

Sexual Revolution and Legal Transformation: How Sexual Freedom Reshaped Western Law

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Faculty of Law ULisboa | Intensive Course
26th to 30th October 2026

(The course will be assessed by a written essay)

1st Session

The Making of Dignity and Human Rights in the Western Tradition. A Brief Retrospective Analysis. Are They Today Strong or Fragile?

Articles to Be Read and Discussed at the Colloquium:

Masferrer, A., “The Fragility of Fundamental Rights in the Origins of Modern Constitutionalism. Its Negative Impact in Protecting Human Rights in the ‘War on Terror’ Era”, *Counter-Terrorism, Human Rights and the Rule of Law: Crossing Legal Boundaries in Defence of the State* (Aniceto Masferrer & Clive Walker, eds.), Edward Elgar Publishing, 2013, pp. 37-60, particularly pp. 48-60 (available at https://www.researchgate.net/publication/339499896_The_Fragility_of_Fundamental_Rights_in_the_Origins_of_Modern_Constitutionalism_Its_Negative_Impact_in_Protecting_Human_Rights_in_the_'War_on_Terror'_Era).

Masferrer, A., “How could laws support the Holocaust? How to prevent from happening it again?”, *Acta Universitatis Sapientiae, Legal Studies* (Scientific Journal of Sapientia Hungarian University of Transylvania) 14.1 (2025), pp. 53-73 (available at <https://acta.sapientia.ro/content/docs/04-939752.pdf>)

2nd Session

The emergence of New Rights and the Desire-Rights in the Western Tradition

Articles to Be Read and Discussed at the Colloquium:

“The Emergence of Desire-Rights in Postmodern Culture”, *Loyola Law Review*, Volume 71, No. 2 Spring 2025, pp. 299-335 (available at <https://static1.squarespace.com/static/627b2b50db5cc84549fbcfb8/t/69a49b0ee999f13da4b02966/1772395278171/%282%29+Masferrer+Archive+71.2.pdf>).

(For a Spanish version, see “El surgimiento de los derechos-deseo en la cultura posmoderna”, *Cuadernos de Bioética*, núm. 113, Vol. 35, 2024, pp. 41-57, available at <https://aebioetica.org/revistas/2024/35/113/41.pdf>).

3rd Session

Cultural and Philosophical Roots of Sexual Revolution

The shift from Law as Reason to Law as Will and its Impact in the Relation between Law and Morality

Articles to Be Read and Discussed at the Colloquium:

Masferrer, A., “Criminal Law and Morality Revisited: Interdisciplinary Perspectives”, in: *Criminal Law and Morality in the Age of Consent: Interdisciplinary Perspectives* (A. Masferrer,

ed.), Dordrecht-Heidelberg-London-New York, Springer (Collection 'Ius Gentium: Comparative Perspectives on Law and Justice'), 2020, pp. 1-27, pages 1-15 (available at https://www.researchgate.net/publication/349187627_Criminal_Law_and_Morality_Revisited_Indisciplinary_Perspectives)

Masferrer, A. & Talavera, P., "Law as Reason vs Law as Will in the Fight against Terrorism: From a Hobbesian Conception of Law to an Orwellian Society", *Precursor Crimes of Terrorism: The Criminalisation of Terrorism Risk in Comparative Perspective* (Mariona Llobet, Manuel Cancio, Clive Walker, eds.), Edward Elgar Publishing, 2022, pp. 44-55 (available at https://www.researchgate.net/publication/370327358_Law_as_reason_vs_law_as_will_in_the_fight_against_terrorism_from_a_Hobbesian_conception_of_law_to_an_Orwellian_society)

4th Session

Why and how sexual freedom changed Western criminal law (19th-20th Centuries)

Article to Be Read and Discussed at the Colloquium:

Masferrer, A., "Why and how sexual freedom changed Western criminal law (19th and 20th Centuries)", Special Issue entitled "Transnational Exchange in the Development of Criminal Law Thought: Western Europe and the United States, 19th and 20th Centuries" (Jean-Louis Halperin, Amalia Kessler, eds.), *Clio@Thémis* 25 (2025), pp. 1-34 (available at <https://journals.openedition.org/cliothemis/5867>).

5th Session

From Sexual Freedom to Abortion

Freedom of Expression and Social Vulnerability

Articles to Be Read and Discussed at the Colloquium:

Masferrer, A., "Abortion: From a Crime to a Constitutional Right? The Spanish Case in Comparative Perspective (1984-2024)", *Church, Communication & Culture*, Volume 10.1 (2025), pp. 19-44; <https://doi.org/10.1080/23753234.2025.2473107> (available at <https://www.tandfonline.com/doi/full/10.1080/23753234.2025.2473107?scroll=top&needAccess=true#abstract>)

Masferrer, A., "The decline of freedom of expression and social vulnerability in Western democracy", *International Journal for the Semiotics of Law* (12 March 2023) (available at <https://link.springer.com/article/10.1007/s11196-023-09990-1>)

* **Aniceto Masferrer** is Professor of Legal History and Institutions at the University of Valencia, Spain. His research focuses on legal history, criminal law, codification, natural law, human dignity, and the historical development of rights. He has carried out research at several international institutions, including the Max Planck Institute for European Legal History, the University of Cambridge, Harvard University, George Washington University, and Louisiana State University. He has published extensively in the fields of European and comparative legal history and has served as President of the European Society for Comparative Legal History. He is also the editor of GLOSSAE. European Journal of Legal History.

Alongside his academic work, he is particularly interested in freedom, critical thinking, personal development, and the intellectual and human formation of young people. He is the author of *How to Live in Freedom Being Yourself*, originally published in Spanish and already translated into English, French and Italian, with a Portuguese edition forthcoming.

He shares reflections on these topics on social media:

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