



# SPES

Sociality, Poverty(ies) and Social Exclusion



# SPES PROJECT 2014 . 2020



INSTITUTO JURÍDICO  
FACULDADE DE DIREITO  
UNIVERSIDADE DE COIMBRA







# PROJECT

In a time when the UN has included social economics among the Millennium Development Goals; when the EU is advancing social entrepreneurship-based strategies for growth and for the overcoming of the crisis; and when Portugal has passed socio-economics legislation, we consider exploration of this subject – one so often overlooked in Law Schools - to be critically needed and very relevant at the social level. Given this context, the teaching, research and development Project labelled “Sociality, Poverty(ies) and Social Exclusion” (SPES) naturally appears as part of the research activities of the University of Coimbra Institute for Legal Research (UCILeR).

As part of the research strategy, the group has decided to promote a work programme on this very topic which is to rely on two complementary momenta: (i) one internal and with a special emphasis on teamwork among the researchers, which will include coordination of second cycle curricular units in Law – to wit, Constitutional Law I, Tax Law I, Public Law II and Social Security Law – as well as coordination of students’ research work in the aforementioned areas; (ii) the other is external, owing to its orientation towards dissemination of research outputs and the pursuit of exchange with Society. By means of various initiatives, we will bring together second cycle and PhD students linked to this project, researchers from other Faculties, and also representatives of institutions from this economic sector.







# RESEARCH TEAM

## **PRINCIPAL INVESTIGATOR**

José Carlos Vieira de Andrade

## **RESEARCHERS**

Rui Moura Ramos

Vital Moreira

José Casalta Nabais

José Manuel Aroso Linhares

João Carlos Loureiro

Pedro Costa Gonçalves

Suzana Tavares da Silva

Fernanda Paula Oliveira

Ana Raquel Moniz

João José Nogueira de Almeida

João Reis

Licínio Lopes Martins

Ana Margarida Gaudêncio



# SEMINÁRIO

A ECONOMIA SOCIAL E CIVIL:  
enquadramento normativo  
e dimensões praxiológicas

11.abril.2014 | Sala 9 dos Gerais



**SPES**

Socialidade, Pobreza(s) e Exclusão Social

9.15H | REGISTO DOS PARTICIPANTES E ENTREGA DE DOCUMENTAÇÃO

9.30H | SESSÃO DE ABERTURA

Presidente do Instituto Jurídico | Rui Moura Ramos  
Director da FDUC | António Santos Justo

10.00H | SOLIDARIEDADE SOCIAL E SUBSIDIARIEDADE

António Barbosa de Melo  
COMENTÁRIO E DEBATE: Presidente da União das Misericórdias Portuguesas | Manuel Lemos

10.45H | ENQUADRAMENTO TEÓRICO-DOGMÁTICO DA ECONOMIA SOCIAL E CIVIL E POBREZA(S)

João Loureiro  
COMENTÁRIO E DEBATE: Presidente da Cáritas | Eugénio José da Cruz Fonseca

11.30H | CIDADANIA SOCIAL E ECONOMIA SOCIAL E CIVIL: UM REGISTO JURISPRUDENCIAL

Ana Raquel Maniz  
COMENTÁRIO E DEBATE: Responsável pela Fundação Montepio e Presidente do GRACE - Grupo para a reflexão e cidadania empresarial | Paula Guimarães

12.15H | ALMOÇO

14.30H | PROBLEMAS DE TRIBUTAÇÃO DA ECONOMIA SOCIAL E CIVIL

Suzana Tavares da Silva  
COMENTÁRIO E DEBATE: Presidente da Fundação Eng. António de Almeida | Fernando Aguiar-Branco

15.15H | A ORGANIZAÇÃO CORPORATIVA DA ECONOMIA SOCIAL E CIVIL

Maria Elisabete Ramos | Deolinda Aparício Meira  
COMENTÁRIO E DEBATE: Presidente da Direcção da Cooperativa António Sérgio para a Economia Social | Eduardo Manuel Fernandes Graça

16.30H | PROBLEMAS DO FINANCIAMENTO E DA CONTRATACÃO PÚBLICA DAS ENTIDADES DO TERCEIRO SECTOR

Ana Paula Quelhas | Licínio Lopes Martins  
COMENTÁRIO E DEBATE: Presidente da Confederação Nacional das Instituições de Solidariedade | Padre Lino Maia (a confirmar)

17.45H | SÍNTESE CONCLUSIVA

Inscrições: [www.fd.uc.pt/spes](http://www.fd.uc.pt/spes)



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# JORNADAS SPES III

COOPERAÇÃO ENTRE O  
ESTADO E AS ENTIDADES DO  
SECTOR SOCIAL E SOLIDÁRIO

6.novembro.2015



**SPES**

Socialidade, Pobreza(s) e Exclusão Social

14.30H • SESSÃO DE ABERTURA

Presidente do Instituto Jurídico | Rui Moura Ramos  
Investigador Responsável do Projecto SPES  
José Carlos Vieira de Andrade

14.45H • O NOVO REGIME LEGAL DE COOPERAÇÃO ENTRE O ESTADO E AS ENTIDADES DO SECTOR SOCIAL E SOLIDÁRIO NA PERSPECTIVA DOS ACTORES SOCIAIS

Manuel Lemos  
Presidente da União das Misericórdias Portuguesas

15.15H • REFLEXÕES CRÍTICAS SOBRE A COOPERAÇÃO ENTRE O ESTADO E AS ENTIDADES DO SECTOR SOCIAL E SOLIDÁRIO NO DOMÍNIO DA ACÇÃO SOCIAL

João Carlos Loureiro | Professor da FDUC e Investigador do IJ e do Projecto SPES

15.45H • ANÁLISE CRÍTICA DAS FORMAS JURÍDICAS DA COOPERAÇÃO ENTRE O ESTADO E AS ENTIDADES DO SECTOR SOCIAL E SOLIDÁRIO – ACORDOS DE COOPERAÇÃO, PROTOCOLOS E CONVENÇÕES

Licínio Lopes Martins | Professor da FDUC e Investigador do IJ e do Projecto SPES

16.15H • PAUSA

16.30H • ANÁLISE CRÍTICA DAS FORMAS JURÍDICAS DA COOPERAÇÃO ENTRE O ESTADO E AS ENTIDADES DO SECTOR SOCIAL E SOLIDÁRIO – ACORDOS DE GESTÃO NA ÁREA DA EDUCAÇÃO

Suzana Tavares da Silva | Professora da FDUC e Investigadora do IJ e do Projecto SPES

17.00H • EXPERIÊNCIAS PRÁTICAS DE COOPERAÇÃO NO QUADRO DO REGIME DE DELEGAÇÃO DE COMPETÊNCIAS NOS MUNICÍPIOS E ENTIDADES INTERMUNICIPAIS

António Rochette Cordeiro | Professor da FLUC e Investigador do Centro de Estudos Interdisciplinares do Século XX (CEIS 20)

17.30H • DEBATE



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# PUBLICATIONS

Social and Civil Economy: Studies

Coordinators

João Carlos Loureiro  
Suzana Tavares da Silva

Published in 2015

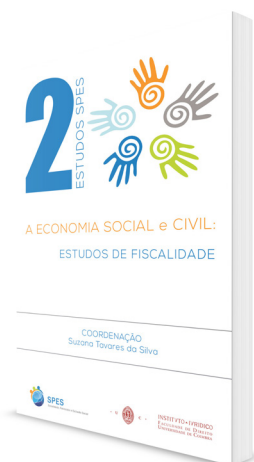


Social and Civil Economy: Studies in Taxation

Coordinator

Suzana Tavares da Silva

Published in 2015

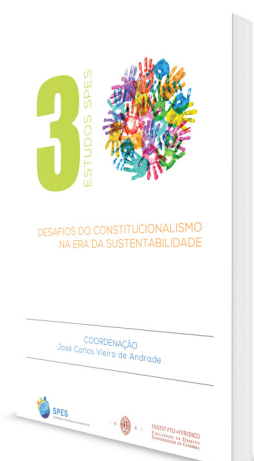


Challenges of Constitutionalism  
in the era of Sustainability

Coordinator

José Carlos Vieira de Andrade

*Forthcoming*







# PhD Programme in WELFARE STATE, CONSTITUTION AND POVERTY

Cycle of Lectures Year III	
<b>CONSTITUTION AND SCARCITY (CS)</b>  João Carlos Loureiro (JL) João Nogueira de Almeida (JNA) Licínio Lopes Martins (LLM)	<b>TRANS-STATEHOOD AND SUSTAINABILITY (TS)</b>  Rui Manuel Moura Ramos (RMR) Vital Moreira (VM) José Manuel Aroso Linhares   Ana Gaudêncio (AL/AG)
<b>FUNDAMENTAL RIGHTS AND SOCIAL STATE (FRSS)</b>  José Carlos Vieira de Andrade (VA) José Casalta Nabais (JCN) Ana Raquel Moniz (ARM)	<b>SOCIAL RIGHTS <i>IN ACTION</i> (SRIA)</b>  Pedro Costa Gonçalves (social procurement) (PG) Suzana Tavares da Silva (right to education) (STS) Fernanda Paula Oliveira (right to housing) (FPO) João Reis (right to work) (JR)





# Timeframe for the Lectures

JANUARY 2017

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
		4.JAN 10h-13h CS (JNA)  14.30h – 17.30h TS (AL/AG)	5.JAN 10h-13h FRSS (JCN)  14.30h – 17.30h SRIA (PG)	6.JAN 10h-13h CS (JNA)  14.30h – 17.30h TS (AL/ AG)
9 JAN 10h-13h CS (LLM)  14.30h-17.30h TS (VM)	10.JAN 10h-13h FRSS (JCN)  14.30h – 17.30h SRIA (PG)	11.JAN 10h-13h CS (LLM)  14.30h – 17.30h TS (VM)	12.JAN  SEMINÁRIO Ano II (tarde)	13.JAN  SEMINÁRIO INTERNACIONAL (tarde)
16 JAN 10h-13h FRSS (VA)  14.30h – 17.30h SRIA (STS)	17.JAN 10h-13h CS (JL)  14.30h – 17.30h TS (RMR)	18.JAN 10h-13h FRSS (VA)  14.30h – 17.30h SRIA (STS)	19.JAN 10h-13h CS (JL)  14.30h – 17.30h TS (RMR)	20.JAN
23.JAN 10h -13h FRSS (ARM)  14.30h · 17.30h SRIA (FPO)	24.JAN 10h-13h SDE (JR)	25.JAN 10h-13h FRSS (ARM)  14.30h – 17.30h SRIA (FPO)	26.JAN  10h-13h SDE (JR)	27.JAN







# Contents

## CONSTITUTION and SCARCITY

*João Carlos Simões Loureiro*

- *Conceptual road map*
- *Politics, sociality and scarcity*
- *A contribution towards a dogmatic of special scarcity*



*João José Nogueira de Almeida*

- *Scarcity and efficiency in the production*
- *Distribution through pricing*  
*Redistribution through taxation*
- *The values underpinning public ownership and public redistribution*
- *Market-based income distribution: salaries, income, interest and profits.*





*Fernando Licínio Lopes Martins*

- *Administrative Law and scarcity*
- *Scarcity and public services*
- *Scarcity in administrative activity*
- *Scarcity and public contract law*
- *Case law administration of scarcity*



**TRANS-STATEHOOD and SUSTAINABILITY**

*Rui Manuel Gens Moura Ramos*

- *The interconnection between the different legal systems*
- *The tradition view*
- *The change of perspective brought about by the EU legal order*
- *The importance of judicial bodies in such a context*
- *The incorporation into the global legal order and the different views adopted by the international jurisdictions*



*Vital Martins Moreira*

- *The objective of sustainable development in EU's international economic policy*
- *WTO trade system*
- *EU competence on development support and on foreign economic affairs*
- *The EU "general trade preferences" regime and sustainable development*
- *Assessment and prospects*



*José Manuel Aroso Linhares*

&

*Ana Margarida Simões Gaudêncio*

- *The experience of constitutionality and the practices of an open multilayered (and multicentric) legal system*
- *The debate communitarianism/liberalism*
- *Europe as a constitutional project and the challenges of constitutional reality*
- *Deliberative democracy*
- *Tolerance and law*



## FUNDAMENTAL RIGHTS and SOCIAL STATE

*José Carlos Vieira de Andrade*

- *Social rights in the Portuguese law system*
- *The constitutional regime of economic, social and cultural rights*
- *The near future of the Welfare State: the adaptation of the social rights concept and the guidelines towards the definition of “sociality”*
- *The Judicial practice of Social Rights in the Global Legal Order*



*José Casalta Nabais*

- *The base social contract of fundamental rights and duties*
- *A general theory of fundamental duties*
- *Fundamental duties as the cost of rights*
- *The idea of fiscal citizenship in the globalization era*





*Ana Raquel Gonçalves Moniz*

- *Fundamental rights as “ethical proclamations” in the Welfare State*
- *The priority of fundamental rights vis-à-vis organizational forms of the societies, and their imposition on the international community and the national States*
- *The projection of fundamental rights dogmatics in the current political, economic and social circumstance*



**SOCIAL RIGHTS IN ACTION**

*Pedro António Pimenta da Costa Gonçalves*

- *Strategic use of public procurement*
- *Economic, environmental and social sustainability procurement*
- *Procedural moments for the consideration of sustainability elements- Social procurement – case law*
- *The technical specifications*
- *Contract award criteria*
- *Conditions for performance of contracts*



*Suzana Maria Calvo Loureiro Tavares da Silva*

- *Right to education as a liberty and a social right*
- *Right to education in Portuguese constitutional law*
- *Right to education in comparative constitutional law*
- *Right to education – case law*



*Fernanda Paula Marques de Oliveira*

- *Right to housing and social sustainability*
- *Right to housing and social urbanism*
- *Right to housing in Portuguese constitutional law*
- *Right to housing – case law*



*João Carlos Simões do Reis*

- *The protection of fundamental rights of workers*
- *The collective rights of workers in the Portuguese Constitution*
- *Strike and fundamental economic freedoms in the EU - what kind of coexistence?*







# International Seminars

## CAMINHOS PARA A SOCIALIDADE SEMINÁRIO INTERNACIONAL

29.JANEIRO.2015 | Auditório da FDUC



**9.30H | Sessão de ABERTURA**  
Presidente do Instituto Jurídico | Rui Moura Ramos  
Director da FDUC | António Santos Justo

**MODERADOR: FERNANDO NOGUEIRA**  
Presidente da Fundação Millennium bcp

**10.00H | GERMAN WELFARE STATE IN TIMES OF CRISIS**  
Ulrich BECKER (a confirmar)  
Max Planck Institute for Social Law and Social Policy,  
München

**10.45H | EL FUTURO DEL ESTADO SOCIAL EN ESPAÑA**  
FERNANDO REY MARTINEZ  
Universidad de Valladolid

**11.30H | PROTECCIÓN DA CONFIANÇA E SOCIALIDADE**  
MARIA LÚCIA AMARAL  
Tribunal Constitucional Português

**12.15H | DEBATE**

**MODERADOR: JORGE SAMPAIO**  
Antigo Presidente da República

**14.30H | IL FUTURO DELLO STATO SOCIALE IN ITALIA**  
LUCA MEZZETTI  
Università di Bologna

**15.15H | EDUCAÇÃO PARA A DEMOCRACIA:  
UM PROPÓSITO DE JUSTIÇA SOCIAL E INTERGERACIONAL**  
LUIZA NETO  
Faculdade de Direito do Porto

**16.30H | SOCIEDADE CIVIL E SOCIALIDADE**  
TIAGO FERNANDES  
Faculdade de Ciências Sociais e Humanas da  
Universidade Nova de Lisboa

**17.15H | POR ONDE VAI O ESTADO SOCIAL EM PORTUGAL?**  
SILVA PENEDE  
Presidente do Conselho Económico e Social

**18.00H | DEBATE**

**Inscrições:** [www.fd.uc.pt/spes](http://www.fd.uc.pt/spes)  
Entrada livre | Taxa de emissão de certificado de presença: 10€

iniciativa realizada no âmbito do protocolo com a  
**Millennium bcp**

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**ESTADO SOCIAL,  
CONSTITUIÇÃO E POBREZA**

## A SOCIALIDADE PARA ALÉM DA ESTADUALIDADE Seminário Internacional | 15.JAN.2016



9.30h – Registo  
9.45h – Sessão de abertura  
RUI FIGUEIREDO MARCOS | Director da FDUC  
RUI MANUEL MOURA RAMOS | Presidente do IJ  
JOSÉ CARLOS VIEIRA DE ANDRADE | Coordenador do Projecto de I&D SPES

10.00h – Início dos trabalhos  
Moderador | JAMES GAMA (ex-Presidente da Assembleia da República)  
Welfare beyond the State | ULRICH BECKER (Max Planck Institute for Social Law and Social Policy, München)  
Solidarity and Responsibility in Europe's Response to Refugee Flows  
VALSAMIS MITSILEGAS (Director of the Criminal Justice Centre at Queen Mary University of London)

12.00h – Debate

15.00h – Reinício dos trabalhos  
Moderador | JOÃO PREENÇA (ex-Secretário Geral da UGT)  
A jurisprudência do TJUE em matéria de asilo | PEDRO CRUZ-VILLALÓN (Exadogado Geral do Tribunal de Justiça da União Europeia | Universidad Autónoma de Madrid)  
Justiça Social e Democracia para além do Estado  
MIGUEL POIARES MADURO (Director of the Global Governance Programme, European University Institute, Firenze)

17.00h – Debate

Com o apoio da





INSTITVTO-IVRIDICO



# THE PROJECT IN THE FUTURE

## IN EDUCATION...

- PhD Annual Programme
- Education in the 2nd Cycle (Master's Degrees)
- Annual cycle of January Conferences
- Annual International Seminar



## IN THE RESEARCH...

- Sustainabilit(ies) of the Social Systems
- New citizenships
- Crisis of the Law
- Internormativity and Complex Legal Systems







## PUBLICATIONS

- Sociality, Law and Citizenship (Biannual Journal)
- Doctoral and Master's Theses
- Monographies
- Proceedings of the Conferences and Seminars
- Essays



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**SPES | SOCIALITY, POVERT(IES) AND SOCIAL EXCLUSION**  
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