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THE CONTEMPORANEITY OF THE ARISTOTELIAN CONCEPT OF EQUITY AND ITS RELEVANCE TO THE CONSTRUCTION AND EFFECTIVENESS OF EQUITABLE EDUCATION

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ABSTRACT

Aristotle said that equity can only be presented before a society that, even as diverse as nature, takes care of each unequal with inequality aiming to build equality between people, that is, gradually eliminating the fine line between what links inequality to circumstances. This concept was perpetuated over the years by leaving Greece, arriving in Rome, and going through Christianity and the French Revolution. In 1934, it officially arrived in Brazil in the Constitution of that year, was perpetuated during the Military Dictatorship, and entered the Federal Constitution of 1988. Thus, it established distinctions in the treatment of inequalities to enable all Brazilians to be equal, thus fulfilling the principle of freedom. Nowadays, the principle of equity should not only be ensured in public policies, especially educational policies but also be deployed and implemented. This article aims to present the Aristotelian concept of equity and thus go back, in general terms, to its use over time, culminating in the construction and implementation of equitable education. The methodology used in the research is historical-analytical and part of a bibliographic review, having as principal author Aristotle and as main work *Nicomachean Ethics*.

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INTRODUCTION

An important Greek philosopher, Aristotle created a concept of equity-based on his research in the Platonic School. This concept migrated, thus, through the centuries and cultures and arrived in Brazil assured by the world society. The principle of equality presented by Aristotle, more than a philosophical concept, ran through the sciences, reached the human sciences, and became a fundamental element in democratic states in a similar way to a human right, which is currently present in many parts of the world. In Brazil, the principle of equity is set out in the Federal Constitution of 1988, reflects any infra-constitutional normative instrument, and reaches public policies. In the national educational sphere, guiding standardized planning, we have the principle of equity provided for in the National Common Curricular Base approved in 2017. However, despite the legal provision, little has been said about the effectiveness of equitable education. It is necessary, to build and implement an equitable education, to know its bases and its extension. Thus, the following question arises, which constitutes the very problem that is raised in this research: can the Aristotelian concept of equity be considered contemporary and relevant for the construction and implementation of an equitable education?

The objective of this article is to present the Aristotelian concept of equity, going back, in general terms, to its prediction/application over time and culminates in the construction and implementation of equitable education. The article presents the Aristotelian definition of equity, makes a brief historical overview of the concept of equity, presents the applicability of isonomy in Brazil. It permeates the concepts of material and formal equality, demonstrates how contemporary and necessary equity is, and ends by showing the relevance of Aristotelian thought for the construction and implementation of equitable education. The article is not limited to the letter of the law. Discussions about equality, inequality, and difference are addressed. The fundamental right to difference is also discussed, which, even if not explained in the Political Charter, needs to be observed in every individual's daily life so that an egalitarian, pluralistic society can be achieved and respects differences.

METHODOLOGY

The methodology used in the research is historical-analytical and part of a bibliographic review, having Aristotle as the main author and *Nicomachean Ethics* as the most notable work. The article is

organized into five topics: the first is the present introduction; the second concerns Aristotelian equity, the respective contemporary debates, the principle of equality in Brazil, and some contemporary debates on equity in our country; the third demonstrates the relevance of Aristotelian thought for the construction and implementation of an equitable education; in the fourth topic, some conclusive considerations are presented, followed by the last one, which consists of the bibliographic references used in the article.

Aristotelian equity and contemporary debates: The Aristotelian concept of equality can be analyzed in the work *Nicomachean Ethics*, where the philosopher highlights that:

If people are not equal, they will not receive equal things; but this is the source of dispute and grievances (as when equals receive unequal shares, or when unequal receive unequal shares). Moreover, this is evident from the fact that distributions must be made "according to one's merit," for everyone agrees that what is fair for distribution must also be fair with merit in a certain sense (Aristotle, 2013, p. 99-100).

According to D'Oliveira (2015), in the same work highlighted above, the philosopher presents numerous themes, among which is justice, which brings equality as something fundamental. In this context, the aforementioned passage highlights that equality and the ideals of justice will only be fully achieved from the moment that the treatments are equal in the measure of the inequality of each one. In this way, if it is for the elaboration of distributive justice, if it is not a social aspect, it is necessary to determine equality through equity. In distributive justice, there must be a geometric scale of assistance of each being for the resourceful division and of benefits according to the merit of each person. Like this equality represents proportionality to the capacity of each person. Not that it refers to cumulative justice, inter-individual exchanges should only occur in the exact dimension of the needs of each individual. Similarly, according to Brych (2015), social justice determines rights and realities transformed into dynamic elements, seeking to humanize legal norms and rules. Likewise, uniting these concepts, it can be observed that equality, as understood by the philosopher, becomes a fundamental part of the elaboration of two historical concepts of justice. Equality is understood as a principle. According to Horacio:

Norms, and, as such, are endowed with positivity, which determines mandatory behaviors and prevents the adoption of compatible behaviors. Server, also, to guide the correct interpretation of isolated norms, indicate, among the possible interpretations in the specific case, which must be compulsorily provided by the applicator of the norm, in face of two values consecrated by the legal system (HORACIO, 2008, p. 1,411).

For Silva (2010), the principle of isonomy resisted time and social changes until contemporary. Aristotle started this concept in a democratic scenario where people could exercise their rights, but everyone was considered a citizen. Barros (2005) explains that the concept of property is closely linked to Greek democracy, since those who owned it could participate in the political world. However, only free people over the age of 20 could exercise their citizenship. The concept of slaves, foreigners, and women was automatically eliminated. These concepts have persisted over the years. Even in 1948, in its first article, the Universal Declaration of Human Rights highlighted that all people are born free and equal in rights and dignity. Considering endorsing with reason and conscience, they must act with each other in the fraternity. Thus, freedom and equality are the basic rights of every human being. According to D'Oliveira:

In the German Constitution of Weimar of 1919, the assumptions of material and formal equality are established, pointing out that formal equality in a heterogeneous society transforms into a dictatorship of those who have the status of being in a dominant class (D'OLIVEIRA, 2015, p. 89).

Principle of equality in Brazil: In Brazil, the principle of equality was slow to emerge. It was presented only in the 1934 Constitution, highlighting that:

Art. 113 – The Constitution assures Brazilians and foreigners residing in the country the inviolability of rights concerning freedom, subsistence, individual security, and property, as follows:

Everyone is equal before the law. There will be no privileges, nor distinctions, for reasons of birth, sex, race, own or parenting professions, social class, wealth, religious beliefs, or political ideas.

According to D'Oliveira (2015), the delay in determining the ideals of equality in Brazil may have occurred at an early moment, given the inheritance left by the slave colonization, which removed from some men the condition of being human for carrying the idea of merchandise. Still according to the author, even if it were later to the end of slavery, social understanding of the subject had not yet changed. Ferreira Filho considers that:

The principle of equality is a limitation to the legislature and a rule for interpretation. As a limitation to the legislator, it prohibits him from editing rules establishing privileges on the grounds of the class or social position, race, religion, fortune, or sex of the individual. Inserted the principle of the Constitution, the law that violates it will be unconstitutional. It is also a principle of interpretation. The judge must always give the law the understanding that does not create privileges, of any kind. And, like the judge, so must anyone who has to apply the law (FERREIRA FILHO, 1981, p. 270).

The above-mentioned author makes clear the formal and real criterion of equality. Formally referring to the legislative process, which needed to analyze isonomy in order not to demonstrate advantages to some people, under penalty of being unconstitutional. The real, on the other, is presented in the performance of magistrates in the face of legal interpretation and use in specific cases. According to Santos (2009), the Democratic State of Law is the result of evolution. Its origin came from the rule of law, which, over the years, became a Social State and became a democratic state of law. According to the author:

[...] This model of democratic rule of law is managed by norms, which can be both rules and principles, which are divided in the Constitutional text into four orders: a) principles of the political order; b) principles of the tax and budgetary order; c) principles of the economic and financial order; and d) principles of the social order ..., the first order of principles (art. 1 to 5 of cf/88), considering that the theme refers to the fundamental principles of the Brazilian State (SANTOS, 2009, p. 112-113).

Among the principles of the political order, still according to Santos (2009), are the principles of legality, separation of powers, political pluralism, the dignity of the human person, and isonomy. It is thus indicating that there are limitations to the principle of equality. The 1969 Constitution was understood with this concept, since, according to Ferreira Filho (1981), this principle is not absolute. The Constitutions do not deny too many provisions that establish inequality by being consecrated.

Contemporary debates on equity in Brazil: The most contemporary movement on equity seeks respect for difference. Equality – as well as inequality – is distinguished not from fundamental elements of the human person, but circumstances. Thus, as Barros (2018, np) points out, "any notion of inequality can be but circumstantial in part because they are always subject to an incessant historical turn to the very criteria from which inequality could be evaluated". For the author, the difference represents an element that is present in the person, as well as in nature, and refers to diversity in its entirety:

On one side we would have the man who can go everywhere (who would be imaginatively the one who holds a maximum of power, wealth, and prestige) and on the other the man who cannot go anywhere (which could be illustrated with the example of a prisoner in solitary). Among these extremes, there are the gradations, and also the reversibility (the dictator may one day be imprisoned, and the prisoner released) (BARROS, 2018, np).

Through social action, diversity and equality can be worked on, that is, inequalities are overcome and differences need affirmation. According to Barros (2018), some gradations enable the transit between equality and inequality, which are unfeasible in the face of differences.

For Alexandrino and Paul (2015), the principle of equality is based on two passages in the Federal Constitution of 1988: item IV of Article 3 and Article 5, highlighting the principle of isonomy. See Article 3, item IV:

Art. 3º –The following are fundamental objectives of the Federative Republic of Brazil: [...] IV – to promote the good of all, without prejudice of origin, race, sex, color, age, and any other forms of discrimination.

According to Alexandrino and Paulo (2015), the goals ensure material equality between individuals, allowing all people the same opportunities to develop their personality and meet their needs consistent with the dignity inherent to their condition. Like human beings. Article 5 considers that everyone is equal before the law and that they cannot be subjected to any category of discrimination. Thus, the realization of real equality presents Aristotle's statement, and, according to Barbosa:

The rule of equality consists only in allocating unequal unequally, insofar as they are unequal. It is in this social inequality, proportionate to natural inequality, that the true law of equality is found. The most are ravings of envy, pride, or madness. To treat equals unequally, or unequal with equality, would be flagrant inequality, not real equality. Human appetites conceived to invert the universal norm of creation, intending not to give to each one, according to what it is worth, but to attribute the same to all, as if all were equivalent (BARBOSA, 1999, p. 26).

Consider that, once the formal reality is materialized, the legislator establishes criteria to equate the parties in the social relations that arise. However, such criteria are necessary to recognize when a legal act represents constitutionality or if it presents itself as unconstitutional since it brings advantages to some to the detriment of others. In this way, it is possible to observe the moment in which the law – or a legal act – is implemented in favor of human rights (or not) for the reduction of advantages or the creation of privileges. According to Santos:

The first is based on the fact that the legislator cannot use the law to establish discrimination between people when in reality all of them provide the same treatment. The second is aimed at law enforcers, to prevent them from using legal statements to support distinctions, when the law itself prioritized a given circumstance as an equal (SANTOS, 2009, p. 144-145).

Thus, considering the peculiarities of the citizens who make up society, distinctions determined by law are pointed out to equate the citizen in the face of the legal relationships that arise daily. The first paragraph of article 145 of CF/88 determines that:

§ 1.º – *Whenever possible, taxes will be personal and will be graded according to the taxpayer's economic capacity, provided to the tax administration, especially to give effect to these objectives, to identify, respecting individual rights and, under the terms of the law, assets, income and the taxpayer's economic activities.*

In this way, according to Gonzaga (2009), the legislator determined justice between individuals by making them contribute more only those who have more resources. Thus, hypotheses were established about tax exemptions for individuals in a state of economic deprivation. Legal equality is based on the Brazilian Constitution of 1988, in its article 5, about the fact that only the previous law can characterize conduct as a prohibition or a crime:

Differently from the inquisitorial right, everyone is guaranteed due process of law, which, in short, consists of the right to a previous summons to know the content of the accusation; right of an impartial; right to list witnesses and prepare questions, the contradictory; broad defense; technical defense; not being accused based on illicit evidence, the privilege against self-incrimination (GONZAGA, 2009, p. 154).

About consumer relations, CF/88 equated relations involving consumers, suppliers, and service providers. Thus, according to Gonzaga (2009), the consumer does not dominate the means of production to the point of at least having the means to evidence the damage caused by the service or product. It is about equality in access to justice, which is determined by article 5, item LXXIV, of CF/88, according to which those who do not have recourse for the payment of fees will also have access to justice. In this way, Law No. 1,060/50 was created, which highlights free legal assistance for individuals who do not have the resources to bear the expenses and procedural costs. As highlighted by Torres (2012):

Art. 3.º, III (establishes as fundamental objectives the eradication of poverty and marginalization, as well as the reduction of social inequalities); art. 5, VIII (recognizes the plurality of religious, philosophical, and political beliefs), XLVIII (distinguishes convicts according to their age, sex, and nature of the criminal offense), L (pays homage to the maternity of female prisoners and the importance of breastfeeding) and LXXIV (guarantees legal assistance to the needy through the Public Defender's Office – art. 134); art. 7, XII (guarantees family allowance to low-income workers), XX and XXXI (protects the labor market for women and those with disabilities) and XXXIII (prohibits child labor); art. 12, § 3.º (lists exclusive positions for native Brazilians); art. 170, VI, and IX (they give differentiated treatment to products and services according to their environmental impact, as well as to small national companies); art. 201, § 7, I and II, and § 8 (define different periods of service and contribution for men, women, and teaching professionals); art. 203 (guarantees social assistance to the needy); art. 206 (guarantees education with freedom, pluralism of ideas and pedagogical concepts, and free of charge in official bodies), art. 210, § 2, and art. 230 (recognize the language and teaching, in short, the indigenous culture); art. 215, § 1.º (protects popular, indigenous, Afro-Brazilian cultural manifestations and other groups) and § 3.º, III (promotes the appreciation of ethnic and regional diversity); art. 217, III (grants different treatment for non-professional sports); art. 226, §§ 3 and 4 (recognize the different forms of family entity); art. 230, § 2 (guarantees free public transport for the elderly).

Regarding the fundamental right to difference, the Federal Constitution of 1988 does not explicitly present it, but its vivacity has never been denied. Thus, Article 1 highlights that:

Art. 1.º – The Federative Republic of Brazil, formed by the indissoluble union of States and Municipalities and the Federal District, constitutes the Democratic State of Law and is based on: [...] III – the dignity of the human person; [...] V – political pluralism.

However, Torres highlights the need for a better interpretation of political pluralism:

The issue of pluralism, the foundation of the Federative Republic of Brazil, constituted in the Democratic State of Law, cannot be

restricted to its political dimension, as, mistakenly, it may seem from the ephemeral reading of art. 1, V, of the Major Law. [...] pluralism must be apprehended in its various aspects, whether legal, political, ideological, philosophical, economic, ethnic, linguistic, religious, educational, scientific, cultural, etc., insofar as its starting point is fundamentally philosophical, centered on the metaphysical concept of the human person as singularity and freedom, that is, pluralism, therefore, before being a legal or political concept, it is a value philosophically linked to the idea of a person (TORRES, 2012, p. 18).

Thus, life in a country with a continental dimension, in the face of great ethnic, cultural, and linguistic diversities, establishes, on respect for differences, that the law must be respected. It is understood that only when the exercise of differences exceeds normality, causing social problems, it becomes necessary to suppress them. Going back to Aristotle's conception, his concepts make us reflect on contemporary society. According to Silva (2010, p. 80), when people and groups demand respect for others from those responsible, it becomes unquestionable that greater respect for diversity will be pluralized in culture and society. It is essential to seek social justice respecting human rights, which include the right to difference, but considering inequality, which must be fought so that society can achieve its ideal. According to Silva (2010), differences cannot be midwives of the suffering of millions of people who live as second-class citizens, striving for equality of rights and duties common to all human beings. Thus, it is essential to consider that the ways of observing the present and the future are diverse. That is why it is necessary to work so that inequalities are overcome by ensuring differences and overcoming legal and philosophical contradictions, according to the conception created by Aristotle when he refutes the use of difference so that injustices are justified. The promotion of equal access is necessary to achieve a dignified life.

Relevance of the Aristotelian concept of equity for the construction and implementation of an equitable education

According to Aristotle (2013, p. 108-109), “[...] in every kind of action in which there is more and less, there is also the same”, and this “equal”, which he called “intermediate point”: “is what Aristotle claims to be based on equity. In this regard, Barbosa (1999, p. 26), in his work (*Oração aos Moços*), states that “The rule of equality does not consist in anything other than sharing unequally with unequal, while they are unequal”. Referring the two concepts to the reflection about the construction and effectiveness of equitable education in contemporaneity, we realize that, even the work *Nicomachean Ethics* having been written more than two thousand and two hundred years, it, among other works, has influenced western society since then, mainly about the legal system. However, regarding explicit predictions contained in public policies, especially educational ones, which provide not only for the construction of equitable education but also for its implementation, we have observed, in recent decades, how contemporary the concept remains. We find that there is an equitable education when the educational system: provides not only to insert the student with special educational needs in regular classes, but manages to adapt the school physical structure and school transport; invests in continuing education for education professionals; promotes a policy of valuing the staff who work with students, etc.; builds a common national curriculum base that respects not only the construction of minimum skills to be developed and minimum competences to be built, but also the cultural, historical, sociological, etc., singularities of each location; ensures students not only their entry into school, but also their permanence and, in addition, promotes an integral and quality education. The 2030 Agenda, of the United Nations - UN, is the largest current global pact for truly equitable education.

Agenda 2030: inclusion, equity, and quality in education: The United Nations (UN) 2030 agenda was ratified in 2015 by 193 member states, including Brazil. According to Zeifert, Cenci, and Manchini (2020, p. 31), the agenda aims to “guarantee full and effective social justice to the signatory nations and aims at a

significant improvement in well-being conditions, possible through public policies”. Yet, according to the authors:

[...] ensuring the continuity of equitable actions through solid, permanent, integrative, sustainable, and sustained government plans is fundamental, enabling societies to develop for the present and future fairly and equitably.

Among the National Goals of the Sustainable Development Goals (IPEA, 2019), Goal 4 is relevant for this research, which aims to “Ensure inclusive and equitable and quality education, and promote lifelong learning opportunities for all”. As Brazil is a country with continental dimensions, with cultural, social, historical diversity, etc., with a high rate of social inequality, it is difficult to consider that the tripod inclusion, equity, and quality in education is achieved. However, even if in the year 2030 inclusion, equity, and quality in education are not fully ensured, its prediction, through such relevant public policy, leads to the belief that the step taken in the present will be significantly reflected in the future. Is no longer possible to think of education dissociated from the concept of equity.

Final Considerations

Even over the years and centuries, equality is present in a large part of the debates, both through governmental actions that aim to eliminate social inequalities and through the constitutional ratification of formal equality and society as a whole, to conquer real equality through social action. It should be noted that, at the same time, people are the same and different. People are equal because they are citizens. After all, they are human beings who have inherent rights and duties that demand respect and elements that make it possible to protect the identity of each individual, as well as each society. People differ as they have the most varied forms of presentation, such as gender, ethnicity, religion, and philosophical thought, among others. Finally, it is essential to preserve the difference, so that violence is never justified, or even that there is no lack of access to social strata such as the Judiciary, Health, or Education for “presenting themselves as different”. It is necessary to continuously seek the affirmation of human rights and the Democratic State, among others, always emphasizing the relevance of diversity. People differ, however, in respect of these differences, methods must be sought daily so that no different person is considered unequal. Having presented the Aristotelian concept of equity, traced back, in general terms, to its prediction/application over time, we ended up identifying the construction and possible implementation of equitable education. Responding to the problem initially raised, it is concluded that the Aristotelian concept of equity can be considered contemporary and relevant for the construction and implementation of equitable education.

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