

General Information

Name of Research Unit:	(CJP-LVT-714) CEDIS - Centro de Investigação & Desenvolvimento sobre Direito e Sociedade
Coordinator:	Jorge Cláudio de Bacelar Gouveia
Main Scientific Domain:	Ciências Jurídicas e Ciências Políticas
Other Subdomains:	n/a
Host Institutions	
Leading Host Institution:	Faculdade de Direito - Universidade Nova de Lisboa

Other Institutions Involved:

Objectives & Achievements

Unit Description

In what concerns administrative structure, the Center is organized according to the following scheme:

- the coordination of CEDIS' activities is performed by a Director elected by the Scientific Council of the School; the Director is assisted by four researchers, appointed both by himself and by the Dean of the School;
- decisions on the scientific activities of CEDIS are taken by a Scientific Council composed by the whole community of its Senior members.
- the annual plan of activities is approved by the plenum of the Council, composed by the whole community of researchers, the juniors included;
- a "Consultative Board", composed by ten distinguished members of the national and international academic and scientific community, appointed by the Scientific Council of CEDIS, produces a written evaluation on the main topics of Center's scientific policy; this board also approves, under the proposal of the Scientific Council, the constitution of a Permanent Evaluation Council (Conselho de Avaliação), in order to get an external validation of the Center's activities and annual reports.

CEDIS shall keep a close institutional relationship not only with other research and educational units (namely those already linked to the school by protocols and special agreements, such as Instituto de Ciências Sociais (ICS), Faculdade de Ciências Sociais e Humanas (UNL), Instituto de Higiene e Medicina Tropical (UNL), Centro de Estudos Literários Comparativos, of the Faculdade de Letras de Lisboa, Universidad Autónoma de Madrid (UAM), Universidade de Alicante, ISCTEM (Maputo), Universidade Agostinho Neto (Angola), Fundação Luso-Americana para o Desenvolvimento (FLAD), Fundação Calouste Gulbenkian (FCG), but also to public and private entities related with law and justice affairs: Ministério do Emprego e da Segurança Social, Instituto do Consumidor (IC), Centro de Estudos Judiciários (CEJ), Associação Protecção e Apoio à Vítima (APAV), Amnistia Internacional (AI), Alto Comissariado da Saúde/Coordenação Nacional para a Infecção VHI/Sida, Observatório sobre Segurança, Criminalidade organizada e Terrorismo (OSCOT), (inter)national law firms.

General Objectives

It has been the general aim of the Center to implement a new spirit in what concerns both the Portuguese legal research and legal teaching; a spirit guided by the following topics:

- Focusing on law in action, and not only on the formal law in the books;

Objectives & Achievements

- Opening to new methodologies of legal analysis (like Law and Economics, Legal Policies, Law and Social Studies, Analysis of legal discourse);
- Setting up a new didactic and academic model, based on a) bi-directional communication; b) early participation of students in research projects; and c) service to the community;
- Promoting internationalization, overcoming traditional ideas on the peculiarities of each national legal order;
- Adopting new models of Faculty selection, reserving lecturing for senior professors, and, in some cases, for recognized non-academic legal experts.

Strategic goals related with this new spirit have been:

- Reflecting on new or emergent legal forms, subjects and dogmatics, both in international and Portuguese society, according to new models of social, political and cultural interactions and sensitiveness;
- Promoting inter-disciplinary work, integrating both legal and non legal approaches;
- Articulating research and teaching, namely through the involvement of students (graduate and undergraduate) in research teams;
- Broadening the frontiers of research, by establishing networks with foreign centers, namely in the framework of EU and within the Portuguese Speaking World;
- Creating and developing interfaces between research activities and community service, either as consultant of official institutions and charities or by offering communitarian services of legal aid.

Main Achievements during the year of 2008

CEEDIS' main objectives have been:

- (a) to constitute supporting structures to new ways of multidisciplinary legal research;
- (b) to give a new coherence to the scientific achievements of the new School;
- (c) to develop scientific work focusing subjects to which the Faculty had a special vocation; and to organize research teams also integrated by students, so that they could be introduced in the work routines of scientific legal research.

According to the first objective:

- a CD-Rom, with the core legal documents on Public Law from CPLP countries is under production (See above Project "Law and Society in Lusophone Africa");
 - Jurist Thematic Guides on African Law are being enlisted.
- priority was given to the enrichment of the bibliographic and documentary tools. An investment in the School library was done in terms of acquisition of new books and journals, as well as, in the bettering of bibliographic research tools.
- interdisciplinarity was promoted with the support to the of an interdisciplinary seminar on Law and Literature, a partnership with the Centre for Comparative Studies of the Faculty of Letters of the University of Lisbon (see above "Discourses on Law").

Regarding the second objective (of developing an institutional coherent doctrinal corpus), the Center:

- Partially funded the recent publication of a collective book collecting texts written not only by the Faculty members, but also by guest academicians, who collaborated in teaching and researching activities of the Faculty over inaugural decade: (coord. Diogo Freitas do Amaral, Carlos Ferreira de Almeida, Marta Tavares de Almeida), Estudos comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de

Objectives & Achievements

Lisboa, Volume 1/2, Almedina, Coimbra, 2008;

- Supported collective publications: a) the compilation of texts corresponding to the international conference "50 Anos do Tratado de Roma" (coord. Marta Tavares de Almeida e Nuno Piçarra), Lisboa, Âncora, 2008; b) the compilation of texts corresponding to the international conference "Código Civil Português. Evolução e perspectivas actuais" (Themis, Special Issue);
- Additionally, the permanent Seminar on "legal and political studies" (SPEED, post-graduate students and Faculty) and Espaço Público" (Public Space; graduate students) are still regularly held at the School.

Regarding the third objective (to develop scientific work focusing subjects to which the Faculty had a special vocation and to organize research teams also integrated by students), the Centre:

- selected amidst the projects of the Faculty, those which represented a more original and fitting scientific approach, in order to form a core cluster of the institutional legal research in the School. Half a dozen of specific projects were particularly supported, namely by giving grants to undergraduate students, who could therefore be initiated in research activities, according to the new spirit of Bologna charter.

Activities

Integrative/multidisciplinary activities during the year of 2008

The initial decision of creating a unique Centre instead of giving space to an atomistic multiplication of specialized units was a deliberate strategy of, on the one hand, gathering a sufficient critical mass of senior academic staff around an only research focus; and, on the other hand, of creating a melting pot of scientific transversal skills.

Secondly, in the constitution of the Centre, a place was given to external researchers, coming from other schools, either from our or other universities, as well as with legal or non legal background. We must stress that this attitude is very far from being common in Portuguese legal schools.

Thirdly, the combination of several levels of research personal, which was also an early decision, allowed the combination of experienced experts with post-graduate students and even young students in their first approach to research.

A concrete sign of this all embracing spirit were the SPEED Seminars, participated by all the members of the School, without discrimination, listening professors, external experts or PH. D Students.

Also in concrete projects – such as the Observatories on legislation or on the informal dispute compositions - , non legal experts, coming from other institutions, were involved, contributing to the richness of the results with their sociological or economical approaches. Also projects on legal history incorporated successfully Portuguese and foreigner general historians. Finally, the texts produced on the field of the African studies combined a large array of scientific domains, from law to political science and anthropology.

As a result of this generous openness, several students became able to a quite autonomous scientific intervention, although at their proper level.

In promoting this participation of students in research activities, the Centre developed not only their specialized knowledge but also promoted a new attitude of scientific entrepreneurship and new communicational competences, which are worthy assets to their integration in the professional life.

Outreach activities during the year of 2008

The outreach activities can be systematized as follows:

- a) external availability of scientific and educational materials, namely through publications either in traditional formats or on digital platforms

Activities

(books, journals, working papers in the webpage, Jurist portal, virtual library, e-learning platforms).

- b) Organization of open seminars; specialization courses and other forms of further education oriented to specific professional audiences.
- c) Research projects coping with special and relevant social issues (science of legislation, dispute resolution, mediation activities in consumer's law, formation of personnel for international organizations).
- d) Cooperation with law-firms.
- e) Counselling activities to public and private agencies.
- f) Cooperation in educational activities of other schools.

Funding

	2008	2009	2010
LA FCT	0,00	0,00	
Units FCT	33.907,14	48.468,75	67.856,25
Projects FCT	0,00	0,00	0,00
Other (National)	15.000,00	3.000,00	0,00
Other (International)	0,00	0,00	0,00
National Industry	0,00	0,00	0,00
International Industry	0,00	0,00	0,00
	48.907,14	51.468,75	67.856,25

General Indicators

	2007	2008	2009	2010	2011	Total
No. of Researchers Proposed	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers Hired (LA)	0,00	0,00	0,00	0,00	0,00	0,00
Balance	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers Hired (Ciência Programme)	0,00	0,00	0,00	0,00	0,00	0,00
No. of Researchers integrated with PhD	0,00	26,00	0,00	0,00	0,00	
Training Masters (Master thesis completed)	0,00	0,00	0,00	0,00	0,00	0,00
Training PhDs (PhD thesis completed)	0,00	0,00	0,00	0,00	0,00	0,00

Researchers Hired**Name**

Start Date **End Date** **Other Institution**

Researchers Hired

Name	Start Date	End Date	Other Institution
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No researchers found...

Technical Personnel Hired

Name	Start Date	End Date	Other Institution
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No technical personnel found...

Additional Comments

Research Groups

Reference	Title / Principal Investigator
RG-LVT-714-1108	<u>Law and society in african portuguese speaking countries</u> (Armando Manuel de Barros Serra Marques Guedes)
RG-LVT-714-1210	<u>Emerging legal and political issues</u> (Helena Maria Matias Pereira de Melo)
RG-LVT-714-1211	<u>Surveys on legal issues</u> (Cláudia Maria Salsinha Trabuco)
RG-LVT-714-1212	<u>Discourses on law</u> (Cláudia Maria Salsinha Trabuco)
RG-LVT-714-1213	<u>Pedagogic innovation on legal education</u> (Ana Cristina Fonseca Nogueira da Silva)

Group Description

Title of Research Group: (RG-LVT-714-1108)
Law and society in african portuguese speaking countries

Principal Investigator: Armando Manuel de Barros Serra Marques Guedes

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Faculdade de Direito - Universidade Nova de Lisboa

Funding, source, dates

Funding, source, dates

FCT - CEDIS
1 925 Euros
FD (Law Faculty), General budget of the School
2008 Secretariat, 3 000 Euros

Objectives & Achievements

Objectives

The aim of this sub-project was to provide scientific infra-structures to the study of the law of Portuguese speaking countries, by compiling relevant data on both contemporary and historical lusophone African legal systems in social and political context. This includes not only the systematic collection of relevant legal texts and documents (legislation, jurisprudence, court decisions," historical" legal data), but also material on its embeddedness in local cultural and socio-political environments. At the same time, we intended to proceed with ongoing studies on the law and politics of former Portuguese colonies, Brasil included, in order to get an overview of the post-colonial evolution of formal legal systems, namely in what concerns legal hybridism in Brazil and lusophone Africa and its role in post-colonial legal changes.

There are no systematic data bases on lusophone African legal systems in Portugal. There are very few overviews of the post-colonial evolution of such systems, and still fewer on the local legal expressions in lusophone African populations. As a result, much of what has been carried out is of great novelty.

Main Achievements

1. A data bank containing classified documents produced by the Conselho Ultramarino (Council for Overseas Matters, 1860-1953), a central institution in the government of Portuguese "Colonial Empire", had been constituted, in order to get historical information about both the way Portuguese metropolitan laws were enforced in African colonies and the emergence of Portuguese colonial law. The transcription of previous selected documents of high legal value (c. 500 pages) is available in the data bank.
2. Constitutional texts from Portuguese speaking countries are being scanned in order to provide the public with the digital versions easing the access to this information, through the internet.
3. Within the framework of the project "Formas jurídicas do colonialismo português", a list of the whole deputies elected in the colonial

Objectives & Achievements

territories is being built, in order to work out a prosopographic study on that group.

4. One of the member of the group is carrying out a pluri-approach inquiry and theoretical reflection on political dynamics of post-colonial State in former Portuguese colonies. An array of books and articles is being the outcome of this sub-project.
5. Also the Brazilian post-colonial constitutional process – under a constitutional text which was quite similar to the Portuguese (till 1891) – has been considered in the work of one of the members of Centre who goes on studying the legal and constitutional structures of both Portugal and Brazil. More expressive results of this comparative enterprise will appear in 2009 and 2010.

Group Productivity

Publications in peer review Journals

Armando Marques Guedes, "Continuidades e Transformações na Política Cultural Internacional do Estado Português, 1974-2001", *Universidade em Rede*, 2008, 201-224, Praia, Cabo Verde, 2008

Armando Marques Guedes, "Local Normative Orders and Globalization. Is There Such a Thing as Universal Human Values?, part 1", *Международни отношения (списание за дипломация, политика и икономика), International Relations (a Review on Diplomacy, Politics and Economy)*, pp. 83-103, Sofia, Bulgaria [translated by Kamen Lozev].

Armando Marques Guedes, "Can 'Traditional Authorities' and a Democratic State co-exist in Angola?", *Politica Internationala XI-XII*: 169-217, Bucuresti, Romania.

Armando Marques Guedes, "Raising Diplomats. Political, genealogical and administrative constraints in training for diplomacy", *Favorita Series, Diplomatiche Akademie, Vienna, Austria* [prefaced by Jiří Gruša].

Other publications National

Armando Marques Guedes, "Uma articulação entre o Estado e as 'Autoridades Tradicionais'? Limites na congruência entre o Direito do Estado e os Direitos 'Tradicionais' em Angola", *Estudos comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de Lisboa, Volume II, Almedina, Coimbra*, 715-753, 2008

Cristina Nogueira da Silva, "Liberalismo, Progresso e Civilização: povos não europeus no discurso liberal oitocentista", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade de Lisboa, Volume I, Almedina, Coimbra*, 14-42, 2008

Cristina Nogueira da Silva, "Progresso e Civilização: povos não europeus no discurso liberal oitocentista", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa (coord. Diogo Freitas do Amaral, Carlos Ferreira de Almeida e Marta Tavares de Almeida), Almedina, Coimbra*, 15-42, 2008

Jorge Bacelar Gouveia, "Os direitos fundamentais em Macau", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, I, Almedina, Coimbra*, 331-338, 2008

António Manuel Hespanha, "Um poder um pouco mais que simbólico. Juristas e legisladores em luta pelo poder de dizer o direito", em Ricardo Marcelo Fonseca e Airton C. Leite Seelaender (coords.), *História do direito em perspectiva. Do Antigo Regime à modernidade*, Curitiba, Juruá, 2008, 143-202.

António Manuel Hespanha, "Estadualismo, pluralismo e neo-republicanismo - Perplexidades dos nossos dias", a publicar nas actas do Congresso de Juristas Luso-Brasileiros, organizado pela Faculdade de Direito de Coimbra e pelo Instituto Luso-Brasileiro de Direito.

António Manuel Hespanha, "Os juristas mais característicos fazem parte do problema e não da solução", *Prisma jurídico*, São Paulo, Uninove,

Group Productivity

7.1(2008)17-26.

António Manuel Hespanha, "Corporativismo e Estado de Polícia como modelos de governo das sociedades euro-americanas do Antigo Regime". (em colaboração com José Subtil), a publicar em Fátima Gouvêa e João Fragoso (coords.) O Brasil Colonial. Colectânea em três volumes, a sair em 2008/9 pela Editora Civilização Brasileira.

Organization of conferences

7th January 2008 – Organization and Opening Address of a "Diplomatic Seminar" at The Ministry of Foreign Affairs (with the presence of Portugal's Prime Minister and Minister of State and Foreign Affairs, and France's Minister of Foreign Affairs Bernard Kouchner)

10th 11th April 2008 – Co-organization of an International Conference "200 years of Economic Relations between Portugal and Brasil" - Alto Patrocínio do Presidente da Republica Portuguesa, Hotel Tivoli

Group Description

Title of Research Group:	(RG-LVT-714-1210) Emerging legal and political issues
Principal Investigator:	Helena Maria Matias Pereira de Melo
Main Scientific Domain:	Ciências Jurídicas e Ciências Políticas
Group Host Institution:	Faculdade de Direito - Universidade Nova de Lisboa

Funding, source, dates

Funding, source, dates

FCT - CEDIS

2 310 Euros

FD (Law Faculty), General budget of the School

2008 Secretariat, 3 000 Euros

Objectives & Achievements

Objectives

The sub-project aimed to build bridges between "pure" research and social demand. On the one hand, legal research deals as well with normative elements as with empirical social issues, so that research shall necessarily be oriented to problems (problem solving approach). This has actually been a secular trend in legal knowledge, which justifies the very classification of legal knowledge as a prudential (practical science). The proper way of incorporating praxis into academic theory is to bring social problems inside the schools, rather than to extrude Faculty members in order to grasp praxis out there. On the other hand, Portuguese society is ravaged by huge social problems with which law has urgently to cope. Disclaiming any intent of competing with established legal professionals (professors and student under their guidance), plural leveled academic teams will handle practical issues brought by citizens, within specific ranges of legal and social praxis. Upon the experience extracted from cases, new models of legal response will be tuned. Such ranges will be:

1. New legal models of conflict resolution
2. Mapping new institutional tools for granting fundamental rights
3. Legal tools for a post-state governance
4. New challenges to private law

In each domain, practical work arises from theoretical models and shall provide social and practical feedback to the assessment of these models.

Main Achievements

At the moment, the Law School has already a fruitful experience of a legal clinic, upon which the new ones will be modelled and launched, UMAC (Unit for mediation of petty conflicts on consumer's complaints). This unity went on with its activity, engaging professors and students in legal aid on the domain of consumers' law.

Group Productivity

Publications in peer review Journals

Armando Marques Guedes, "O Conflito na Geórgia", CADERNOS DO IDN, No. 1, II série, 25-33, Ministério da Defesa, 2008

Armando Marques Guedes, "Regularidades e Divergências na Luta Contra o Terror: Alguns Dispositivos, Continuidades e Transformações, do século XX para o XXI", Segurança e Defesa, n.º 8, 104-114, Ministério da Defesa, 2008

Other publications International

Armando Marques Guedes, Raising Diplomats. Political, genealogical and administrative constraints in training for diplomacy, Vienna - Austria, Favorita Series - Diplomatische Akademie, 2008

Armando Marques Guedes, "Local Normative Orders and Globalization. Is There Such a Thing as Universal Human Values?, part 1", International Relations

(a Review on Diplomacy, Politics and Economy), Ministry of Foreign Affairs, Sofia, Bulgaria, 83-103, 2008

Armando Marques Guedes, Clusters of Diplomatic Training in the Central European Initiative Countries against a Comparative Background, Dubrovnik and Zagreb, Croatia, Centre for Advanced Academic Studies, 2008

Armando Marques Guedes, Is there a global al-Qaeda? Some thoughts on the organizational limits of contemporary transnational terrorist groups, Sofia, Bulgaria, Ministry of Foreign Affairs, 2008

Helena Pereira de Melo, "Xenotransplantation: Portugal", Xenotransplantation: Ethical, Legal, Economic, Social, Cultural and Scientific Background, Vol. 4, Martin Meidenbauer Verlagshandlung, München, 17-57, 2008, 978-3-899758689

Paula Escarameia (como Relatora, com a colaboração dos membros da Comissão de Direito Internacional da ONU), Report of the International Law Commission 2008, Nova Iorque, Estados Unidos, United Nations Press, 2008

Other publications National

Cláudia Trabuço, "De par-em-par, pois então?! - a partilha de obras protegidas pelo Direito de Autor através da Internet", Estudos comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. II, Alameda, Coimbra, 117-149, 2008

Cláudia Trabuço, "Repetir nunca é repetir: reflexões sobre a reprodução e o plágio de obras de arquitectura", Estudos em honra do Prof. Doutor José de Oliveira Ascensão, Vol. I, Alameda, Coimbra, 821-851, 2008, 978-972-40-3568-0,

Cláudia Trabuço, "Conteúdos ilícitos e responsabilidade dos prestadores de serviços nas redes digitais", Direito da Sociedade da Informação, Vol. VII, Coimbra Editora, Coimbra, 473-497, 2008

Helena Pereira de Melo, Manual de Biodireito, Coimbra, Alameda, 2008

Helena Pereira de Melo, "Does Size Matter? A Nanotecnologia e o Direito", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. I, Alameda, Coimbra, 269-285, 2008

Maria Eduarda Gonçalves, "Regulação do risco e risco da regulação. O caso dos organismos geneticamente modificados", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. I, Alameda, Coimbra, 441-471, 2008

Mariana França Gouveia, "Meios de resolução alternativa de litígios. Negociação, Mediação e Julgados de Paz", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade de Lisboa, Vol. II, Alameda, Coimbra, 728-758, 2008

Group Description

Title of Research Group: (RG-LVT-714-1211)
Surveys on legal issues

Principal Investigator: Cláudia Maria Salsinha Trabuço

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Faculdade de Direito - Universidade Nova de Lisboa

Funding, source, dates

Funding, source, dates

FCT - CEDIS
15 189,33 Euros

FD (Law Faculty), General budget of the School
2008 Secretariat, c. 3 000 Euros

Objectives & Achievements

Objectives

This project comprises five sub-projects:

- Non-performance to frustration of contracts (sub-project 1);
- Observatory of Portuguese legislation (sub-project 2);
- Evaluation of the Arbitration Statute (subproject 3);
- Regulation of Intellectual Property Licensing Contracts in Portuguese Law (sub-project 4);
- Judicial Practices in Early Modern Portugal (sub-project 5).

Sub-project 1 aims to clarify and assess the legal framework of non-performance of contracts in order to answer two specific questions. Does this legal framework promote performance or, to the contrary, breach of contracts? Besides that, under an economic efficient perspective, does it or does it not fit the model of optimum social non-performance? By answering these questions we are able to assess positively the Portuguese legal framework or to propose adjustments in order to make it a true ally on social and economical development.

Considering that, nowadays, the regulation as a public policy became an important subject of interest and study and that the European Commission recommended the adoption of a Better Regulation Action Plan to all Member-States, sub-project 2 aims to develop analysis concerning the law-making methodology and procedure, namely: identify the frequency of legislative amendments – laws and decree-laws; analyze the duration of regulation procedure; identify forms of participation in the legislative procedure.

Sub-project 3 aims at evaluating the Portuguese legislation about alternative dispute resolutions methods (ARD), namely the arbitration Portuguese statute. This statute has 20 years and the government plans to modify it. The project wants to study the law in an international basis and comparison and present a proposal of what could be a new Portuguese statute for this area.

Objectives & Achievements

Sub-project 4, based on the analysis of the underlying principles of the regulation of intellectual property licenses of use and on a careful consideration of their practical application, intends to: identify the rules applicable to the grant of authorization to exploit the economic potential of intellectual works or simply to use the works; conclude if the present legal framework contribute protects the author's interests; if necessary, propose legislative reforms.

Sub-project 5 aims at the study of judicial practices and litigation in early modern Portugal. Two axes will be set: the professional practice of justice; the demand of justice by the different bodies that form the Portuguese society. The first line of research aims to understand the role of magistrates through a microanalysis approach that is focused on the way they executed their function. The second line of research will focus on the different forms that litigation could have in early modern Portugal, namely in the demand for learned justice, from the view point of their users. By treating the processes, we will try also to reconstruct solidarity or conflict networks in a slow transformation society.

Main Achievements

Observatory of Legislation's relational database is still collecting data concerning the legislation published in the Official Gazette. The data concerning the years from 2002 to 2007 is now available, and a new issue of its annual publication "Boletim do Observatório de Legislação Nacional" was published in November 2008.

The evaluation of Portuguese regime of breach of contract is still active, with nem reports being prepares to be published with 2008 finding a concerning the analysis of superior court decisions

CEDIS granted financial support to 2 FD-UNL's students to academic stays in the UN's International Law Commission. The activities they developed there were supervised by Prof. Paula Escarameia, herself a member both of our Faculty and of that Commission.

Group Productivity

Publications in peer review Journals

Assunção Cristas, "Regime de obras e sua repercussão na renda e na manutenção do contrato de arrendamento", Themis, n.º 15, 27-43, Lisboa, 2008,

Assunção Cristas, "O registo nacional de cláusulas abusivas", Revista Portuguesa de Direito do Consumo, n.º 54, 110 ss, 2008,

Cláudia Trabuço, "A interoperabilidade entre o Direito de Autor e o Direito da Concorrência (Ac. do TPI de 17.09.2007, Proc. T- 201/04 - Microsoft Corp. v Commission of the European Communities)", Cadernos de Direito Privado, n.º 21, Janeiro/Março 2008, 28-40, Braga, 2008,

Cláudia Trabuço, "O direito de autor e as licenças de utilização sobre programas de computador – o contributo dos contratos para a compreensão do direito", Themis, n.º 15, 139-169, Lisboa, 2008,

João Caupers, "O domínio público", Themis, n.º 15, 109-116, Lisboa, 2008,

José Lebre de Freitas, "A Nova acção de despejo", Themis, n.º 15, 75-82, Lisboa, 2008,

Paula Escarameia, "The Security Council as a judge? Relationship between the Security Council and the International Criminal Court", Themis, Lisboa, 2008,

Rui Pinto Duarte, "A cessação da relação de arrendamento urbano no NRAU", Themis, n.º 15, 45-74, Lisboa, 2008,

Nuno Pizarra, "A proibição constitucional de extraditar nacionais em face da União Europeia", Revista de Direito do Estado, n.º 9, 131-148, Rio de Janeiro/Brasil, 2008, 1809-550X,

Group Productivity

Paula Escarameia, "A Comissão de Direito Internacional das Nações Unidas", UN Newsletter - April, April 2008, Bruxelas, Bélgica, 2008

Paula Escarameia, "Contribution of the International Law Commission to the Jurisprudence of the International Court of Justice", Lucknow City Montessori School Annual Bulletin, 2008, Lucknow, India, 2008

Paula Escarameia, "Peace through Treaties – a Commentary", Law Journal University of Munich, 2008., Munique. Alemanha, 2008

Other publications International

Maria Helena Brito & Eugénia Galvão Teles, "Portugal", Derecho de los contratos internacionales en Latinoamérica, Portugal y España, Edisofer (também na Editorial BdeF), Madrid (também em Montevideo-Buenos Aires), ?, 2008,

Nuno Garoupa e Mariana França Gouveia, "Class Actions in Portugal, Class Actions for Europe, Perspectives from Law and Economics" (dir. Carlos Esplugues Mota, Daniel Hargain, Guillermo Palao Moreno), Edward Elgar Publishing, Cheltenham, Camberley e Northampton, ?, 2008,

Rui Pinto Duarte, "Portugal, Takeover bids in Europe" (edited by Sijla Maul, Danièle Muffat-Jeandet e Joëlle Simon), Memento Verlag, Freiburg i. Br, Alemanha, 487-526, 2008, 978-3-939099-09-3

Other publications National

Assunção Cristas, "É possível impedir judicialmente a resolução de um contrato?", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade de Lisboa, Vol. II, Alameda, Coimbra, 53-80, 2008, 978-972-40-3460-7,

João Caupers, "Estudos de caso no âmbito do Observatório de Legislação Portuguesa", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. I, Alameda, Coimbra, 287-309, 2008, 978-972-40-3426-3,

Boletim do Observatório da Legislação Portuguesa, n.º 1 / Novembro 2008, (Coord. João Caupers, Marta Tavares de Almeida, Pierre Guibentif), FD-UNL

Internationalization

In 2008, CEDIS granted financial support to 2 FD-UNL's students to academic stays in the UN's International Law Commission. The activities they developed there were supervised by Prof. Paula Escarameia, herself a member both of the Faculty and of the Commission (equivalent to Sub-Secretary General of the UN), resulting in reports done by the grantees.

Group Description

Title of Research Group:	(RG-LVT-714-1212) Discourses on law
Principal Investigator:	Cláudia Maria Salsinha Trabuço
Main Scientific Domain:	Ciências Jurídicas e Ciências Políticas
Group Host Institution:	Faculdade de Direito - Universidade Nova de Lisboa

Funding, source, dates

Funding, source, dates

FCT - CEDIS

1 921,65 Euros

FD (Law Faculty), General budget of the School

2008 Secretariat, 3 000 Euros

Note: - The project on Law and Literature results from a collaboration between the Faculty of Law and the “Centro de Estudos Comparatistas” of the “Faculdade de Letras da Universidade De Lisboa”. Therefore, the event was financed both by the former and by the CEDIS, whose respective expenditure was 1 197,22 Euros.

Objectives & Achievements

Objectives

The main achievement expected from the three projects included in this research group is the acquisition of solid experience by young researchers, stimulating their interest by scientific activities in the field of law and related branches of knowledge. The intersection of these fields of research and the programs of the disciplines taught in the Faculty of Law will foster interdisciplinarity as an essential tool within Law studies.

The research group on discourses on law encompasses three main projects with the following objectives:

- 1) The first project aims at fostering effective debate between Literature and Law in the Portuguese University. The paths of literature and law often meet, intersecting each other, whilst at the same time becoming enmeshed in the very enduring world-creating fabric that they pursue. Representing two different modes of acting upon the human realm by means of language and discourse, both the methodological and the epistemological diversity, which constitute the distinguishing mark of Literary Studies vis-à-vis Law Studies, circumscribes the disciplinary boundary.
- 2) The second project is mainly concerned with the analysis of the Law discourse and is constructed as a survey on the linguistic practices of legal practitioners.
- 3) The third project aims at studying the legal devices of the liberal model of Governance in Portugal, from 1851 to 1926, in a comparative perspective.

The concern with law as a discourse was also the reason why CEDIS organized a sustained presence in FD-UNL academic activities – research and lectures – of a internationally distinguished team of experts on Theory of argumentation, inviting for a period of two months – to be

Objectives & Achievements

continued in the following years – the group of Theory of Law of Alicante's Facultad de Derecho, headed by Prof. Manuel Atienza, one of the leading European experts on Theory of argumentation applied to Law. Besides giving lectures to graduate and post-graduate students, 5 Professors supervise research at different levels.

Main Achievements

- Opening to new methodologies of legal analysis (like Law and Economics, Legal Policies, Law and Social Studies, Legal discursive analysis);
- International Seminar "Mundos em Diálogo, Colóquio Internacional sobre Literatura e Direito", organized by "Centro de Estudos Comparatistas" of the Faculdade de Letras da Universidade de Lisboa and CEDIS.
- Law and Literature

One of the main outputs of this project during 2008 was the integration of this theme among the subjects of the so-called "extracurricular work" to be prepared by undergraduate students as part of their degree.

We've concentrated in the analysis of Portuguese novelists from the XIX and XX centuries and established the goal of reading these novels from a different perspective, i.e. trying to discover and qualify legal institutes present in the literary works under analysis. Each student was supposed to select 3/4 works of the same author and fill in reading forms outlined in advance.

Several students took the opportunity of working in this field, which made possible the selection of 6 Portuguese authors whose works were to be read and examined from the described perspective. Up until this moment, we've collected reading forms from all the novels by Eça de Queirós, José Saramago, José Cardoso Pires, Ferreira de Castro, Vergílio Ferreira and from about half of the novels by Camilo Castelo Branco. We are now preparing the second stage of this project, making the results available for researchers wanting to precede studies in this area and trying to involve students (mostly graduate students) in an analysis from a Law and Literature perspective of some of the legal subjects raised by the novels.

In order to provide this project with novels to be analysed, and keep them available to be used when it may be convenient, CEDIS is supporting the purchase of either the most well known novels written by the authors who are being studied, as well as some of their less known works which, nevertheless, have significant interest for this project due to its legal references. These books are the backbone of what is intended to be a "corpus" of XIX century Portuguese library of novels that address legal subjects.

An investigation group in Argumentation Theory (analysis of the Law discourse) composed by Ph.D. Law Studies Professors and Students, was created, being co-coordinated by CEDIS and "Instituto de Filosofia da Linguagem" of the FCSH/UNL.

Group Productivity

Publications in peer review Journals

António Manuel Hespanha, "Os modelos normativos. Os paradigmas literários", (dir. Nuno Gonçalo Monteiro) *História da Vida Privada em Portugal, II Vol.*, Editorial Presença, 2008

António Manuel Hespanha, "Nas origens do STJ em Portugal. Governo da lei ou governo dos juizes?", *Themis*, n.º 16, Lisboa, 2008 (a pub. em 2009),

António Manuel Hespanha, "Direito moderno e intertextualidade. Direito próprio e direito comum em De Jure Lusitano, de Mateus Homem Leitão (1645)", *Revista de História das Ideias. Tradição e Revolução. Homenagem e Luís Reis Torgal*, 29, 47-102, Lisboa, 2008

António Manuel Hespanha, "Os juristas mais característicos fazem parte do problema e não da solução", *Prisma jurídico*, 7.1, 17-26, São Paulo, 2008,

António Manuel Hespanha, "A note on to recent books on the patterns of Portuguese Politics in the 18th century", *e-Journal for Portuguese*

Group Productivity

History, 6.1., 2008

António Manuel Hespanha, "Cultura jurídica académica no período do 'Estado Novo'", *Prisma jurídico*, 7.1., 149-163, São Paulo, 2008

António Manuel Hespanha, "Jurists as gamekeepers"/"Pravniki kot gozdarji"/"I giuristi come «guardacaccia»", *Acta Historiae*, 16, 477-502, 2008

Cristina Nogueira da Silva, "Conceitos Oitocentistas: Liberalismo e Igualdade", *Análise Social*, Setembro de 2009 (no prelo)

Other publications National

(coord. Diogo Freitas do Amaral, Carlos Ferreira de Almeida, Marta Tavares de Almeida), *Estudos comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de Lisboa*, Volume 1, Almedina, Coimbra, 2008, 972-40-3426-3

(coord. Diogo Freitas do Amaral, Carlos Ferreira de Almeida, Marta Tavares de Almeida), *Estudos comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de Lisboa*, Volume 2, Almedina, Coimbra, 2008, 972-40-3460-7

(coord. Marta Tavares de Almeida e Nuno Piçarra), *50 Anos do Tratado de Roma*, Lisboa, Âncora, 2008, 972-780-209-5

António Manuel Hespanha, "A monarquia: a legislação e os agentes", (dir. Nuno Gonçalo Monteiro) *História da Vida Privada em Portugal*, II vol., Editorial Presença, 2008

António Manuel Hespanha, "Do corporativismo ao liberalismo: redefinindo fronteiras do universo político", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa*, Vol. I, Almedina, Coimbra, 73-90, 2008, 978-972-40-3426-3

Cristina Nogueira da Silva, "Libertad, Derechos Fundamentales y «multiculturalismo» en el pensamiento de Silvestre Pinheiro Ferreira (1769-1846)", *Actas do Congresso Internacional De la galería a la biografía. Vidas por el Derecho en la España liberal*, Huelva, Universidad de Huelva, no prelo.

José João Abrantes, "Algumas notas sobre o direito do trabalhador à reserva da vida privada", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa*, Vol. II, Almedina, Coimbra, 241-248, 2008, 978-972-40-3460-7

José Lebre de Freitas, "Justificação notarial: nulidade e registo", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa*, Vol. II, Almedina, Coimbra, 249-267, 2008, 978-972-40-3460-7

Maria Eduarda Gonçalves, "Regulação do risco e risco da regulação. O caso dos organismos geneticamente modificados", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa*, Vol. I, Almedina, Coimbra, 441-471, 2008, 978-972-40-3426-3

Maria Helena Brito, "Cooperação judiciária em matéria civil. Uma perspectiva geral", *50 Anos do Tratado de Roma*, Âncora, Lisboa, 163-198, 2008, 978-972-780-209-5

Maria Helena Brito, "O Direito Internacional Privado no Código Civil. Perspectivas de reforma", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade de Lisboa*, Vol. II, Almedina, Coimbra, 355-380, 2008, 978-972-40-3460-7

Maria Helena Brito, "A Convenção da Haia sobre a lei aplicável ao trust e ao seu reconhecimento. Breve apresentação", *Estudos em Honra do Professor Doutor José de Oliveira Ascensão*, Vol. II, Almedina, Coimbra, 1641-1651, 2008, 978-972-40-3569-7

Maria Lúcia Amaral, "Queixas constitucionais e recursos de constitucionalidade", *Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa*, Vol. I, Almedina, Coimbra, 473-501, 2008, 978-972-40-3426-3

Nuno Piçarra, "O Tratado de Roma e as Fronteiras dos Estados-Membros", *50 Anos do Tratado de Roma*, Âncora, Lisboa, 199-234, 2008,

Group Productivity

978-972-780-209-5

Nuno Piçarra, "O novo regime jurídico dos inquéritos parlamentares", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade de Lisboa, Vol. I, Almedina, Coimbra, 565-606, 2008, 978-972-40-3426-3

Paula Escarameia, "The Security Council as a Judge? The Relationship between the Security Council and the International Criminal Court", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. I, Almedina, Coimbra, 607-619, 2008, 978-972-40-3426-3

Rui Pinto Duarte, "O Quadro Legal das Sociedades Comerciais ao Tempo da Alves & C.ª", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. II, Almedina, Coimbra, 479-505, 2008, 978-972-40-3460-7

Rui Pinto Duarte, "A Relevância do Direito Comunitário no Direito das Sociedades", 50 Anos Tratado de Roma, Âncora, 79-123, 2008, 978-972-780-209-5

Tiago Duarte, "Quanto vale uma sentença? Notas sobre a aplicação do artigo 102.º n.º 5, do Código de Processo nos Tribunais Administrativos", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. II, Almedina, Coimbra, 767-801, 2008, 978-972-40-3460-7

Vítor Pereira Neves, "A natureza transitiva dos critérios de imputação de direitos de voto no Código dos Valores Mobiliários", Estudos Comemorativos dos 10 Anos da Faculdade de Direito da Universidade Nova de Lisboa, Vol. II, Almedina, Coimbra, 507-542, 2008, 978-972-40-3460-7

Organization of conferences

International Seminar Mundos em Diálogo, Colóquio Internacional sobre Literatura e Direito, organized by "Centro de Estudos Comparatistas" of the Faculdade de Letras da Universidade de Lisboa and by CEDIS.19-20 February 2008

Group Description

Title of Research Group: (RG-LV7-714-1213)
Pedagogic innovation on legal education

Principal Investigator: Ana Cristina Fonseca Nogueira da Silva

Main Scientific Domain: Ciências Jurídicas e Ciências Políticas

Group Host Institution: Faculdade de Direito - Universidade Nova de Lisboa

Funding, source, dates

Funding, source, dates

FACT - CEDIS
12 561,17 Euros
FD (Law Faculty), General budget of the School
2008 Secretariat, 3 000 Euros

Objectives & Achievements

Objectives

This research group will carry on the development of the works already started within the framework of the research group related with the program Sources and foundational databases. Therefore, its main objectives during the period under evaluation (2003-2006) are described in the respective section of this report.

The main outcomes expected for the next three years are the following:

1) To create and develop a system of e-learning for the students. It is the aim of this Project to favour the application of new teaching and learning technologies, according to the spirit of Bologna charter

2) To develop a digital library with digital archives collecting the legal classical texts from XX th. Century

3) To develop the web site Jurist Portugal, where legal students and professors, as well as other people, can find on line law information and data

This research group was created to inaugurate a new line of studies. Nevertheless two of the sub-projects (2) and 3)) are the development of previous ones, which were included within the framework of the research group related with the "Sources and foundational databases".

Main Achievements

The conclusion and improvement of a program of digital transcription of the whole of Portuguese legal academic literature of the 19th century (Project "Arquivos Digitais do Direito e do Estado"). In the whole, more than 600 books have been digitalized and published in FDUNL's internet website (www.fd.unl.pt).

Development of Jurist Portugal's portal: its thematic legal guides were reviewed and completed, legal news were made available in an organized way and new dossiers were organised on the legal handling of themes which are being the object of intensive debated in Portuguese society

Objectives & Achievements

(voluntary pregnancy interruption, corruption of civil servants or in public affairs and religious freedom).

Implementation, using the University's e-Learning platform, of an e-learning program comprising two graduation courses, coordinated by António Hespanha: "Direito e Pensamento Jurídico", e "História Constitucional e do Estado".

Group Productivity

Publications in peer review Journals

Assunção Cristas, "Programa Direito em Acção: ligar o ensino à prática judiciária", *Themis*, n.º 15, 173-177, Lisboa, 2008

Other publications International

Jorge Bacelar Gouveia, *Constitutional Law – Portugal*, Kluwer, 2008

Other publications National

Ana Prata, *Dicionário Jurídico*, Vol. I — Direito Civil, *Direito Processual Civil e Organização Judiciária*, 5.ª ed, Coimbra, Almedina, 2008

Ana Prata, *Direito das Obrigações — Relatório incluindo o programa, os conteúdos e os métodos de ensino e avaliação da disciplina de Direito das Obrigações*, Coimbra, 2008

Jorge Bacelar Gouveia, *Direito Internacional Penal*, Coimbra, Almedina, 2008

Jorge Bacelar Gouveia, *Manual de Direito Internacional Público*, 3ª Ed, Coimbra, Almedina, 2008

Rui Pinto Duarte, *Escritos sobre Direito das Sociedades*, Coimbra, Coimbra Editora, 2008

Rui Pinto Duarte, *O Ensino do Direito das Sociedades*, Lisboa, 2008

Carlos Ferreira de Almeida, *Contratos. I. Conceito. Fontes. Formação*. 4.ª ed, Coimbra, Almedina, 2008