



FACULDADE DE DIREITO
Universidade de Lisboa

Ficha de Unidade Curricular

Curso de Doutoramento

1. Nome da Unidade curricular:

Direito Administrativo

2. Informação Complementar:

Duração: Semestral Anual

Horas de Trabalho: 504

Créditos ECTS: 18

3. Docente responsável e respetiva carga letiva na unidade curricular:

David Duarte

4. Outros docentes e respetivas cargas letivas na unidade curricular:

- X

5. Objetivos de aprendizagem (conhecimentos, aptidões e competências a desenvolver pelos estudantes):

- X

6. Conteúdos programáticos:

Discrecionariedade Administrativa: A Perspectiva Analítica

0: Introdução

1: O conceito operativo de discrecionariedade

1.1: Alternativas legais, pluralidade de estatutos deónticos da acção e escolha

1.2: Alternativas de linguagem e alternativas normativas

1.3: A componente epistémica das alternativas

2: Discrecionariedade e linguagem

2.1: Certeza e incerteza linguísticas

2.2: Elenco de incertezas linguísticas

2.3: Incertezas linguísticas e alternativas

3: Discrecionariedade e normas

3.1 : Estrutura normativa

3.2 : Normas de competência e normas de conduta em sentido estrito

3.3: Operadores deónticos e alternativas

3.4: Conflitos normativos e alternativas

4: Discrecionariedades abstracta e concreta

4.1 : Elenco de alternativas

4.2 : Eliminação de alternativas: derrotabilidade

4.3: Escolha e reserva de administração

7. Demonstração da coerência dos conteúdos programáticos com os objetivos da unidade curricular:

- X

8. Metodologias de ensino:

- as aulas têm a estrutura de seminário;



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9. Avaliação:

- 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 paper (80%) com a avaliação relativa à participação nas sessões (20%);

10. Demonstração da coerência das metodologias de ensino com os objetivos de aprendizagem da unidade curricular:

- X

11. Bibliografia principal:

Alchourrón, Carlos / Bulygin, Eugenio



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- 2004. *Defeasibility of Legal Reasoning*. Krakow: Zakamycze.
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- 2005. *Normas y Sistemas Normativos*. Madrid: Marcial Pons.
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- 2011. Linguistic Objectivity in Norm Sentences: Alternatives in Literal Meaning. *Ratio Juris*. 24. 2. 111-138.
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- 2018. *The Legal Order*. Cham: Springer.
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- Jestaedt, Matthias
- 2012. *The Doctrine of Balancing, its Strengths and Weaknesses. Institutionalized Reason. The Jurisprudence of Robert Alexy*. Edited by Matthias Klatt. Oxford: Oxford University Press. 152-152.
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- 2015. An Egalitarian Defense of Proportionality-based Balancing: A Reply to Luc B. Tremblay. *International Journal of Constitutional Law*. 12. 4. 891-899.
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- 2012. *The Constitutional Structure of Proportionality*. Oxford: Oxford University Press.
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- 2012. *Epistemic discretion in Constitutional Law*. *International Journal of Constitutional Law*. 10. 1. 69-105.
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- 2017. *The Syntax of Principles: Genericity as a Logical Distinction Between Rules and Principles*. *Ratio Juris*. 30. 4. 471-490.
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- 1998. *Legal Indeterminacy and Constitutional Interpretation*. Dordrecht: Springer.
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- 2015. *To Whom Does the Law Speak ? Canvassing a Neglected Picture of Law's Interpretative Field. Problems of Normativity, Rules and Rule-Following*. Edited by Tomasz Gizbert-Studnicki and Krzysztof Pleszka. Cham: Springer. 265-280.
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12. Observações:

- X



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Curricular Unit Sheet

PhD Course

1. Curricular Unit Name:

Administrative Law

2. Complementary Information:

Duration: Semester Annual

Work hours: 504

Credits ECTS: 18

3. Responsible Academic staff and respective workload in the curricular unit:

David Duarte

4. Other academic staff and respective workloads in the curricular unit:

- X

5. Learning outcomes of the curricular unit:

- X

6. Syllabus:

Administrative Discretion: An Analytical Perspective

0: Introduction

1: A workable concept of discretion

1.1: Legal alternatives, plurality of deontic statutes and choice

1.2: Language and normative alternatives

1.3: The epistemic component of alternatives

2: Discretion and language

2.1: Language certainty and uncertainty

2.2: List of language uncertainties

2.3: Language uncertainties and alternatives

3: Discretion and norms

3.1 : Norm structure

3.2 : Competence norms and norms on action

3.3: Deontic operators and alternatives

3.4: Conflicts of norms and alternatives

4: Abstract and concrete discretion

4.1 : Set of alternatives

4.2 : Elimination of alternatives: defeasibility

4.3: Choice and administrative rule of law

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

- X

8. Teaching methodologies (including evaluation):

- classes will follow a workshop model;

9. Demonstration of the coherence between the teaching methodologies and the learning outcomes:

- X

10. Evaluation:

- one research project at the end of the first semester and paper at the end of the second;

- final evaluation is the average of the paper (80%) with an assessment on class participation (20%);

11. Main Bibliography:

- see above



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12: Remarks:

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