



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: Teorias dos direitos

2.1: Sentido das teorias normativas dos direitos

2.2: Teoria da vontade

2.3: Teoria do interesse

2.4: Teorias mistas

2.5: Críticas

3: Teoria formal dos direitos

3.1: A aproximação hohfeldiana

3.2: Correlatividade

3.3: Variáveis normativas e posições atomísticas



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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 paper no final do primeiro semestre e de outro no final do segundo;
- a classificação final é a média de ambos os papers (80%) com a avaliação relativa à participação nas sessões (20%);

Bibliografia principal

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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: Theories of rights

2.1: Meaningfulness of normative theories of rights

2.2: Will theorie

2.3: Interest theorie

2.4: Mixed theories

2.5: Criticism

3: A formal theorie of rights

3.1: The Hohfeldian approach

3.2: Correlativity

3.3: Norma variables and atomistic positions

4: Legal atomistic positions

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



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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 paper at the end of both semesters to be delivered;
- final evaluation is the average of both papers (80%) with an assessment on class participation (20%);

Main bibliography

- see above