyberspace seems a new world for politics, even revolutionary as it transforms a decentred net of communications into a distributed one (de Ugarte), or a linked-bedroom into a totally new public-private sphere (Zafra), the Law that regulates the Internet is very multidimensional, dynamic and precarious. In consequence and secondly, the main difficulties of social struggles on the web are outlined. For instance, the absence of cyber-rights (Padilla, Stallman). This empiric fact constitutes both a target of the new digital fights as one contingent factor to be considered in order to judge the adequacy of all the foresaid justice's criterion.

In fact, when we finally analyse whether WikiLeaks meets those classical requirements of disobedient action, the anonymity (through encryption) and the (partial) decriminalization become acceptable. Regarding the condition of publicity, we take into account the historical example of the Italian, antiglobalization group "Tute Bianche" (White Overalls). As an analogy, it shows how the visibilization of a political conflict can be satisfied without revealing the identity of its participants. Our position is to demand the public knowledge of the disobedient action itself, or of its effects, but not of the people names, which is not mandatory.

As a conclusion, e-leaking can be considered civil disobedience if this praxis is adapted to transnational scale and political theories reconsider the strategic dilemmas around the electronic sphere (basically, its impact on physical integrity). So, publishing of secrets could be a valid method to disobey civilly. But, of course, we only point out but not examine the pressing, various problems about its legality. Because, actually, this interference between technology and legislation poses many questions. For example: the very character of the felonious action (cf. DDoS attack) or the legal validity of the revealed evidence in a criminal trial (therefore, the doctrine of "Fruit of the poisonous tree" must be revalued, as the recent scandal of the Panama Papers confirm).

Keywords: WikiLeaks, civil disobedience, deliberative democracy, Internet, anonymity

Bio: born in Palma (Mallorca), 1981. Philosopher, PhD in Humanities and Social Sciences, teacher in High School, and currently Law student (UNED). His focus of interest are: the theory of deliberative democracy, Contemporary Critical Theory and the impact of ICT on society. Affiliation: Freelance collaborator of the research group "Politics, Labour and Sustainability" (University of the Balearic Islands, Spain). http://www.uib.cat/depart/dfl/pts/portada_eng.htm

GIANLUIGI FIORIGLIO, ***Electronic Civil Disobedience. and Hacker Ethics in the Age of Encryption. Some cues from Neo-Constitutionalism*** **(panel 27)**

Electronic civil disobedience (ECD) is a relatively new topic in the field of civil disobedience. Some requirements should be met to distinguish "traditional" civil disobedience from other forms of protest but there is no general consensus on such requirements: a reflection on ECD may help evolving current theses making reference to recent legal and political theories.

ECD not only challenges the requirement of a protest towards private agents, but also call for further investigation of other key issues: among them, digital violence and the international scale of disobedience. In the Information Society, powers are public and private, and they are in a struggle. The Cyberspace is the battlefield, while public powers try to impose their will on private entities who, as a response, fight back. A paradox is clear: relatively few private entities provide global services and acquire huge amounts of data, but, even if they earn billions processing personal data with no clear and effective policies and often violating the European rules, they try to depict themselves as privacy paladins. States lose the possibility to control communications even when crimes are committed. Thus private powers legitimate themselves as the protectors of fundamental rights even when they violate them and delegitimize States who appear powerless against the economic power of lobbies and technologies. If States are unable to effectively regulate such subjects, can individuals achieve protection when fundamental rights are infringed? And what does happen if such rights are infringed by democratic States?

Making reference to some aspects of neo-constitutionalism, this paper argues that in several cases some ECD actions may violate some rules that are pre-empted by constitutional principles to be pondered with and thus no sanction should be taken (but fidelity to constitutional principles has to be actually assessed), as in some whistleblower cases.

This paper also argues that hackers and hacktivists may play a central role, both as groups and as individuals. The ever growing complexity of both society and technology involves that, as time goes by, relatively few subjects have the expertise to understand what is really going on within the ICTs. Hackers and hacktivists are skilled enough to challenge those public and private powers who aim at building the *Internet of black boxes* more than the Internet of Things: simple user interfaces hide complex and secret codes that are strongly protected by intellectual property rules and by governments' prerogatives. The principles of hacker ethics may help shaping a different Information society, in which collaboration and participation can be effectively achieved using legal and informatics tools but in several cases their actions may be considered as digital protest. Thus it is worth investigating if and under which conditions their acts can be considered civil disobedience ones.

This paper studies electronic civil disobedience, arguing: (i) the necessity to further develop several civil disobedience requirements, making reference to recent legal and political theories (with particular regard to neo-constitutionalism), (ii) the importance of hackers, hacktivists and their ethics, and (iii) the necessity to modernize some hacker ethics principles.

Keywords: electronic civil disobedience, hacktivism, digital dissent, neo-constitutionalism, hacker ethics.

Bio: Gianluigi Fioriglio teaches "Politics and Legal Informatics" (Sapienza University of Rome) and is teaching assistant for the Chairs of Political Philosophy (Sapienza) and Legal Informatics (University of Bologna). He has been Max Weber Fellow (European University Institute) and lectured in several international and national conferences and seminars (among them: IVR World Congress, IVR UK, SIFD, EUI, London School of Economics, MIT). He is author of three books and more than forty publications in the fields of legal informatics and philosophy of law.

MILAN HANYS, *Whistleblowing and Civil Disobedience from Hannah Arendt's Viewpoint* (panel 20)

Based on Arendt's essay *Civil disobedience*, the paper argues that civil disobedience has three specific features. (1) It is a political action of dissenting minor group arising from their shared opinion. Civil disobedience is neither identical with an act of conscientious objection, nor must a disobedient be willing to accept punishment. Conscientious objection is an act of an individual based in his private moral conviction and is motivated by, as it were, care for the individual soul or conscience. Civil disobedience is on the other hand an action of a group motivated by care for the shared world, and arises not from a private inner conviction but rather from a shared public opinion communicated through language. (2) Although civil disobedience is a dissenting action consisting of transgressing a law, it may be a useful tool of approaching public consensus. The very action of civil disobedience is based on so called *consesus universalis*, i.e. on a general consent of every citizen and on mutual agreement and promise that constitute a political body. (3) Civil disobedience significantly differs from a mere criminal activity. While the success of a criminal action is based on secrecy of goals and actions, civil disobedience is a publicly visible communicative action whose aim is to change the world and pursue some public good. It is thus not primarily bounded to self-interest as a criminal activity. Civil disobedience is thus a public political action motivated by care for the shared political world rather than by private interests. The question of the paper is, whether these features of civil disobedience, as described by Hannah Arendt, are meaningfully applicable to whistleblowing. The paper argues that whistleblowing is a political action of an individual with exclusive information of public relevance. Although it could be an action of transgression of the law, it is primarily a communicative political action motivated by care for the world. For whistleblowing in its purest form is a political and not moral action (the same is true for civil disobedience), the paper claims that it is not legitimate to expect from an actor be willing to accept punishment. Rather than criminalize whistleblowing and civil disobedience we should see them – in the Arendtian sense – as dissenting political actions which are rare expressions of human action and freedom in the sense of her book *The Human Condition*. Both whistleblowing and civil disobedience are thus political communicative actions, whose aim is to influence and change public opinion, to inform about some important ruptures in the consensus universalis, or about transgressing the constitution and law. In the deeper sense civil disobedience and whistleblowing are extreme forms of political actions that could enable political institution to survive in the situation of dramatic institutional changes and of increasing disrespect for constitutional guarantees of individual rights and freedoms.
Keywords: civil disobedience; whistleblowing; Hannah Arendt; political theory; promise
I am a post-doc lecturer at the Faculty of Humanities, Charles University in Prague. I studied in anthropology, philosophy and social sciences in Prague, Dresden and Bayreuth. I did my Ph.D. in 2014 on the Apostle Paul's Political Theology and Its Reception in Comtemporary Philosophy and I published the book in Czech language on the same topic as well as a few articles in Czech on Nietzsche, Hannah Arendt and Paul. I am currently teaching philosophy and anthropology (reading courses on ethics, Kant, Plato and philosophy of religion) and I am a researcher of the Centre for phenomenological research at Charles University.

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TINE HINDKJAER MADSEN, *Does a justification of civil disobedience require a just cause?* (panel 5)

According to a 1960s civil rights movement slogan, political dissenters were *speaking truth to power*, implying that they were motivated by a just or merited cause. This was indeed true of the protesters fighting for the legal protection of citizenship rights. However, it is not true of all dissenters that their causes are merited. Think of anti-abortion activists, on the one hand, and abortion-rights activists on the other. They cannot both be right. The objective of this paper is to discuss whether citizens in liberal democracies can be justified in engaging in civil disobedience for a wrong cause. Should we require the cause to be truly just? Or should we merely require that dissenters believe that they are promoting justice?

The paper first presents the two common approaches to the question of whether we can require civilly disobedient citizens to have merited causes. The first approach can be categorized as what I will call a *fact-dependent justification of civil disobedience*. A fact-dependent justification of civil disobedience is a theory of civil disobedience according to which the justification of the act of disobedience is partly dependent on whether the dissenter actually has a just cause. It is not enough that the dissenter merely believes that their political cause is right. The second approach is what I call a *belief-dependent justification of civil disobedience*. A belief- dependent justification of civil disobedience is a theory of civil disobedience according to which the justification of the act of disobedience is not at all dependent on whether the dissenter's cause for protest is actually just. There are no constraints on the content of the cause, but there is a constraint regarding the doxastic attitude of the dissenter: he must sincerely believe his political goal is right.

After laying out the common approaches to the question of merited causes in the philosophical literature on civil disobedience, I set forth and reject four objections to a fact- dependent justification of civil disobedience. Namely, (1) the argument from action-guidance, (2) the argument from meta-ethics, (3) the argument from a liberal principle of legitimacy and (4) Lefkowitz' argument from a liberty right to do wrong. Finally, I offer a positive argument that a justification of civil disobedience should be fact-dependent, if justified civil disobedience is to fulfill the role of promoting justice and enhancing democratic deliberation.

Key-words: civil disobedience; justification; motivation; political causes; justice

Bio: Tine Hindkjaer Madsen holds an MA in political philosophy and is currently PhD-fellow in philosophy at University of Copenhagen. Her research focuses on political philosophy with a special interest in justifications for civil disobedience.

ANDREW KNOX, *Why Prometheus could have not disobeyed?* (panel 5)

Following Rawls, most discussions of 'civil disobedience' in contemporary Anglophone philosophy have attempted to understand the nature of civil disobedience through the role it might play in a nearly just society, presuming that there is 'no difficulty' in understanding acts of 'civil disobedience' aimed at 'transforming or even overturning an unjust or corrupt system' (Rawls, 1971, p.363). In this paper, I argue that this approach fails to capture what is philosophically and politically interesting about the class of acts we call 'civil disobedience'. Political philosophers engaged in this tradition tacitly assume there to be a singular theory of legitimacy that dictates when putative authorities have the right to expect obedience, criteria that are met when the presumption of near justice is in place. Engaging in this type of theorising prevents us from understanding constitutive features of real world acts of 'civil disobedience'. Not only are such acts inspired by the distance between our current situation and a nearly just society, in real world cases multiple competing theories of legitimacy exist, each of which offers a different view as to whether agents are obliged to obey. Disobedient agents reject not only the specific injunctions of the putative authority but also that authority's right to demand obedience in the first place. In cases where the moral foundations of putative authorities are doubted the presumption of obedience evaporates and thus applying the concept of disobedience is inappropriate.

I argue that cases described as 'civil disobedience' involve a rejection of the claims of putative authorities to have a right to command obedience in particular domains by agents. Attempts by philosophers to understand such actions as disobedient rely on the presumption that the putative authority has the right to expect obedience in those domains, which might be correct from the point of view of that putative authority or philosopher but is incorrect from the point of view of those engages in 'disobedient' acts. The actions of such agents are not the acts of wayward children failing to heed parental commands but rather those of appropriately obedient individuals – obedient, that is, to the demands of their own conception of morality and legitimacy. In taking the correctness of a particular theory of legitimacy for granted, philosophers see disobedience where there is none. 'Civil disobedience' is a misnomer, both as a name for this class of action and as a way of properly understanding the nature of such actions. In discussing the nature of 'civil disobedient' acts, as well as their relation to more revolutionary acts, I hope to suggest a framework that is able to give us a clearer, more explanatory analysis of the acts we currently classify as 'civil disobedience' - one that understands them as rebellions against authority driven by the perceived injustice we encounter in our own world, rather than as a corrective mechanism for a near just utopia.

Keywords: civil disobedience, idealisation , legitimacy, authority

Bio: Andrew Knox is a PhD candidate at University College London who specialises in political, ethical and meta-ethical philosophy. His thesis is on the relationship between ethical philosophy and the methodology of political philosophy.

MANOHAR KUMAR, *Whistleblowing as Civil Disobedience* (panel 15)

Veils of secrecy break down the reason sharing function of democracy. Evidence of wrongs is sole proprietorship of those having access to classified information. Individuals are denied access to information that would allow them to assess the circumstances that lead to their right limitations (if the information concerns certain wrongs). They are injured in their capacity as right holders. In these conditions the system of rights and public accountability can only be ensured through acts of whistleblowing. This paper argues that whistleblowing is a form of civil disobedience and not conscientious objection. To this end the paper is divided in two parts. The first part outlays the distinction between conscientious objection and civil disobedience pertaining to acts of whistleblowing. It then argues that whistleblowing can be read as an aspect of the latter rather than the former. The second part provides a theory of civil disobedience that is sensitive to acts of whistleblowing. In doing so the paper argues against certain tendencies to accommodate and explain whistleblowing under existing theories. Rather the paper highlights that the civil disobedience theory needs to be broadened to explain new and emerging forms of dissent.

Whistleblowing is a form of civil disobedience, and not conscientious objection, since it demands a pro-active engagement in the critique of existing legislation. On the contrary, the minimal requirement for conscientious objection to be successful is a withdrawal of services or consent, refusal to participate in harms of the organization. It is a moral act to the extent that the perceived harm does not comply with the moral universe of the person, and any engagement with the act militates against deeply held convictions. These convictions need not be public in character or need not be elucidated in democratic terms; on the contrary some of these convictions might be un-democratic. A conscientious refusal merely demands a respect of deeply held beliefs of the agent and requires an exemption from the services they are supposed to offer. Contrary to this, whistleblowing seeks to uphold democratic norms of transparency and publicity, and affirms the right of the citizens to be aware of wrongness of institutional practices and policies. Thus, whistleblowing represents a critique of institutional practices and ensures democratic accountability. Whistleblowing is an act of civil disobedience since it is a public act done with keeping public interest in mind and intended to address, and if possible correct, wrongs perpetrated against it. The justification of the act is public as it affirms the need for public assessment of the nature of wrongs.

In this part I argue that whistleblowing represents a special kind of civil disobedience because of its epistemic character. Secrecy creates an informational asymmetry between the executive and the citizens. Whistleblowing, on the contrary, is required to bridge this informational gap. Whistleblowing is a form of civil disobedience, done on behalf of others, to expose the wrong done under conditions of secrecy, with an intention to bring about change. Such disobedience is premised on the reasoning that information is a vital good for enjoyment of rights, and fulfillment of political obligations. The disobedient highlights that part of democratic deficits and injustices that owe their presence to informational asymmetry. Whistleblowing thus seeks to inject vital information that sustains and strengthens democracy. Contrary to existing theories of civil disobedience, the epistemic nature of whistleblowing demands different forms of civility and publicity. Whistleblowing should be evidential, truthful, should uphold public interest, and strengthen democracy. These criteria do not rule out the possibility of anonymous or third party whistleblowing, rather it requires that the information revealed be assessed impartially for its content, and if it ensures democratic accountability then it should be treated on par with public whistleblowing.

Keywords: whistleblowing, civil disobedience, conscientious objection, secrecy, information asymmetry

Bio: Manohar Kumar is a postdoctoral fellow at the department of humanities and social sciences, IIT Delhi. His primary research is in the area of Moral and Political Philosophy and Political Theory. His research interests include Liberty and Security, Governmental Secrecy, Whistleblowing, Civil Disobedience, and Epistemic Injustice.

ATTILA MOLNAR, *Disobedience: A theological root of modern politics* (panel 20)

Although, the terrifying rebellion was an ever-present phenomenon in political societies in the long history of humankind, one of the characteristics of modern politics is the idea of morally legitimate disobedience. This paper shows how the reinterpretation of conscience took created a new problem for politics: the morally legitimate disobedience.

Obviously, one of the most important moral notions of the pre-modern world was the conscience. At the beginning of its history, the conscience (*syneidesis, conscientia*) meant the feeling of shame because of a past wrong action. Shame and (bad) conscience originated from the transgression of legal or moral borders. Originally, the notion of conscience was built on the juridical metaphor: conscience was interpreted as an accuser, a judge and an executioner. As it can be well seen, the moral feeling named conscience was used to control individuals' mind and behaviour. The conscience was attached to the peace and harmony of the inner world of individual as well as of political world. It sanctioned any non-conform behaviour.

The notion of conscience was connected to gods already in the Antiquity, but not to the idea of justice. A decisive change occurred in the Pauline language which connected conscience to God's law, i.e. to the knowledge of justice, and to salvation. From this change the conscience was separated from the norms and laws of political society, and it was connected to God's eternal justice. So, the Christians' conscience was rendered under God instead of human authority. Disobedience to God – i.e. justice – was interpreted as sinful and strictly connected to damnation. Therefore, unjust behaviour, i.e. any behaviour hurting conscience, was seen as not simply resulting the pang of conscience, but eternal damnation, too.

The potential conflict between conscience – order for just action of *forum internum* – and worldly authority – *forum externum* – became open and widely known in the Scholastic thinking. In the debate about this potential conflict two different positions emerged: the St. Bonaventure argued for obedience of conscience in a case of conflict with the Church authority, while Aquinas argued for the absolute freedom of conscience. His well-known dictum – *contra conscientiam agere peccatum* – suggested that because of the danger of eternal punishment, a true Christian not only could act against the order of worldly authority if his conscience commanded him, but he had to follow his conscience's command even against the laws and orders of any human authority. Because God's authority is above any human order and law, the individuals' conscience, directly connected to the knowledge of God' justice, is also above of any worldly authority. Therefore, if it orders its owner, he is obliged to act against unjust laws and orders. Disobedience, once a problem, became the duty of true Christian in case of unjust laws and orders for the age of Reformation.

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keywords: conformity, conscience, moral theology, Scholasticism, disobedience

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CINDY PHILIPS, *Political Resistance* (panel 5)

The orthodox view in political philosophy is that there is a connection between the legitimacy of a state and a general pro tanto duty to obey its laws. It is generally believed that legitimate political authority is equated with having a moral power to change other people's Holhfeldian relations. More specifically, it is equated with having the "right to rule," which entails that its subjects have an obligation to obey its laws. If one were able to demonstrate that we have a general pro tanto duty to obey the laws of a sufficiently just state, then one has vindicated the existence of a legitimate state. The problem, however, is that such a duty has proven difficult to defend on both theoretical and practical grounds.

The problem of political obligation, the question of whether people have a pro tanto moral duty to obey their states' laws, has been the principal focus of theorists working on political authority. However, I believe that the concept of "political obligation" is the wrong thing that we should be focusing upon. It is my view that even if a state is legitimate, it is still an open-question whether its subjects have a moral obligation to obey its laws. If so, showing that we have a pro tanto general moral obligation to obey the law is neither necessary nor sufficient to show that a state is legitimate. Elsewhere, I also defend an account of political legitimacy in which none of the necessary or sufficient conditions of political legitimacy are moral conditions.

However, a morally-neutral account of political legitimacy is met with a good deal of resistance. The principal sources of skepticism are the beliefs that a state must possess a moral authorization to justify the use of coercion and that only a moralized account of political legitimacy can make sense of the justification for political resistance. I deal with the former worry in a series of separate papers. In this paper, I take up the latter worry.

The worry is that a morally-neutral account of political legitimacy would be con- sistent with a legitimate absolutist government. The origin of this worry can be traced back to the political treatises of Thomas Hobbes and John Locke. Hobbes de- fends a view in which an effective authority is ipso facto a legitimate authority. John Locke argues that an absolutist government cannot be a legitimate authority due to recognizable limits of government. A Lockean grounds these limits on the right to resistance—whether such a right consists in an alienable right of revolution or a right of self-defense. The worry is that people would not be justified in revolting against an absolutist government on a morally-neutral account of political legitimacy.

On the contrary, I argue that only a morally-neutral account of political legitimacy can state the importance of political resistance. On my view, political resistance—and not political obligation—is a basis for determining the legitimacy of a state. I also show that an account of political resistance that starts from Hobbesian beginnings, where people have simply liberties in the state of nature, is more plausible than ones which start from a Lockean view, where people have natural rights in the state of nature.

Keywords: political dissent, political resistance, dissolution of govern- ment, civil disobedience, liberties

Bio: My research interests include the grounds of political authority, the functions of law, and political legitimacy. I'm working on a dissertation entitled "The Justification and Legitimacy of States"

MERTEN REGLITZ, *A Human Right to Internet Access* (panel 27)

In this paper, I make a case for a human right to unrestricted and non-monitored universal internet access that the international community of states has to guarantee for every person. The argument wants to be ecumenical with respect to the question about the justification of human rights. I aim to achieve this broad justificatory appeal by employing a cantilever argument. My argument is that in today's world, internet access is practically indispensable and thus a (either constitutively or instrumentally) necessary condition of the exercise and safeguarding of essential other important basic and human rights. Among those rights protected and enabled by internet access are i.e.: freedom of opinion and information, freedom of peaceful association, the right to education, the right to participate in cultural life, and importantly indirectly the right to life, liberty, and personal security as well as freedom from torture. I argue for the latter negative rights by highlighting and explaining the claim that authoritarian regimes today depend for their existence on restricting and controlling their subjects' access to the internet in one way or another. Conversely, I hold that ensuring internet access for all is a necessary, but insufficient, condition for ridding the world of authoritarian governments.
I am currently a Research Fellow in International Political Theory at the Cluster of Excellence "The Formation of Normative Orders" at the Goethe University Frankfurt and completed my PhD in Philosophy at the University of Warwick in 2011. My research focuses on questions of social justice and global ethics and my papers have appeared/are appearing in peer-review journals such as Res Publica, Critical Review of International Social and Political Philosophy, Utilitas, and Moral Philosophy & Politics.

Keywords: human rights, civil rights, internet, freedom of information, civil disobedience

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DANIELE SANTORO, ***Civil Disobedience and the Quest for Public Interest*** **(panel 10)**

Civil disobedience is often justified by appealing to democratic values. Civil disobedients counterbalance the excess of executive power, highlight flaws in democratic procedures, and testify to the rights of minorities against the potential tyranny of majorities. In some versions of this argument, its justification refers to the notion of 'public interest'. Yet, political theorists have shown scant attention, in the current debate, to the task of clarifying this notion. In this paper I argue that a proper understanding of this notion is crucial in justifying the democratic function of dissent.

I distinguish between two broad characterisations of 'public interest'. According to the first characterisation — call it the aggregate view — 'public interest' is the sum of non-competing individual interests of the members of a polity. National defence and clean air are instances of public interest according to this view, for they are non-excludable, non-rivalrous goods in which individual interests have an equal share.

Yet, the aggregate view is unsatisfying in many ways, for public interest is not necessarily an interest over which individual members of a polity converge. Natural resources whose pool is depleted over long-term exploitation, the provision of social services when financial resources are limited, and also the safeguard of constitutional freedoms in times of emergency are all examples of goods over which individual or group interests may compete and come into conflict.

Can we make sense of a notion of public interest that does not appeal to the interests everybody has an equal share in? In what sense can an interest of a party be in the 'public' interest? I outline a different characterisation of public interest — the all-purposive view — and present two arguments in support of it.

First, something is in the public interest means *inter alia* that there is a presumptive interest of members of a 'public' in being informed about a given matter. Admittedly, this is only a presumptive interest: a public may dismiss the information as irrelevant, or simply be unconcerned with it. Still, the justification of an act performed in the public interest lies in the presumption of the potential public value of the information.

The second aspect concerns the content of public interest. I propose a characterisation of public interest as consisting of the set of rights that are all-purposive for the attainment of any social benefit. Public interest in this second sense does not consist in any specific distribution of social benefits, but in the core set of rights that supervise the arrangement of those benefits. A right is part of the core set constituting public interest when its obstruction or restraint precludes the enjoyment of any other right that figures in that set. We can define the core set of rights that constitute public interest as those rights which enable the enjoyments of more substantive rights or particular social benefits. For instance, the right to free speech, is one such right.

I conclude by exploring how the all-purposive view can justify some specific instances of civil disobedience, namely whistleblowing and the disclosure of governmental secrecy.

Keywords: whistleblowing, dissent, civil disobedience, public interest

Bio: Daniele Santoro is currently Research Fellow at the Italian Research National Council (CNR-IRPPS), and member of the Political Theory Group at the University of Minho. He also teaches Bioethics at Luiss University of Rome. His current project concerns the justification of civil disobedience and whistleblowing in constitutional democracies.

ROSANNA TRIVINO CABALLERO, ***Conscientious objectors, civil disobedients or just altruists? Health professionals against healthcare exclusion*** **(panel 10)**

In Spain, the entry into force of the Royal Decree 16/2012, *on urgent measures to ensure the sustainability of the National Health System and improve the quality and safety of its services* (hereinafter RD16/2012) has meant the healthcare exclusion of Spanish citizens who are in vulnerable situations (emigrants returned after 90 days abroad who are unemployed and people in precarious conditions), as well as foreigners who are not registered or authorized to be residents in the country, to whom the law only recognizes their right to emergency healthcare in the case of serious illness or accident, pregnancy, childbirth and postpartum, when they are adults, and a complete access to healthcare services if they are minors (under 18 years old).

Faced with this situation, many healthcare and non-healthcare professionals working for the public health system have expressed their opposition to the law declaring themselves as conscientious objectors. They argue that the law attempts against their moral and ethical convictions and that violates the ethical principles of beneficence and justice (SEMFYC, 2012). According to their position, the objectors do not deny their assistance to any person who requests it, whatever it is his/her administrative condition, and they continue taking care of their population's health.

The peculiarity of this form of rejection to a legal norm revives the classical debate about the distinction between civil disobedience and conscientious objection (Rawls, 1971; Raz, 1979; Greenawalt, 1987). Is the opposition to the RD 16/2012 a case of conscientious objection or civil disobedience? Taking this reaction as starting point, my aim in this work is to analyze the defining elements of both figures. Additionally, I would like to attend the altruistic or mandatory nature of this kind of performances, to the extent that, in the case chosen, there is an *action* implied, and not an *omission*, as it is usual (i.e., conscientious objection to abortion, civil disobedience to taxes intended for military purposes). I will try to show that the dichotomies *individual vs. collective*, *moral motivation vs. political motivation* and *action vs omission* are not sufficient aspects to establish a clear conceptual frontier between conscientious objection and civil disobedience. The value of this analysis is not only theoretical, but also practical, since legal consequences can be derived in relation to how to integrate in the normative order –if it is even possible- the dissidence in democratic societies.

Keywords: Conscientious objection, civil disobedience, altruism, healthcare exclusion.

Bio: Currently, I am assistant professor at the Universidade da Coruña (Spain), where I teach research ethics and clinical bioethics. I had my PhD with a thesis on conflicts of conscience in the healthcare context, whose reviewed version have been already published (you can check it here: http://www.plazayvaldes.es/libro/el-peso-de-la-conciencia/1551/). My research interest are related to conscientious objection, sexual and reproductive issues, and the right to healthcare for migrant people.