

## **General Information**

### **Name of Research Unit:**

(CJP-LVT-714)

CEDIS - Centro de Investigação & Desenvolvimento sobre Direito e Sociedade

### **Coordinator:**

João Pedro Barrosa Caupers

### **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, Direcção-Geral do Consumidor (DGC), 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, Instituto de Estudos Superiores Militares (IESM), Observatório sobre Segurança, Instituto Criminalidade organizada e Terrorismo (OSCOT), among others, and, also, (inter)national law firms.

### **General Objectives**

The general aim of the Centre has been 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;
- Opening to new methodologies of legal analysis (like Law and Economics, Legal Policies, Law and Social Studies, Analysis of legal discourse, Theory of Law, Theory of Legislation);
- 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 2010**

CEDIS' 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 FDUNL;
- (c) to develop scientific work focusing subjects to which the Faculty has 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;
- (d) to promote academic internationalization.

According to the 1st objective (a):

- ♣a CD-Rom, with the core legal documents on Public Law from CPLP countries (Project "Law and Society in lusophone Africa") (dir. Prof. Jorge Bacelar Gouveia), as well as a electronic compilation for the history of colonial administration (dir. Prof. Cristina Nogueira da Silva).

- ♣Jurist Thematic Guides on African Law are still being enlisted.

Interdisciplinarity was promoted with the support to the of an international research Seminar on Legal ♣Theory and Theory of Argumentation and in preparing an internat. Colloquium on Science of Legislation (see above), as well as the continuation for 2011, of the above cited Seminar on Legal Theory, Theory of Argumentation and a new one on Law and Literature.

Regarding the 2nd objective (of developing an institutional coherent doctrinal corpus) (b), the Centre:

- Funded the (2010) publication of a collective book collecting texts written by doctorate students on Theory of Law; financial support of another book, written by younger students, being an introductory guide to Theory of Argumentation.
- Seminars on "legal and political studies" (SPEED) and "Espaço Público" (Public Space; graduate students) are still regularly hold at the School.
- Funded the initial research on a new project "Inclusion and exclusion in 19th century's citizenship concepts".

Regarding the 3rd objective (to develop scientific work focusing subjects to which the Faculty had a special vocation and to organize research teams also integrated by students) (c), the Faculty created newly and CEDIS support:

- Observatório de Legislação Portuguesa (dir. Prof. João Caupers, <http://www.fd.unl.pt/default.asp>),
- Centro de Estudos em Propriedade Intelectual e Concorrência (dir. Prof<sup>a</sup> Cláudia Trabuco, <http://www.fd.unl.pt/Anexos/CPIC.pdf>);
- Centre "Antígona" (dir. Prof<sup>a</sup> Teresa Beleza, <http://www.fd.unl.pt/Anexos/2722.pdf>), for the study and legal handling of legal problems related to discrimination and inequality;
- Laboratory for Alternative Dispute Resolution, whose teaching extension will be the newly created master on New frontiers of Justice (dir. Prof<sup>a</sup> Mariana Gouveia), <http://laboratorial.fd.unl.pt/>)and and the Introductory Course on Alternative Dispute Resolution (ADR) (dir. Prof<sup>a</sup> Mariana França Gouveia);

According the 4th objective (to promote academic internationalization) (d), CEDIS joined the School opening 6 courses given in English (2010), went on supporting the invitation of foreign visiting professors (2009: Manuel Atienza, Juan Manero, Angeles Rodenas Calatayud, Juan Perez-Lledò, Josep Aguilò, Marta Llorente, Isabel Lifante).

### **Activities**

#### **Integrative/multidisciplinary activities during the year of 2010**

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 2010**

CEDIS was stick together with the School in the decision of opening 6 courses given in English (2009), went on supporting the invitation of foreign visiting professors (2009: Manuel Atienza, Juan Roiz Manero, Angeles Rodenas, Juan Antonio Perez-Lledò, Josep Aguilò, Marta Lorente, Isabel Fifante), for short stays of joint research and lecturing.

Other outreach activities during the year of 2010

The outreach activities can be systematized as follows:

- External availability of scientific and educational materials, namely through publications either in traditional formats or on digital platforms (books, journals, working papers in the webpage, virtual library, e-learning platforms);
- Ongoing active participation in EMA (European master on Human Rights, Venice), with regular presence of a professor of the School and tutoring of several master's dissertations;
- Organization of a new master degree, co-sponsored by the FCSH/UNL, on Justiça, Media e Comunicação (dir. Prof. Mariana França Gouveia);
- Organization of a new master degree, co-sponsored the FE/UNL, on Law and Management (Master in Law and Management (dir. Prof. Vítor Neves, <http://www.fd.unl.pt/Anexos/3241.pdf>).
- Organization of a new master degree, sponsored by FDUNL, on Sports Law, (dir. Prof. José Manuel Meirim);
- Organization of a new master degree, sponsored by FDUNL, on Legal and Meta-legal Perspectives, (dir. Prof. Mariana França Gouveia);
- Organization of a new edition of Post-graduation on Arbitration, (dir. Prof. Mariana França Gouveia and Dr. Filipe Alfaiate);
- Organization of a new master on Law and Security (dir. Prof. Jorge Bacelar Gouveia)
- Organization of open seminars, specialization courses and other forms of further education oriented to specific professional audiences, namely;
- The 9th International Association of Legislation Congress, which took place on 24 -25th of June 2010,
- Preparation of the proceedings of the 9th International Association of Legislation Congress, in order to be published;
- The conference "O Tratado de Lisboa. Aspectos Centrais", which took place on Reitoria UNL, February 26th 2010.
- Research projects coping with special and relevant social issues (science of legislation, alternative dispute resolution, mediation activities in consumer's law, formation of personnel for international organizations, historical investigation); see above.
- Cooperation with law-firms in teaching and practice oriented research.

<b>Funding</b>			
	<b>2008</b>	<b>2009</b>	<b>2010</b>
LA FCT	0,00	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
	<b>48.907,14</b>	<b>51.468,75</b>	<b>67.856,25</b>

#### **General Indicators**

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>

General Indicators						
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
<b>Balance</b>	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	21,00	24,00	26,00	28,00	25,00	
Training Masters (Master thesis completed)	0,00	0,00	0,00	0,00	0,00	0,00
Training PhDs (PhD thesis completed)	3,00	0,00	0,00	4,00	1,00	8,00
Researchers Hired						
Name	Start Date	End Date	Other Institution			
No researchers found...						
Technical Personnel Hired						
Name	Start Date	End Date	Other Institution			
No technical personnel found...						
Additional Comments						
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> (Maria de Assunção Oliveira Cristas Machado da Graça)					
RG-LVT-714-1212	<u>Discourses on law</u> (Cláudia Maria Salsinha Trabuco)					
RG-LVT-714-1213	<u>Pedagogic innovation on legal education</u> (Tiago José Pires Duarte)					

## **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

c. 2 000 Euros

FD (Law Faculty), General budget of the School

2010 Secretariat, c. 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 embeddeness 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**

The project leader, Prof. Armando Marques Guedes, organized, solo or through co-organization, several seminars and conferences regarding the project theme, approximately 14. Due to its relevance it can be in a few words mentioned the following:

17 de Março de 2010 – O statebuilding e a Reforma do Sector de Segurança na África lusófona", Curso de Promoção a Oficial Superior, no Instituto de Estudos Superiores Militares

15 de Abril de 2010 – "As 'constantes' emergentes e a atipicidade das linhas de força na política externa angolana, 1975-2002", Universidade Lusíada.

19 de Maio de 2010 - Os 35 anos de independência dos PALOPs, Instituto Superior de Ciências Sociais e Políticas (ISCS)

The Project leader also produced the following articles:

1-Semi-Presidencialismo e Diferenças nos Processos de Presidencialização nos Estados Lusófonos da África e da Ásia", in Actas do I Congresso do Direito de Língua Portuguesa: 116-143, (coord. Jorge Bacelar Gouveia), Almedina.

2-La lusofonia nella partita del Sud-Atlantico", Limes 5-2010: 55-67, Rivista Italiana di Geopolitica, numero speciale, Il Portogallo è grande, Roma.

Prof. Cristina Nogueira da Silva, one of the centre researchers, published the following articles and books related to the project area:

Cristina Nogueira da Silva, Maciel Santos (coord.), Escravos, Libertos e Trabalho Forçado na Era das Abolições, Africana Studia, Revista Internacional de Estudos Africanos, nº 14, 2010.

"Natives who were Citizens and natives who were Indigenas in Portuguese Empire (1900-1926)", in Endless Empires (coord. Alfred McCoy, Josep Fradera, Stephen Jacobson) University of Wisconsin Press, to be published;

"Representação Política e Cidadania no Império", in Fernando Catroga e Pedro Tavares de Almeida (coords.), «Res Publica: Cidadania e Representação Política em Portugal, 1820-1926, Lisboa, Biblioteca Nacional de Portugal/ Assembleia da República, 2010

"A cidadania dos «originários de África» na América e na África portuguesas, séculos XIX-XX", in Colóquio Internacional "A experiência Constitucional de Cádiz: Espanha, Portugal e Brasil", (S. Paulo, USP, 5-7 Outubro de 2010)

Cristina Nogueira da Silva e Keila Grinberg, "Soil Free from Slaves: Slave Law in late 18th century Portugal", in *Slavery and Abolition*, to be published;

*Escravidão e Direitos Fundamentais no século XIX*, *Africana Studia*, Revista Internacional de Estudos Africanos, nº 14, 2010;

Cristina Nogueira da Silva was also a Project Co-Manager for the Project "O Governo dos Outros. Imaginários Políticos no Império Português (1496-1961)" (PTDC/HIS-HIS/104640/2008) - Maintenance of an important legal document's list to study overseas population's administration (1820-1960) (general legislation collections, some thematic legal texts, indexes, thesaurus, studies, summaries) organized by theme and to be completed by the research's scholarship student. Up until now, about 350 relevant documents have been identified and found. Some documents are being scanned by a funded scholarship for scientific research. Scanned documents will be edited and published on the project's webpage as soon as possible.

Also during the year of 2010, the proceedings of the International Seminar on Slaves, Freedmen and Forced Labour in the Age of Abolitions, Lisbon (Faculdade de Direito, Universidade Nova de Lisboa, 19-20th November 2009) were published.

Another researcher, Prof. António Manuel Hespanha, wrote an article regarding the Law and society in african portuguese speaking countries, it's called "Um relatório inédito sobre as violências portuguesas na frente moçambicana da I Guerra Mundial", in *Africana Studia*, 2010, 163-197.

Prof. Jorge Bacelar Gouveia, another researcher, wrote the article: A suspensão de funções dos membros do Governo criminalmente acusados na Constituição da República Democrática de Timor-Leste, in *Revista de Direito Público*, nº 4, Julho/Dezembro de 2010, pp. 247-263.

Project "Legislação: Trabalhadores e Trabalho em Portugal e no Brasil"

With a Cooperation Agreement between Universidade Estadual de Campinas (Brasil) and Universidade Nova de Lisboa (Portugal) we started a cooperation, on this project, with researchers from Centro Pesquisa em História Social da Cultura at Instituto de Filosofia e Ciências Humans of Universidade Nova de Lisboa (CECULT - IFCH - UNICAMP) and from Centro de Investigação e Desenvolvimento sobre Direito e Sociedade da Faculdade de Direito da Universidade Nova de Lisboa, (CEDIS - FD - UNL).

## **Group Productivity**

### **Publications in peer review Journals**

GUEDES, ARMANDO MARQUES, "La lusofonia nella partita del Sud-Atlantico", *Limes* 5-2010: 55-67, *Rivista Italiana di Geopolitica*, numero speciale, Il Portogallo è grande, Roma;

GOUVEIA, JORGE BACELAR, A suspensão de funções dos membros do Governo criminalmente acusados na Constituição da República Democrática de Timor-Leste, in *Revista de Direito Público*, nº 4, July/December 2010, pp. 247-263;

SILVA, CRISTINA NOGUEIRA DA, and Keila Grinberg, "Soil Free from Slaves: Slave Law in late 18th century Portugal", in *Slavery and Abolition*, to be published;

### **Other international publications**

Guedes, Armando Marques, "President and Prime Minister. Twinning up and switching down", *Magazine. Jornal Oficial da Presidência da República Democrática de Timor-Leste*, vol. 1, no. 1: 12-13, Dili. Timor-Leste. Available: <http://www.presidencia.tl/mag/mag0/page1.html>

Guedes, Armando Marques, "Power-sharing in the Tropics and the ubiquitous 'Presidential drift': the mechanics and dynamics of unstable equilibrium in the semi-presidentialism of East Timor", in (ed.) Michael Leach et al., *Understanding Timor-Leste: 131-139*, Hawthorn, Swinburne University Press, Australia, 2010

Hespanha, António Manuel, "Um relatório inédito sobre as violências portuguesas na frente moçambicana da I Guerra Mundial", in *Africana Studia*, 2010, 163-197

Silva, Cristina Nogueira da, "Natives who were Citizens and natives who were Indigenas in Portuguese Empire (1900-1926)", in *Endless Empires* (coord. Alfred Mccoy, Josep Fradera, Stephen Jacobson) University of Wisconsin Press, to be published

### **Other national publications**

GUEDES, ARMANDO MARQUES, - "Semi-Presidencialismo e Diferenças nos Processos de Presidencialização nos Estados Lusófonos da África e da Ásia", in *Actas do I Congresso do Direito de Língua Portuguesa: 116-143*, (coord. Jorge Bacelar Gouveia), Almedina, 2010

SILVA, CRISTINA NOGUEIRA DA, « As Normas científicas da colonização moderna» e a administração civil das colónias", in José Miguel Sardica (org.), *A I República e as colónias portuguesas*, Lisbon, Centro de Estudos dos Povos e Culturas de Expressão Portuguesa, Universidade Católica Portuguesa, 2010

SILVA, CRISTINA NOGUEIRA DA, "Representação Política e Cidadania no Império", in Fernando Catroga e Pedro Tavares de Almeida (coords.), «Res Publica: Cidadania e Representação Política em Portugal, 1820-1926, Lisbon, Biblioteca Nacional de Portugal/ Assembleia da República, 2010

SILVA, CRISTINA NOGUEIRA DA, «Escravidão e Direitos Fundamentais no século XIX», *Africana Studia, Revista Internacional de Estudos Africanos*, nº 14, 2010

SILVA, CRISTINA NOGUEIRA DA, Maciel Santos (coord.), *Escravos, Libertos e Trabalho Forçado na Era das Abolições*, *Africana Studia, Revista Internacional de Estudos Africanos*, nº 14, 2010

### **Organization of conferences**

GUEDES, ARMANDO MARQUES, – Organization, with the support of Instituto da Defesa Nacional (IDN), in its building, a Seminar in Curso de Defesa Nacional (CDN) but also open to a general audience (and broadcast by videoconference to IDN Porto), about A Pirataria no Século XII, as organizer and after the Formal Opening of the Seminar by the Director of the IDN, General V. Rodrigues Viana, Opening Key Address on “A geopolítica da pirataria marítima contemporânea na África Oriental” (9 March 2010)

GOUVEIA, JORGE BACELAR, organization of the do Congresso do Direito de Língua Portuguesa, which took place in Luanda, 6/7 Dezembro 2010, giving the lecture: “A VIII revisão da Constituição Portuguesa”

### **Internationalization**

GOUVEIA, JORGE BACELAR, “O Constitucionalismo de Língua Portuguesa”, II Congresso do Direito de Língua Portuguesa, (Luanda, 7 December 2010)

– “Perspetivas de Fortalecimento da Cooperação entre os Países de Língua Portuguesa”, II Congresso Internacional de História do Direito, in Faculdade de Direito Milton Campos (Nova Lima/Belo Horizonte, 26 August 2010)

GUEDES, ARMANDO MARQUES, – Institute of International Relations and Political Science (IIRPS) of Vilnius University, Lithuania, 29 / 30 November 2010)

“Recent inflections of Russia’s foreign policy as one of the BRICs”,

“Recent inflections of China’s foreign policy as one of the BRICs”,

“Recent inflections of India’s foreign policy as one of the BRICs”,

“Recent inflections of Brazil’s foreign policy as one of the BRICs”,

“The degrading security situation in the South Atlantic rim: African and Latin American perspectives”,

“The nature of the inherent instability of ‘semi-presidential’ systems of government: Lithuania, Portugal, Romania, Cabo Verde, S. Tomé, and Angola compared

– “A segurança do Atlântico Sul e o futuro da Lusofonia enquanto projecto viável”, Conferência “A Itália, Portugal, e a Língua Portuguesa na Geopolítica Contemporânea”, in Fundação Calouste Gulbenkian (9 December 2010)

– “Complexos de Interioridade: haverá uma ‘deriva presidencial’ emergente em Timor-Leste?” (Dili, Fundação Oriente, 17 September 2010)

– “Semi-presidentialist systems of government and the mechanics of ‘presidential drifting”, at Bergen Resource Centre for International Development, co-organized by CMI and Universitetet i Bergen, (Norway, 4 May 2010)

SILVA, CRISTINA NOGUEIRA DA, « Natives who were Citizens and Natives who were Indigenous in Portuguese Colonial Empire (XIX-XX Centuries) », Seminário Internacional Eclipse of Empires, Colonial Resistance, Metropolitan Decline, and Imperial Crises in the 19th and 20th Centuries, Barcelona, Universitat Pompeu Fabra, 2-3 June 2010

– “A cidadania dos «originários de África» na América e na África portuguesas, séculos XIX-XX”, in Colóquio Internacional “A experiência Constitucional de Cádiz: Espanha, Portugal e Brasil”, S. Paulo, USP, 5-7 October 2010

## **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

18 000 Euros

FD (Law Faculty), General budget of the School

2010 Secretariat, 3 000 Euros

(RG-LVT-714-1210)

Emerging legal and political issues

## **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 with a legal clinic, upon which the new ones will be modelled and launched. UMAC (Unidade de Mediação e Acompanhamento de Conflitos de Consumo) was created through a protocol signed by FDUNL and the Instituto do Consumidor, nowadays Direcção-Geral. UMAC started working in July 2001. So far 69 students and teachers were in several ways connected to UMAC.

In 2009, the Law School created a new legal clinic: CPIC (Centro de Estudos em Propriedade Intelectual e Concorrência or Centre of Studies in Intellectual Property and Competition Law). This Centre aims to create the proper conditions to the development of studies regarding the several areas related to Industrial and Intellectual Property and Copyright, promoting debate among researchers, students or other types of professionals related to this area of expertise.

During the year of 2010 CPIC, thanks to the financial support given by Audiogest, started to gather a specialized collection of doctrinaire production related to its area of expertise. On the other hand, it was celebrated a protocol with Instituto Nacional de Propriedade Industrial, in order to start a training program for the Faculty students, expecting to bring theory and real time practice together.

The Law School has another legal clinic named Laboratório para a Resolução Alternativa de Litígios (Laboratory for Alternative Dispute Resolution - ADR). This Laboratory aims to develop activities related to ADR methods, namely negotiation, conciliation, mediation and arbitration. Among its goals are the following objectives: promote the development of ADR methods in Portugal, stimulate the discussion among Portuguese academics and other professionals connected to the legal and juridical area.

During the past year the Laboratory continued to update its web site ([www. http://laboratoriorial.fd.unl.pt/](http://laboratoriorial.fd.unl.pt/)) and developed the following activities:

-Creation of a new master on “New frontiers of Justice” (dir. Profª Mariana Gouveia);



-Introduction of a new course named as "Introductory Course on Alternative Dispute Resolution (ADR)" (dir. Profª Mariana França Gouveia);  
-It took place another edition of the "Post-graduation on arbitration".

Helena Maria Matias Pereira de Melo

### **Group Productivity**

#### **Publications in peer review Journals**

Almeida, Carlos Ferreira de, "Determinação do preço por terceiro", *Cadernos de Direito Privado*, nº 30, April 2010, p. 3-15

Duarte, Rui Pinto, "Formas Jurídicas da Cooperação entre Empresas" in *Direito das Sociedades em Revista*, October 2010, Year 2, vol. 4

Guedes, Armando Marques, – "Geopolitica del Ciberspazio", *Quaderni Speciali di Limes. Rivista Italiana di Geopolitica*: 187-199, Roma, 2010

Guedes, Armando Marques,– "A política externa e a formação para a diplomacia em paisagens ibero-americanas", *Asociación Española de Profesores de Derecho Internacional y Relaciones Internacionales*, Madrid [also available to download another digital version in Brazil, on Centro de Estudos de Políticas e Estratégias Nacionais (CEPEN), <http://www.cepen.org/2010/04/a-politica-externa-e-a-formacao-para-a-diplomacia-em-paisagens-ibero-americanas/>], 2010

Guedes, Armando Marques,– "Democracy and its Boundaries. Can there be such a thing as a bona fide intergenerational social contract?", *Intergenerational Justice Review* 1/2010: 31-22, The Foundation for the Rights of Future Generations (FRFG)/Stiftung für die Rechte zukünftiger Generationen (SRzG), Uberursel, Germany, also available in

[https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12b2090f3debb65d&mt=application/pdf&url](https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12b2090f3debb65d&mt=application/pdf&url=https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12b2090f3debb65d&mt=application/pdf&url)  
Guedes, Armando Marques,– "Putting Humpty-Dumpty together again? Trends and issues of efficacy in multilateralism", *Nação e Defesa* 125: 215-239, Instituto da Defesa Nacional, 2010

Gouveia, Jorge Bacelar, O enquadramento jurídico-fiscal das receitas de ingresso no Santuário do Cristo-Rei à luz do Direito da Religião, in *Revista de Direito Público* (ISSN 1646-9119), year II, nº 3, January-June 2010, pp. 371-385

Melo, Helena Pereira de - "Living with Other People's Organs" – *Organ Transplantation in Portugal*, pp. 87 – 130 *Law, Public Health Care System and Society*, vol.3, Brigitte E. S. Jansen (ed.) Martin Meidenbauer Verlagsbuchhandlung, München, 2010

Melo, Helena Pereira de - *As gerações futuras e o direito à água*, pp. 53 – 63, *Direito, Cidadania e Desenvolvimento*, XIX Encontro da Associação das Universidades de Língua Portuguesa, Cristina Montalvão Sarmento (ed.), Associação das Universidades de Língua Portuguesa, s.l, 2010

Melo, Helena Pereira de - *The Portuguese Health Care System*, *Law, Public Health Care System and Society*, Brigitte E. S. Jansen (ed.), Martin Meidenbauer Verlagsbuchhandlung, München, 2010

Melo, Helena Pereira de "No Data, No Market" – *A Aplicação do Princípio da Precaução à Nanotecnologia*, *Revista da Faculdade de Direito da Universidade do Porto*, Ano VII, 2010 (Especial), Faculdade de Direito da Universidade do Porto, pp. 343 – 381

Piçarra, Nuno, "As incidências do Direito da União Europeia sobre a organização e o exercício da função jurisdicional nos Estados-Membros", in *Separata da Revista da Faculdade de Direito da Universidade do Porto*, Ano VII, 2010 (Especial) -

Piçarra, Nuno, "O contributo da União Europeia para a disciplina jurídica dos prazos de pagamento nas transações comerciais. A Directiva 2005/35/CE e a sua revisão", in *Revista O Direito*, ano, 142.º, tomo IV, 2010, 659-679

Piçarra, Nuno, "O princípio da irreversibilidade dos direitos fundamentais sociais conjugado com o princípio da proibição do retrocesso social, da reserva do possível, da proibição da insuficiência e da garantia do mínimo vital", to publish in *Revista Mestrado em Direito of the Centro Universitário FIEO*, S. Paulo, Brasil (7 May 2010)

Piçarra, Nuno, "O Tratado de Lisboa e o espaço de liberdade, segurança e justiça", in *Cadernos O Direito*, n.º 5, 2010, 245-269

Rego, Margarida Lima - «A quem aproveita o seguro de responsabilidade civil de administradores celebrado para os efeitos do art. 396.º CSC?» (to be published in 2011 on the journal *Direito das Sociedades em Revista*)

Rego, Margarida Lima - «A tutela institucional de interditos. O caso da Santa Casa da Misericórdia de Lisboa» (2010) 142, *O Direito* 681-704. Co-auth.

Teresa Pizarro Beleza, Helena Pereira de Melo, Prostituição, lenocínio, HIV – A regulamentação da actividade de trabalhadoras do sexo, HIV/AIDS Virtual Congress O VIH/SIDA e o Direito, Vítor Duque e André Dias Pereira (ed.s), SIDAnet, Associação Lusófona e Metatexto, Santarém, 2010

Trabuço, Cláudia, Com onze palavrinhas apenas...: a reprodução temporária de obras e a actividade de press clipping – Ac. do TJ de 16.7.2009, Proc. C-5/08, in *Cadernos de Direito Privado*, n.º 28, Janeiro/Março 2010, pp. 38-53 - 2

Trabuco, Cláudia, Olhar o desenvolvimento pelos olhos da propriedade intelectual, in Anuario Andino de Derechos Intelectuales, n.º 6, 2010, pp. 151-164

#### **Other international publications**

Abrantes, José João "Freedom of contract and law: geographical mobility clauses in Portuguese Labour Code", in Pécs Labour Law Review (with Rita Canas da Silva) (to be published)

Abrantes, José João, "Recent developments in portuguese Labour Law", in EuZA - Europäische Zeitschrift für Arbeitsrecht 3/2010, p. 432-436 (with Rita Canas da Silva)

Brito, Maria Helena, The Application of Foreign Law by Judicial and Non-Judicial Authorities in Europe. Portuguese Report" (with Dário Moura Vicente) – delivered to be published in The Application of Foreign Law by Judicial and Non-Judicial Authorities in Europe (org. Carlos Esplugues Mota, José Luis Iglesias Buhigues, Guillermo Palao Moreno).

Gouveia, Jorge Bacelar, A proteção dos bens religiosos em Portugal, in Derecho y Religión, vol. 5, 2010, Madrid, Delta Publicaciones, pp. 273-287 (ISSN 1987-3243)

Gouveia, Jorge Bacelar, Constitutional Law – Portugal, in International Encyclopaedia of Laws, Wolters Kluwer Law & Business: 2ª ed. Suppl. 88 (October 2010) (=Constitutional Law in Portugal, Wolters Kluwer, Law & Business, The Netherlands, 2011 (ISBN 978-90411-3454-7)

Gouveia, Jorge Bacelar, Portugal, in Dictionnaire du Droit des Religions (dir. FRANCIS MESSNER), CNRS Editions, Paris, 2010, pp. 555-560 (ISBN 978-2-271-07112-

Guedes, Armando Marques,– "From the Lisbon Agenda to Europe 2020: a dream recast from fat to lean years", Institute of Diplomatic Studies, University of Bucharest, Romania, Policy Letters, vol.1, no.1, also available in: [http://cccpm.unibuc.ro/index.php?option=com\\_content&view=article&id=134&Itemid=119](http://cccpm.unibuc.ro/index.php?option=com_content&view=article&id=134&Itemid=119), ISSN 2068-9675.

Guedes, Armando Marques,– "The strenghtening of Russia in the southern part of the post-Soviet space – a watershed event", in Caucasus Times, with questions from Sergey Markedonov, 26 December 2010, in <http://www.caucasustimes.com/article.asp?id=20691>, Prague and Moscow

Hespanha, António Manuel, (de colaboração com Teresa Pizarro Beleza, "On witches, fairies and unicorns. Perplexities about an apparently neat idea (Are Human Rights a dire illusion ?)", sent and accepted to be published in Julio Pinheiro Faro (ed.), "O tempo e os direitos humanos: entre a eficácia pretendida e a conquistada", a editar brevemente pela Academia Brasileira de Direitos Humanos

Hespanha, António Manuel, "Estadualismo, pluralismo e neo-republicanismo - Perplexidades dos nossos dias", in António Carlos Wolkmer e tal., Pluralismo jurídico. Os novos caminhos da contemporaneidade, São Paulo, Saraiva, 2010

Hespanha, António Manuel, "Que falta para realizar os pressupostos do Estado constitucional?", to be published in Los fundamentos del Estado constitucional, Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México

Piçarra, Nuno, "A liberdade de circulação dos advogados na União Europeia" in Revista de Direito Público da Economia RDPE, ano 8, n.º 29, 2010, Belo Horizonte, Brasil, 151-195

Piçarra, Nuno, "Cooperação internacional no combate ao terrorismo e tutela dos direitos fundamentais. O debate na jurisprudência dos tribunais da União Europeia", in Revista Mestrado em Direito do Centro Universitário FIEO, ano 10, n.º 1, 2010, S. Paulo, Brasil, 11-30

Piçarra, Nuno, "O Tratado de Lisboa em perspectiva constitucional", in Tribunal de Contas do Município do Rio de Janeiro, n.º 45, 2010, 104-112

Piçarra, Nuno, "Portugal – Exceptional grant of residence permits to irregular migrants", in Policies on irregular migrants, Volume III – France, Portugal and Poland, published by Conselho da Europa, Estrasburgo, 2010, 91-114, also in french version

#### **Other national publications**

GUEDES, ARMANDO MARQUES,– 2010 – "A Linha da Frente? Do Sudoeste dos Balcãs à Ásia Central", in (org.) Laura Ferreira-Pereira, Relações Internacionais: Actores, Dinâmicas e Desafios: 115-154, Prefácio

GUEDES, ARMANDO MARQUES (co-auth. Luís Elias), – Controlos Remotos. Dimensões Externas da Segurança Interna em Portugal. , Instituto Superior de Ciências Policiais e Segurança Interna / Almedina, 2010

GUEDES, ARMANDO MARQUES (co-auth. Radu Dudau),– "The Regional Aftermath of the 'Five Day War'. Political, economic, and security overheads of the conflict in Georgia", Boletim do Instituto de Estudos Superiores Militares 7: 165-211, Ministério da Defesa

GUEDES, ARMANDO MARQUES, – Reinaldo da Silva Canado (2010), A Segurança na Aviação Civil, Chiado Editora, Lisbon

GUEDES, ARMANDO MARQUES,– The new geopolitical coordinates of cyberspace", Revista Militar, 2503/2504: 825-849, Lisbon

REGO, MARGARIDA LIMA- Contrato de seguro e terceiros. Estudo de direito civil (Coimbra 2010)

REGO, MARGARIDA LIMA - «A promessa de exoneração de dívida a terceiro. Pretexto para uma reflexão sobre o conceito de prestação» in Estudos em homenagem ao Professor Doutor Carlos Ferreira de Almeida, Almedina 2011, pp. 681-708

ALMEIDA, CARLOS FERREIRA DE "Fim não lucrativo e fim lucrativo nos contratos de cooperação associativa", Em Homenagem ao Professor Doutor Diogo Freitas do Amaral (org. Augusto de Athayde and oth.), Almedina, Coimbra, 2010, p. 1269-1296

BRITO, MARIA HELENA, "A utilização do método comparativo em direito internacional privado. Em especial, o problema da qualificação" – in Estudos em Homenagem ao Professor Doutor Carlos Ferreira de Almeida (org. José Lebre de Freitas, Rui Pinto Duarte, Assunção Cristas, Vítor Neves, Marta Tavares de Almeida)

HELENA PEREIRA DE MELO, TERESA PIZARRO BELEZA, Uma vida digna até à morte: cuidados paliativos no direito português, Estudos em Homenagem ao Professor Doutor Jorge de Figueiredo Dias, vol. IV, Manuel da Costa Andrade, Maria João Antunes e Susana Aires de Sousa (ed.s), Universidade de Coimbra e Coimbra Editora, Coimbra, 2010

TERESA PIZARRO BELEZA, HELENA PEREIRA DE MELO, O direito a beneficiar do progresso científico e das suas aplicações, Estudos em Homenagem ao Prof. Doutor Sérvulo Correia, vol. IV, Faculdade de Direito da Universidade de Lisboa e Coimbra Editora, Coimbra, 2010

TERESA PIZARRO BELEZA, HELENA PEREIRA DE MELO, Discriminação e contra-discriminação em razão da orientação sexual no direito português, Revista do Ministério Público, Ano 31, July / September 2010

PIÇARRA, NUNO, "União Europeia e acto administrativo transnacional", in Alessandra Silveira (coord.), Direito da União Europeia e Transnacionalidade, Lisbon, 2010, 297-323 -

PIÇARRA, NUNO, "A eficácia transnacional dos actos administrativos dos Estados-Membros como elemento caracterizador do direito administrativo da União Europeia", in Estudos em Homenagem ao Professor Doutor Diogo Freitas do Amaral, Lisbon, 2010, 585-618

PIÇARRA, NUNO, "A liberdade de circulação dos advogados na União Europeia. Da metamorfose da regra do tratamento nacional à extensão a nacionais de países terceiros", in Estudos em Homenagem ao Professor Doutor Sérvulo Correia, vol. IV, Coimbra, 2010, 707-748

PIÇARRA, NUNO, "A política de fronteiras da União Europeia: do arranque difícil à centralidade progressiva" in Estudos em Homenagem ao Professor Doutor Paulo de Pitta e Cunha, vol. I, Lisboa, 2010, 937-965

ABRANTES, JOSÉ JOÃO, "Liberdade contratual e lei. O caso das cláusulas de mobilidade geográfica dos trabalhadores", in Estudos em Homenagem ao Professor Doutor Carlos Ferreira de Almeida, Coimbra, 2011, Volume III, p. 503-516 –

ABRANTES, JOSÉ JOÃO, "Cláusulas de mobilidade geográfica do trabalhador – algumas questões", Proceedings of the Congress «Direito do Trabalho + Crise = Crise do Direito do Trabalho?», Faculdade de Direito da Universidade Católica Portuguesa (Porto) (to be published)

ABRANTES, JOSÉ JOÃO, "Algumas notas sobre mobilidade geográfica do trabalhador", Prontuário de Direito do Trabalho, CEJ, n.º 87 (2010) - Homenagem a Albino Mendes Baptista (to be published)

ABRANTES, JOSÉ JOÃO, "Contratos da propriedade intelectual e contrato de trabalho", Carlos Ferreira de Almeida/ Luís Couto Gonçalves/ Cláudia Trabuço, Contratos de Direito de Autor e de Direito da Propriedade Industrial (to be published)

ABRANTES, JOSÉ JOÃO, "Sobre o livro «Direito da contratação colectiva de trabalho»" (prefácio), in Carlos Perdigão e Carlos Antunes, Direito da contratação colectiva de trabalho (to be published)

DUARTE, TIAGO, A suspensão e a interrupção do prazo para a impugnação judicial de actos administrativos: vale a pena arriscar? in Estudos em Homenagem ao Prof. Paulo Pitta e Cunha, 2010

CRISTAS, ASSUNÇÃO, Direito dos Contratos, Revista THEMIS, last edition of 2010, (to be published)

GOUVEIA, MARIANA FRANÇA, A Novíssima Acção Executiva - Análise das mais importantes alterações, in Revista da Ordem dos Advogado, 2010,

GOUVEIA, MARIANA FRANÇA, A violação de ordem pública como fundamento de anulação de sentenças arbitrais, Anotação ao Acórdão do STJ de 10.7.2008, Proc. N.º 08A1698, with Assunção Cristas, in Cadernos de Direito Privado, 2010 (N.º 29), p. 41-56

GOUVEIA, MARIANA FRANÇA, O reconhecimento de sentenças arbitrais estrangeiras nos países lusófonos, in Proceedings of the III Congresso do Centro de Arbitragem Comercial da Associação Comercial de Lisboa, Coimbra, Almedina, 2010, p. 95-119

GOUVEIA, MARIANA FRANÇA, Algumas questões jurídicas a propósito da mediação, in Mediação e criação de consensos: os novos instrumentos de empoderamento do cidadão na União Europeia, Coimbra, Minerva, 2010, 213-242

GOUVEIA, MARIANA FRANÇA, Mediação e Processo Civil, in Cadernos de Direito Privado, 2010, Special Number, p. 24-44

### **Organization of conferences**

Duarte, Rui Pinto, Scientific Co-coordinator, I Congresso Direito das Sociedades em Revista, Lisbon, 8 -9 October 2010;

Guedes, Armando Marques, Co-organization, Internacional Conference: Ways to Legally Implement Intergenerational Justice. Lectures:

"Introduction/Presentation";

"Democracy and its Boundaries. Can there be such a thing as a bona fide intergenerational social contract?"

"Final Speech/Considerations". (in Fundação Calouste Gulbenkian, 27 - 28 de May 2010)

Guedes, Armando Marques, "NATO enlargements and the reactions of Russia" , NATO Strategic Concept Conference (Oslo, 14 January 2010)

– Master degree Open Class in "Estudos Interdisciplinares", regency by Professor Doutor Rui Pinto Duarte, in Faculdade de Direito da Universidade Nova de Lisboa, about "A propriedade em termos comparativos alargados" (16 March 2010)

– Master degree and Post-graduation Open Class in Instituto Superior de Ciências Sociais e Políticas (ISCSP), about: Liaisons Dangereuses: o funcionamento em rede dos agrupamentos terroristas e a segurança internacional (18 November 2010)

– "L'interaction des enjeux politiques internationaux sur les besoins de sécurité énergétique, après Copenhague: les cas de la Russie, du Brésil et de la Chine" in the Colloquium "Et Après Copenhague", in Universitatea 'A.I. Cuza', organized with Quai d'Orsay (Iași, Roménia, 12 November 2010)

Piçarra, Nuno, Regional Seminar of European Network on Free Movement of Workers, "1985-2010: 25 anos de liberdade de circulação de trabalhadores entre Portugal e Espanha no quadro da União Europeia", Faculdade de Direito da UNL, (7 / 8 October 2010)

– Colóquio " O Tratado de Lisboa. Aspectos Centrais", Reitoria da UNL, (26 February 2010)

Rego, Margarida Lima – Organize rand main scholar in I Curso «Novos Desenvolvimentos em Direito dos Seguros» (JurisNova, October / December 2010)

Trabuco, Cláudia, Organization in Centro de Estudos em Propriedade Intelectual e Concorrência of the Faculdade de Direito da Universidade Nova de Lisboa, II Congresso Nacional de Propriedade Intelectual, in Collaboration with Sociedade de Advogados PLMJ, Microsoft, Audiogest and Recet, 29 and 30/9/2010

### **Internationalization**

ABRANTES, JOSÉ JOÃO, EUROPEAN Labour Law Network

HESPAÑA, ANTÓNIO MANUEL (col. Teresa Pizarro Belez), "Perplejidades sobre una idea aparentemente clara. En que plan se garantizan los derechos humanos?", e "Historia de los derechos: las luchas por la dignidad humana", Máster-Doctorado en Derechos Humanos, Interculturalidad y Desarrollo da Univ. Pablo de Olavide de Sevilla.

GUEDES, ARMANDO MARQUES, The emergent geopolitics of the South Atlantic, Noruega

"From the Lisbon Agenda to Europe 2020: a dream recast from fat to lean years", Roménia

"The Evolving (In)Security of the South Atlantic, Centro Português de Geopolítica e Instituto Italiano di Geopolítica , UAL.

"Can Europe Be Even Safer?" República Checa.

GOUVEIA, JORGE BACELAR, "Direitos Humanos: Constitucionalização e Internacionalização", I Sem. Int. de Direito Constitucional, org. Procuradora da República de Minas Gerais;

"O Provedor de Justiça Europeu", I Congresso Int. de Ouvidores e Ombudsman, Belo Horizonte.

"Poder Judiciário, Estado de Direito e Ativismo Judicial", Pontifícia Univ. Católica de Minas Gerais;

"O Direito em Mudança: expectativas, êxitos, frustrações, desafios", I Congresso Jurídico Int., org. Univ. Presidente Antônio Carlos, Minas Gerais.

"Portugal e Brasil: divergências e convergências de uma história político-constitucional comum", II Congresso Int. de História do Direito, Recife.

"Direito Internacional do Mar – os novos desafios", Pós-Grad. ao Mestrado em Direito Agroambiental, Fac. de Direito da Univ. Federal de Mato Grosso, Cuiabá.

– "Fundamental Rights: States, International Community, European Union" e "Portugal and Ukraine: a constitutional comparative approach", National Univ. of Odessa Law Academy, Ucrânia.

PIÇARRA, NUNO, Seminar Cooperação e Assistência Judiciária Mútua em Matéria Criminal, org. Office des Nations Unies contre la drogue et le crime,(Bissau)

- "Os instrumentos jurídicos de cooperação judiciária mútua em matéria penal na UE";

"Acordos bilaterais e multilaterais no campo da assistência judiciária mútua internacional;

- "Direito da UE", Curso de Acesso ao Mestrado e Doutoramento, org. Centro de Formação, Estudos e Pesquisas, Manaus.

- "O contributo do Tratado de Lisboa para o aprofundamento do tema do controle na UE", Trib. de Contas do Município do Rio de Janeiro.

"O princípio da autonomia processual dos Estados-Membros da UE: mito ou realidade?" e "O sistema jurisdicional da UE", in Fac. de Direito Mineira da Pontifícia Univ. Católica de Minas Gerais;

### **Government/Organization contract research**

TRABUCO, CLÁUDIA, Protocol celebrated between CPIC and Instituto Nacional de Propriedade Industrial in order to start a training program for the Faculty students, expecting to (i) bring theory and real time practice together. (ii) collaboration on lessons to be addressed on Intellectual Property.

## **Group Description**

### **Title of Research Group:**

(RG-LVT-714-1211)

Surveys on legal issues

### **Principal Investigator:**

Maria de Assunção Oliveira Cristas Machado da Graça

### **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

c. 30 000 Euros

FD (Law Faculty), General budget of the School

2010 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.

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 contributes to protect 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 2008 is now available.

A new issue of its annual publication "Boletim do Observatório de Legislação Nacional, n. 92" was published in January 2010. Also during the year of 2010 were developed all the activities related to the elaboration of a new issue of the Observatory annual publication (to be published in 2011).

The 9th International Association of Legislation Congress took place in Lisbon, (June, 24 and 25th) being organized by the Observatory of Legislation, with the financial support of CEDIS and FCT. The Congress proceedings are expected to be published during 2011.

The evaluation of Portuguese regime of breach of contract is still active, with new reports being prepared to be published with 2010 findings concerning the analysis of superior court decisions.

### **Group Productivity**

#### **Publications in peer review Journals**

CAMARINHAS, NUNO, - «Bibliotecas particulares de magistrados no século XVIII», *Oficina do Inconfidência*, year 6, n. 5, 2010, p. 13-32., 2010

#### **Other international publications**

Gouveia, Mariana França, *Class Actions in Portugal*, in *Class Actions for Europe, Perspectives from Law and Economics*, Cheltenham, Camberley e Northampton, Edward Elgar Publishing, 2010, with Nuno Garoupa.

I.J. Ezquerro Revilla, "Alarcón, Diego Fernando de", *Diccionario Biográfico Español*, II, Madrid: Real Academia de la Historia, 2010, pp. 123-124.

I.J. Ezquerro Revilla, "Anaya Pereira, Alonso de", *Diccionario Biográfico Español*, IV, Madrid: Real Academia de la Historia, 2010, pp. 190-191

I.J. Ezquerro Revilla, "Beltrán de Guevara, Antonio", *Diccionario Biográfico Español*, VII, Madrid: Real Academia de la Historia, 2010, pp. 638-639

I.J. Ezquerro Revilla, "Briviesca de Muñatones, Juan de", *Diccionario Biográfico Español*, IX, Madrid: Real Academia de la Historia, 2010, pp. 478-480

I.J. Ezquerro Revilla, "Calderón, Tomás", *Diccionario Biográfico Español*, X, Madrid: Real Academia de la Historia, 2010, p. 367

I.J. Ezquerro Revilla, "Calvete, Tristán", *Diccionario Biográfico Español*, X, Madrid: Real Academia de la Historia, 2010, pp. 490-492

J. Martínez Millán-I.J. Ezquerro Revilla, "Álava y Esquivel, Diego de", *Diccionario Biográfico Español*, II, Madrid: Real Academia de la Historia, 2010, pp. 177-181

PINTO, FREDERICO COSTA, *Medidas de segurança*", *Revista Penal (Huelva/Salamanca)*, n.º 23 (2009), pp. 252 e ss

PINTO, FREDERICO COSTA, "Reformas na legislação penal e processual penal (2006-2010)" in *Revista Penal (Huelva/Salamanca)* 25 (2010), pp. 195 e ss.

#### **Other national publications**

CAMARINHAS, NUNO, - *Juízes e administração da justiça no Antigo Regime. Portugal e o império colonial, séculos XVII e XVIII*, Lisbon, Fundação Calouste Gulbenkian / FCT, 2010

CAMARINHAS, NUNO, - «Os desembargadores no Antigo Regime (1640-1820)» in José Subtil (ed.), *Dicionário dos Desembargadores (1640-1834)*, Lisbon, EDIUAL, 2010

CAUPERS, JOÃO, *O regime da revogação no CPA: uma revisão conveniente* «in» *Cadernos de Justiça Administrativa*, n.º82, Julho/Agosto 2010, pp.69 a 73;

CAUPERS, JOÃO, *Possibilidades de reforma das actuais estruturas municipais e do respectivo regime jurídico*, «in» *Problemas actuais da administração municipal*, Actas do 8.º Colóquio Luso-Espanhol de Direito Administrativo, Coimbra, 2010, pp.67 a 73;

CAUPERS, JOÃO, *O contrato administrativo no pensamento de José Manuel Sérvulo Correia*, «in» *Estudos em Homenagem ao Prof. Doutor Sérvulo Correia*, Volume II, Coimbra, 2010, pp.415 a 431;

CAUPERS, JOÃO, *O conceito de empresa pública no pensamento de Diogo Freitas do Amaral*, «in» *Homenagem ao Professor Doutor Diogo Freitas do Amaral*, Coimbra, 2010, pp. 63 a 79.

CRISTAS, ASSUNÇÃO, *Incumprimento contratual – o Código Civil Português e o DCFR – Notas comparadas*, in *Estudos em Homenagem ao Professor Ferreira de Almeida*, 2010

DUARTE, TIAGO, *Treaty Claims, Contract Claims e Umbrella Clauses na arbitragem internacional de protecção de investimentos*, in *Estudos em Homenagem ao Professor Ferreira de Almeida*, 2010

DUARTE, TIAGO, *O Consentimento nas arbitragens internacionais (ICSID)*, em *Estudos em Homenagem ao Professor Doutor Sérvulo Correia*, 2010

GOUVEIA, MARIANA FRANÇA, *Arbitrabilidade das questões de concorrência*, com Cláudia Trabuço, in *Estudos em Homenagem ao Prof. Doutor Carlos Ferreira de Almeida – I Volume*, Coimbra, Almedina, 2011 p. 443-496

HESPANHA, ANTÓNIO MANUEL, "Prefácio" to José Subtil, *Dicionário dos Desembargadores (1640-1834)*, Lisboa, UAL, 2010, pp. 6-13.

PINTO, FREDERICO COSTA, "Imputação, culpa prévia e pena legal" in *Liber Amicorum de José de Sousa e Brito*, Almedina, Coimbra, 2009, pp. 803 e ss.

- *Supervisão, direito ao silêncio e legalidade da prova*, both with Jorge de Figueiredo Dias e Manuel da Costa Andrade, Almedina, Coimbra, 2009.

-Prova criminal e direito de defesa, coordenação e apresentação em conjunto com Teresa Pizarro Belez, Almedina, Coimbra, 2010.

-"Depoimento indirecto, legalidade da prova e direito de defesa" in Estudos de Homenagem ao Prof. Doutor Jorge de Figueiredo Dias, vol. III, Coimbra Editora, Coimbra, 2010, pp. 1041-1088.

#### **Organization of conferences**

PIÇARRA, NUNO, Regional seminar European Network on Free Movement of Workers, "1985-2010: 25 anos de liberdade de circulação de trabalhadores entre Portugal e Espanha no quadro da União Europeia", UNLO Law's School, 7 / 8 October 2010

PIÇARRA, NUNO, Colóquium "O Tratado de Lisboa. Aspectos Centrais", Reitoria da Universidade Nova de Lisboa, 26 February 2010

ALMEIDA, MARTA TAVARES DE, Organization of the 9th International Association of Legislation Congress, on the 24 / 25 June 2010, in Reitoria da UNL . The congress had fundings from both CEDIS and FCT .

#### **Internationalization**

Piçarra, Nuno, "Free Movement of Persons between Portugal and Spain in the Framework of the European Union: the Case of the Frontier Workers", Annual Conference on Free Movement of Workers of the European Network on Free Movement within the European Union, Londres, 25 e 26 de Novembro de 2010

Piçarra, Nuno, "Banques de données européennes: SIS, Eurodac, VIS", in the 10.ème Cours d'été "Droit et politique de l'immigration et de l'asile de l'Union européenne" organized by Réseau académique Odysseus d'études juridiques sur l'immigration et l'asile en Europe, Université Libre de Bruxelles, Bruxelles, in 6 de Julho de 2010

Piçarra, Nuno, Co-relator (with Ana Rita Gil) of the "Portuguese Report on the Implementation of EU Regulation nº 1612/68", presented to Network on Free Movement of Workers, Centre for Migration Law, Radboud Universiteit, Nijmegen (23 August 2010)

Piçarra, Nuno, Co-relator (with Francisco Borges) of the "Conference Report on the Portugal-Spain Free Movement of Workers Seminar 2010", site on Network on Free Movement of Workers, Nijmegen (22 December de 2010)

Piçarra, Nuno, Co-relator (with Francisco Pereira Coutinho) of the "Portuguese annual report on the free movement of persons" presented to Network on Free Movement of Workers, Nijmegen (1 July 2010)

Silva, Cristina Nogueira da, "A literatura jurídica oitocentista e o Ultramar", Seminário Internacional Prosopografia e historia universitária. Proyectos y realizaciones", Universidad Carlos III de Madrid., 21-22 June 2010, co-organized by Project « Derecho en la Europa liberal : biografías de juristas » (coord : Prof. Manuel Martínez Neira) e pelo Projecto « De la enseñanza a la ciencia del derecho. E-Catálogo de catedráticos españoles, 1857-1943 (coord: Prof. Carlos Petit), June, 2010

DUARTE, TIAGO, Lecture "Arbitragem e Direito Público", in a conference co-organized by Ordem dos Advogados de S. Paulo and University of Fundação Alvares Penteado (S. Paulo, May 2010)

DUARTE, TIAGO, Speaker on Colóquio Luso-Espanhol de Professores de Direito Administrativo, about economics regulation, specially on banking regulation, persenting the final address to Colóquio (Córdova, November 2010)

MELO, HELENA PEREIRA DE, "O problema do consentimento da criança para atos médicos", seminar organized by Escola Judicial Desembargador Edésio Fernandes do Tribunal de Justiça do Estado de Minas Gerais (13 July 2010, in Belo Horizonte)



## **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

c. 13 000 Euros

FD (Law Faculty), General budget of the School

2010 Secretariat, 3 000 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 an internationally distinguished team of experts on Theory of argumentation, inviting for a period of two months – to be 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 since 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 focused 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 almost all 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, being co-coordinated by CEDIS and "Instituto de Filosofia da Linguagem" of the FCSH/UNL, is still being developed – including a webpage which will provide access to all available research about the project's subject.

### **Group Productivity**

#### **Other international publications**

Hespanha, António Manuel, "Historia del derecho", to be published in (coord. Javier Espinoza de los Monteros Sanchez), Diccionario histórico judicial, Universidad de Medellín, Colombia

Hespanha, António Manuel, "Nas origens do STJ em Portugal. Governo da lei ou governo dos juízes ?", to be published on the proceedings of the Colloquium *Storia della giustizia e storia del diritto: prospettive di ricerca e pratiche di insegnamento*, Università di Macerata, Scuola di studi superiori G. Leopardi, 3 pomeriggio - 4 mattina, dicembre 2009.

Hespanha, António Manuel, "The discrete empowerment of judiciary. The Portuguese Judiciary in Portuguese Liberal Constitutionalism", sent and to be published in *Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno*, 40(2011)]

Hespanha, António Manuel, "The roots of the idea of solidarity in the contemporary (late 19th – early 20th centuries) Western legal theory", sent and accepted to be published on the framework of the project *The principle of solidarity in its changing doctrinal perspective Grounds for the research conclusion*, Faculdade de Direito, Universidade de Katowice

Hespanha, António Manuel, "Une approche personnelle à l'histoire de la pensée juridique occidentale", Paris, Sciences Po, 2011 (a publicar em 2011)

Hespanha, António Manuel, *A política perdida - Ordem e Governo Antes da Modernidade*, Curitiba, Juruá Editora, 2010

Hespanha, António Manuel, *Antigo Regime nos trópicos? Um debate sobre o modelo político do Império colonial português*, in José Fragoso and Maria de Fátima Gouvêa (orgs), *Na trama das redes*, Rio de Janeiro, Civilização Brasileira, 2010, 43-94

Hespanha, António Manuel, *Cultura Jurídica Europeia. História de um milénio*. Delivered to be published in *Livraria Saraiva*, São Paulo-Rio de Janeiro

Hespanha, António Manuel, *Imbecillitas. As bem-aventuranças da inferioridade nas sociedades de Antigo Regime*, São Paulo, Annablume, 2010

I.J. Ezquerria Revilla, "La integración de las Chancillerías en el espacio regio: los Porteros de Cámara". *Historia, instituciones, documentos*. (press)

I.J. Ezquerria Revilla, "El limes domestico de la administración castellana moderna: los Porteros de Cámara del Consejo Real", en Andrés GAMBRA GUTIÉRREZ-Félix LABRADOR ARROYO, eds., *Evolución y estructura de la Casa Real de Castilla*, II, Madrid: Polifemo, 2010, pp. 809-835

I.J. Ezquerria Revilla, "Perfil institucional de la Sala de Gobierno del Consejo Real (1608-1625)", address to the XI Reunión Científica de la Fundación Española de Historia Moderna, Universidad de Granada, junho 2010.(press)

I.J. Ezquerria Revilla, "Singularidad jurisdiccional del Priorato de San Juan en La Mancha en tiempo del Quijote: la comisión de la langosta del licenciado Salvatierra (1619)", in F. RUIZ GÓMEZ-J.M. MOLERO GARCÍA, eds. *lits.*, *La Orden de San Juan en tiempo del Quijote*, Cuenca: Universidad de Castilla La Mancha-Ayuntamiento de Alcázar de San Juan, 2010, pp. 401-430

I.J. Ezquerria Revilla, *El Consejo Real en lucha contra la langosta: el caso de Alcázar de San Juan*. Patronato Municipal de Cultura de Alcázar de San Juan, 2010, 37 pp.

#### **Other national publications**

Almeida, Carlos Ferreira de - "A doação e a dádiva", *Themis*, nº 17, 2009 (published in 2010), p. 5-18

Almeida, Carlos Ferreira de "Instituições de direito privado na obra de Júlio Dinis", *Direito e Literatura – Mundos em Diálogo* (org. H. Buesco e o.), Almedina, Coimbra, 2010, p. 295-331

Hespanha, António Manuel, "O corporativismo habitual do constitucionalismo português (1820-1920)", in (coord. by Fernando Catroga e Pedro Tavares de Almeida), *Res publica: cidadania e representação política em Portugal, 1820-1926*, Lisboa, BN, 2010.; english version "Organic representation", Fernando Catroga & Pedro Tavares de Almeida (eds.), *Respublica. Citizenship and political representation in Portugal, 1820-1926*, Lisbon, Assembleia da Republica, 2011, 112-141

Hespanha, António Manuel, "O mundo dos oficiais", in José Mattoso (coord.), *Historia da vida privada em Portugal*, II, Lisbon, Círculo de Leitores, 2010.

Silva, Cristina Nogueira da, "Povo e Cidadania no século XIX", in A.A.V.V., O Povo em Portugal, Práticas e Representações, Lisbon, Edições Tinta-da-China, 2010

Trabuco, Cláudia, Helena Buescu, Cláudia Trabuco, Sónia Ribeiro (ed.), Direito e Literatura – Mundos em Diálogo, Coimbra, Almedina, 2010

Trabuco, Cláudia, O direito de autor nas primeiras obras de ficção de Camilo Castelo Branco, in Helena Buescu, Cláudia Trabuco, Sónia Ribeiro (ed.), "Direito e Literatura – Mundos em Diálogo", Coimbra, Almedina, 2010, pp. 333-355

### **Internationalization**

HESPANHA, ANTÓNIO MANUEL, "A pathway for a post statalist theory of sources of law" no Colóquio Internacional, "Undoing law, framing contexts. Normativity across the disciplines", organizado pelo Programme European Legal Cultures (Marie Curie Actions: EHES, IScU, LSE) - Leuven, Belgium. 2010.03.04/06

– "Globalização, receção, soberania: as lutas simbólicas em torno das fronteiras territoriais do direito", no Colóquio "Territórios e fronteiras do poder", co-organized with CEHCP-ISCTE-IUL and Centro de Estudos de Oitocentos do Brasil, (2010-03-10/12)

– Course on Centro de Estudios Constitucionales (Madrid), about "Que aporta de nuevo el pluralismo jurídico a las teorías y dogmática actuales del derecho?" (2010-03-15/19)

– "Será mesmo que somos modernos? A propósito de um livro sobre o modelo-pré-moderno da política"(Conference on the post-graduation programme in Direito da Universidade Federal do Paraná). (2010-09-01)

– "Despindo a vida da gente. Formas simbólicas de exclusão social na sociedade de Antigo Regime", Opening remarks on the III Encontro internacional de história colonial: cultura, poderes e sociabilidade no mundo atlântico (sécs. XV-XVIII), promoted by Post-graduation History programmes of UFPE, UFRPE and of Departamento de História da UPE (FFPNM), with the support of Post-graduation programmes in History of UFRN e UFPB, (2010-09-04)

– "«Res est misera ubi jus est vagum et incertum». The legal construction of materiality", in Colóquio Things and Spirits. New approaches to materiality and immateriality (ICS-UL),(Proceedings to be published) 2010-09-10

– Conference on Laboratorium Lucerniatius (Rechtsfakultät Luzern) (« À quel point est-il moderne le droit de la modernité »), 2010-11-04

– "The pale shade of legality: the resilience of arbitrary criminal iudicia after the Revolutions", Colóquio From the Judge's Arbitrium to the Legality Principle: Legislation as a Source of Law in Criminal Trials (Comparative Studies in Continental and American Legal History by Duncker & Humblot) (a publicar). 2010-11-28/12.01

– "Autonomías y derechos: la complejidad de los mundos jurídicos pluri-normativos.", na IV Jornada d'estudi. Els drets i les formes d'autonomia, Universidad Pompeu Fabra, (2010-12-10)

## **Group Description**

### **Title of Research Group:**

(RG-LVT-714-1213)

Pedagogic innovation on legal education

### **Principal Investigator:**

Tiago José Pires Duarte

### **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

c. 3 300 Euros

FD (Law Faculty), General budget of the School

2010 Secretariat, c. 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.

The main outcomes expected 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

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

### **Main Achievements**

The 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") is still undergoing. In the whole, more than 600 books have been digitalized and published in FDUNL's internet website ([www.fd.unl.pt](http://www.fd.unl.pt)). Some new areas in Law have been introduced, (as "Direito Eclesiástico") and all others are being improved as research continues to find more legal texts to be scanned and published. A complete quality check has been started, and a study is being made in order to provide easier and faster access and searches.

The University's e-Learning platform was used to support an e-learning program comprising two graduation courses, coordinated by António Hespanha: "Direito e Pensamento Jurídico", e "História Constitucional e do Estado".

## **Group Productivity**

### **Organization of conferences**

Duarte, Rui Pinto, 5th UNICA Scholarly Communication Seminar" (Reitoria da Universidade Nova de Lisboa, 7-9 Novembro 2010).

## **Internationalization**

GUEDES, ARMANDO MARQUES, - Co-orientation, with Professor Doutor Jan Froestad, in Bergen's University, Norway, in doctorship's dissertation on political Science of Aslak Orre, under the subject Entrenching the Party-State in the Multiparty Era. The Political Space of the Opposition in Angola and Mozambique.

HESPANHA, ANTÓNIO MANUEL, - Post-doctorship orientation of Sofia Valdez Tuma, Universidade de Lisboa-Sorbonne I, "A Criação da Humanidade do Homem do "Caos Universal" à Fundação do Direito Internacional", bolsa FCT SFRH/BPD/72627/2010/J002632683W.

HESPANHA, ANTÓNIO MANUEL, - Post-doctorship orientation of Andréa Lisly Gonçalves, da Universidade Federal de Ouro Preto-Mariana, to address the subject "Mudanças, permanências e restaurações: práticas políticas e sociedade em Minas Gerais no período regencial (1831-1840)".

HESPANHA, ANTÓNIO MANUEL, - Post-doctorship orientation of Maria Lúcia Resende Chaves Teixeira, Universidade de São Paulo, Faculdade de Filosofia, Letras e Ciências Humanas, about "Serviço de sua Majestade, segredo à Justiça e Direito das Partes: administração da Justiça nas Minas(1769-1831)"

HESPANHA, ANTÓNIO MANUEL, – Post-doctorship co-orientation of Giovanni Damele, Università di Torino, Facoltà di Filosofia, scholarship of FCT SFRH/BPD/68305/2OLO, with the project "Legal and Political Argumentation: Analytical Tools".

HESPANHA, ANTÓNIO MANUEL, – Jury's member and arguer on the doctoral thesis by María Julia Solla Sastre, "La discreta práctica de la disciplina. La construcción de las categorías de la responsabilidad judicial en España (1834-1870)", in Facultad de Derecho, Universidad Autónoma de Madrid.

HESPANHA, ANTÓNIO MANUEL, Jury's member and arguer on the thesis by Josep Capdeferro i Pia, "Joan Pere Fontanella (1575-1649), un advocat de luxe per a la ciutat de Girona. Plets i negociacions jurídico-polítiques d'un municipi català a l'alta edat moderna", in Facultad de Derecho da Universid Pompeu Fabra, Barcelona.

HESPANHA, ANTÓNIO MANUEL, – Post-doctorship orientation of Ignacio Ezquerro Pérez-Revilla, whose scholarship will last for 3 more years, keep its original theme.

SILVA, CRISTINA NOGUEIRA, - Thesis orientation on the scope of the project EMA, Janis Corda, The rights of indigenous people in Mexico and International Law, no âmbito do European Master's Degree in Human Rights and Democratisation (2009-2010).