

Ficha de Unidade Curricular

Curso de Mestrado em Direito e Prática Jurídica
2025/2026

1. Nome da Unidade curricular:

Economia comportamental e Direito

2. Informação Complementar:

Duração: Semestral ☒ Anual ☐
Horas de Trabalho: 196
Créditos ECTS: 7

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

Raquel Franco – 2horas /semana

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

N/A

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

Reconhecer as vantagens de uma abordagem interdisciplinar para o estudo do Direito, que envolva conhecimentos das ciências sociais e das ciências naturais; identificar a necessidade de uma teoria comportamental para o Direito que seja auxiliar da construção de soluções regulatórias eficientes e eficazes; perceber como é que a análise económica do Direito evoluiu até incorporar, hoje em dia, a behavioral economics-e que contributos é que esta já forneceu para a construção de sistemas regulatórios.

6. Conteúdos programáticos:

- A construção de uma relação simbiótica entre Direito e ciência económica: marcos iniciais da evolução
- A importância dos pressupostos comportamentais da ciência económica para o Direito: os primeiros contributos, a aproximação da física, o 'Chicago approach', a questão metodológica e a linha formalista
- A evolução do conhecimento acerca do comportamento humano no séc. XX: impacto sobre o conceito de racionalidade e consequências para a análise económica do Direito
- O início da behavioral economics: os contributos de Kahneman e Tversky
- Gigerenzer e o ABC Research Group: a perspetiva da racionalidade ecológica
- Os contributos comportamentais para a análise económica do Direito e o tema do paternalismo e do grau adequado da intervenção
- Políticas públicas e economia comportamental: alimentação, saúde, ambiente, educação.

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

Os conteúdos programáticos elencados destinam-se, em primeiro lugar, a permitir aos alunos identificar as vantagens da relação entre Direito e Ciência Económica, em particular no que diz respeito aos desenvolvimentos que no âmbito desta última têm permitido aprofundar a sua vertente comportamental. Em segundo lugar, pretende-se que os alunos entrem em contacto com as várias escolas de pensamento que tiveram origem na Economia comportamental e que saibam reconhecer os diferentes contributos que as mesmas podem dar ao Direito. Em terceiro lugar, através do último conteúdo programático elencado, pretende-se expor aos alunos inputs concretos da economia comportamental para o Direito.

8. Metodologias de ensino:

Apresentação de teorias, conceitos e casos práticos que dão a conhecer a relevância dos contributos da economia comportamental para o Direito. Estímulo do diálogo e incentivo à procura, pelos alunos, de pequenos contributos que possam ser trazidos para as aulas a propósito de cada tema.

9. Avaliação:

A avaliação consiste na elaboração de um trabalho facultativo, exame final e prestação oral nas aulas.

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

A exposição oral teórica dota os alunos das bases necessárias para o desenvolvimento e teste das suas aptidões. O estímulo à exposição oral através de pequenos contributos permite incentivar os alunos a investir no conhecimento da matéria desde uma fase inicial da disciplina sem os sobrecarregar com tarefas demasiado onerosas, que podem levar ao abandono.

11. Bibliografia principal:

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Ariely, D., 2008, Predictably Irrational. The Hidden Forces that Shape our Decisions, New York: HarperCollins Publishers

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Sunstein, C.

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- 2013, A abordagem comportamental do Direito e da Economia das catástrofes naturais, in Actas do Colóquio, Catástrofes Naturais: Uma realidade multidimensional, Lisboa: Instituto de Ciências Jurídico-Políticas, pp. 95-108.

12. Observações:

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NOTA: este mapa é preenchido tantas vezes quantas as necessárias para descrever as diferentes unidades curriculares.

Curricular Unit Sheet

Course Master Degree
2025/2026

1. Curricular Unit Name:

Behavioral economics and the Law

2. Complementary Information:

Duration: Semester ☒ Annual ☐

Work hours: 196

Credits ECTS: 7

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

Raquel Franco / 2 hours per week

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

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5. Learning outcomes of the curricular unit:

Recognizing the advantages of an interdisciplinary approach to the study and making of law with knowledge coming from both the social and natural sciences; identifying the need for a behavioral theory that is used in the making of law to help build efficient and effective regulatory solutions; understanding how economic analysis of law has evolved to incorporate behavioral economics and studying its contributions to several regulatory systems.

6. Syllabus:

- The evolution of a symbiotic relationship between Law and Economics: early milestones
- The importance of the behavioural assumptions of economic science for law: early contributions, the influence of physics, the 'Chicago approach', the methodological debate, and the formalist line
- The evolution of knowledge about human behaviour in the 20th century: impact on the concept of rationality and consequences for the economic analysis of law
- The beginnings of behavioural economics: the contributions of Kahneman and Tversky
- Gigerenzer and the ABC Research Group: the ecological rationality perspective
- Behavioural contributions to the economic analysis of Law and the debate on paternalism and the appropriate degree of intervention
- Public policy and behavioural economics: nutrition, health, environment, education

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

The listed programme contents are, first and foremost, intended to enable students to identify the advantages of the relationship between law and economic science, particularly with regard to the developments within the latter that have deepened its behavioural dimension. Secondly, the aim is for students to engage with the various schools of thought that emerged from behavioural economics and to be able to recognise the different contributions each can offer to law. Thirdly, through the final programme topic, the intention is to present students with concrete inputs from behavioural economics for the field of law.

8. Teaching methodologies (including evaluation):

Presentation of theories, concepts, and practical cases that highlight the relevance of behavioural economics contributions to Law. Encouragement of dialogue and stimulation of students' initiative to seek out small contributions that can be brought into class discussions on each topic.

9. Evaluation:

Evaluation consists of an optional written assignment, a final exam, and oral participation in classes.

10: Demonstration of the coherence between the teaching methodologies and the learning outcomes:

The theoretical oral presentations provide students with the necessary foundations to develop and test their skills. Encouraging oral contributions through small interventions motivates students to engage with the subject matter from an early stage in the course, without overburdening them with excessively demanding tasks that might lead to disengagement or dropout.

11: Main Bibliography:

Araújo, F., 2001, Adam Smith. O Conceito Mecanicista de Liberdade, Coimbra: Almedina.

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12: Remarks:

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NOTE: this map can be filled in as many times as necessary to describe the different curricular units.