

Summarized CV of **António Manuel Hespanha Botelho**
(b. Coimbra, 1945) is a Portuguese jurist and historian [1].

After a graduation and a postgraduate degree in Law (University of Coimbra) and Ph.D. in and Political and Institutional History of Modern Age (Faculty for Humanities and Social Sciences, he followed the academic career in Coimbra and Lisbon [1].

As one of the most quoted international historians [1], he is considered, along with Bartolomé Clavero (Seville) and other Italian and Spanish historians, one of the great reformers of institutional and political history of the Iberian countries and their colonial extensions. "The strong influence of his ideas on the younger generations of historians and jurists can be seen easily and consistently in many studies developed mainly in Portugal and Brazil, but also in several other European countries and in the United States. "[2]

Apart from numerous dispersed collaboration in academic journals, Portuguese and foreign, and many translations and important books in the field of History of Law, Hespanha has an extensive bibliography on his themes – institutional and constitutional history, early modern history, lately theory of law [3].

Work and influence

António Manuel Hespanha is the author of numerous articles and books on history of law and institutions, the best known being probably "As Vésperas do Leviatã", a broad canvas of the ideas and political practices of the Ancien Regime in Portugal (mainly 17th century) [4] [5] This book has been complemented by studies of detail, to identify points of rupture between the political and legal organization of the Ancien Regime and modernity. The first ones were collected in the book "La gracia del derecho. Economía de la Cultura en la Edad Moderna. "[6] [7] Later studies, thematically more homogeneous around the language of social subalternization were in Brazil "Imbecillitas. The Beatitudes of inferiority in the societies of the Old Regime. " (2010) The most recent studies on social, political and logical law of the early modern law and institutions explored the consistency of his previous explanatory paradigm to Brazilian colonial society, having been collected in the book "O caleidoscópio do Antigo Regime" (2010) [2]

In the field of history of law, his book "European legal culture. Synthesis of a millennium " (1996), [8] [9] [10] was published in several languages (Portuguese, Italian, Chinese and Castilian), being adopted as a reference text in several universities.

Extending their studies of institutional and legal history for the 19th century, Hespanha published a long essay on the political and legal system of constitutional monarchy Portuguese ("Quando a mão invisível. Direitos, lei e Estado no liberalismo monárquico Português" (2004) highlighting the inconsistency of the labels "liberal" and "legalistic" pervasively attached to the politico-legal system of this period. [11] [12] In a later version, highly modified, published in Brazil ("Hercules confundido. Sentidos Improváveis e Variados do Constitucionalismo Oitocentista. O Caso Português") (2009), he added a critical look at the constitutional innovations of the first Portuguese

constitutionalism (" Vintismo "), in line with what has been recently proposed to the Spanish constitutionalism of Cadiz (1812) by some recent Spanish constitutional history [13].

In the last decade has published a book on jurisprudence, serving as an introduction to the study of law, with a strong theoretical component, strongly influenced by pluralistic and realistic approaches ("O caleidoscópico do direito. O direito e a justiça nos dias e no mundo de hoje"). In this book, he sketches a critical review of the more traditional legal dogmatic, taking in special account the theoretical contributions of Herbert Lionel Hart, Jürgen Habermas and Niklas Luhmann, who, in his opinion, demand a thorough revision of established theories, both of the sources of law and of the legal norm. Accordingly, Hespanha stresses the idea that rules of law must be provided with an adequate verifiability that prevents arbitrary identification, interpretation, application and dogmatic construction. In this sense, he offers a positivist realism, post-statist but still bound to a democratic legitimation of law, although theoretically built as an alternative to that usual under the empire of classic nation state. [Citation needed]

From a methodological point of view, Hespanha shares the historical stream marked by the idea of "historical rupture", which emphasizes the otherness of the cultural, political and legal models systems of pre-contemporary historical periods, deriving from here a critical of history, as a tool for deconstruct the pretensions of contemporary law and politics of having reached universal and ahistorical forms of social intervention and regulation [14].

Career

Degree and a postgraduate degree in Law (Historical and Legal Sciences), University of Coimbra, where he was assistant professor to Roman Law (1968-1974).

Director-General of Higher Education (1974-1975) and Inspector-General of the Ministry of Higher Education (1975-1978) [1].

Assistant Professor, Faculty of Law, University of Lisbon (1978-1986).

Professor of Institutional Early Modern History, Faculty of Social Sciences and Humanities, Universidade Nova de Lisboa (1985), where he obtained his PhD (1987), with a dissertation after published under the title " "Las vísperas del Leviathan. Instituciones y poder político (Portugal, siglo XVII)" [15] and "agregação" (1994) on "Institutional and political History (XIV-XVIII centuries)",

In 1988 he became researcher at the Instituto de Ciências Sociais, University of Lisbon, where he still has the honorific title of "investigador honorário" [3]. Since 1999 he is Professor at Universidade Nova de Lisboa, [3], where he teaches subjects of Legal History and Jurisprudence .

Between 1995 and 1998 he was Executive Commissar of the National Commission for the Commemoration of Portuguese Discoveries (CNCDP). [3] [1]

He was a visiting professor at Yale University, the Universidade Autónoma de Madrid, Facoltà di Scienze Politiche, University of Messina, University of Macao [3] and Universidade Autónoma de Lisbon (Departments of History and Law), Universidade Federal do Paraná, Curitiba, Brasil, Universidade Federal de Minas Gearis, Belo Horizonte, Brasil, as well as Directeur d ' Études Invité at the Ecole des Hautes Études en Sciences Sociales, Paris, where he gave, in 1997, the inaugural lecture of the academic year (March Bloch Conférences) [16] and visiting scholar at the Robbins Collection, Law School, University of California, Berkeley.

Hespanha is a foreign correspondent member of the Instituto Histórico-Geográfico at Rio de Janeiro (2003) [17] and of he Instituto de Investigaciones de Historia del Derecho, at Buenos Aires (2003) [18].

Former Member of the Conseil Scientifique of the Maison des Sciences de l'Homme (Paris) and former elected a foreign member of Conseil Scientifique du Conseil National pour la Recherche Scientifique (France). Former Chairman of the Conselho Científico of the Foundation for Science and Technology (Social Sciences and Humanities). CEDIS Peer Reviewer of the European Science Foundation for the Humanities area (since 2008). Reviewer of the Ministry of Education of Spain for the program Consolider (since 2008) [3].

Grand Officer of the Order of Santiago da Espada (2000). [19] and Award Totta / Universidade de Coimbra (2005) [20].

As student, he was militant of the Catholic Youth. Later on (1974-1996), member of of the Portuguese Communist Party (until 1988). Subsequently occasionally supported the *Bloco de Esquerda*. In 2000 supported President Jorge Sampaio (socialist) for a second term as President and, in 2004, he was member of the Comissão de Honra de Mário Soares' (unsuccessful) electoral campaign for President. [Citation needed]

Refeences

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3. ↑ [a](#) [b](#) [c](#) [d](#) [e](#) [f](#) Site of the Faculdade de Direito da Faculdade de Direito da Universidade Nova de Lisboa - corpo docente. [Curriculum Vitae de A. M. Hespanha](#). PDF. Page wiewd in 25.10.2010.
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17. [↑](#) V. <http://www.ihgb.org.br/ihgb3.php?s=C&o=1>
18. [↑](#) http://www.inhide.com.ar/identidad_institucional/miembros.html
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45. Portuguese translation of works of [Franz Wieacker](#), [John Gilissen](#), [Arthur Kaufmann](#) & [Winfried Hassemer](#) and [Horst Dippel](#).
46. Coordination (with [Cristina Nogueira da Silva](#)) of the project "Arquivos Digitais da História do Direito Português" (digitalization of the Portuguese legal literature of the 19th century: www.fd.unl.pt)

Extensive reviews of Hespanha's work.

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See also.

1. [Paolo Grossi](#)
2. [Bartolomé Clavero](#)
3. [História do Direito](#)

External links.

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