



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de Unidade Curricular

Mestrado em Ciência Jurídica

Unidade curricular

Direitos Fundamentais

Terças-feiras 11:00 / 13:00

Docente responsável

David Duarte

Conteúdos programáticos

Direitos Fundamentais e Posições Jurídicas

0: Introdução

1: Conceitos básicos da normatividade

1.1: Enunciado e norma

1.2: Estrutura da norma

1.3: Classificações de normas

1.4: Normas e posições jurídicas

2: A compreensão Hohfeldiana

2.1: As posições primárias

2.2: As posições secundárias

2.3.: A correlatividade

2.4: Os agregados Hohfeldianos

3: Teorias dos direitos

3.1: Sentido das teorias normativas dos direitos

3.2: Teoria da vontade

3.3: Teoria do interesse

3.4: Teorias mistas



FACULDADE DE DIREITO
Universidade de Lisboa

3.5: Críticas

4: Posições jurídicas atomísticas

4.1: «Claim right» e «duty to or not to»

4.2: «Liberty» e «duty of no interference»

4.3: «Competence» e «liability»

5: Posições jurídicas agregadas

5.1: A agregação

5.2: Exemplos de agregação

5.3: As posições tû-tû

Metodologias de ensino

- as aulas têm estrutura de seminário;
- entrega de um projecto de investigação no final do primeiro semestre e de um paper no final do segundo;
- a classificação final é a média do papers (80%) com a avaliação relativa à participação nas sessões (20%);

Bibliografia principal

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FACULDADE DE DIREITO
Universidade de Lisboa

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FACULDADE DE DIREITO
Universidade de Lisboa

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FACULDADE DE DIREITO
Universidade de Lisboa

Curricular unit sheet

Masters in Legal Science

Curricular unit

Fundamental Rights

Tuesdays 11:00 / 13:00

Academic staff

David Duarte

Syllabus

Fundamental Rights and Legal Positions

0: Introduction

1: Basic concepts of normativity

1.1: Norm and norm sentence

1.2: Norm structure

1.3: Taxinomy of norms

1.4: Norms and legal positions

2: The Hohfeldian understanding

2.1: First order legal positions

2.2: Second order legal positions

2.3.: The correlativity axiom

2.4: Hohfeldian aggregation

2: Theories of rights

3.1: Meaningfulness of normative theories of rights

3.2: Will theorie

3.3: Interest theorie

3.4: Mixed theories

3.5: Criticism



FACULDADE DE DIREITO
Universidade de Lisboa

4: Legal atomistic positions

- 4.1: «Claim right» and «duty to or not to»
- 4.2: «Liberty» and «duty of no interference»
- 4.3: «Competence» and «liability»

5: Aggregated legal positions

- 5.1: Aggregating
- 5.2: Examples of aggregation
- 5.3: The tû-tû positions

Teaching methodologies

- classes will follow a workshop model;
- one research project at the end of the first semester and a paper at the end of the second;
- final evaluation is the average of the paper (80%) with an assessment on class participation (20%);

Main bibliography

- see above