



**FACULDADE DE DIREITO**  
UNIVERSIDADE DE LISBOA

# **COURSE SYLLABUS**

## **HISTORY OF LEGAL THOUGHT**

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**Course syllabus**

<b>Subject name</b>	History of Legal Thought
<b>Field of study</b>	History of Law
<b>ECTS credits</b>	6
<b>Semester</b>	1
<b>Language</b>	English
<b>Professor(s)</b>	António Pedro Barbas Homem (Full Professor) João Andrade Nunes (Assistant)
<b>Classes</b>	Mondays: 11h-13h Room:

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## **1. Description**

The aim of the course is to provide an overview of European Legal History using comparative methods.

The student should be able to acquire a basic understanding of the formation and historical evolution of the European legal tradition from the Roman Antiquity to the modern European Union Law and reflect on the differences and similarities between the European systems of law.

The course will focus on modern times, specially studying the age of constitutions and codifications.

## **2. Learning objectives**

Students should be able to:

1. Obtain a comprehensive overview of the different schools of legal thought and the traditional sources.
2. Critically analyse and reflect on European Legal History, its origins and development, namely, understand key events of civilization in criminal, civil and constitutional matters.
3. Understand the evolution of the different legal traditions in European countries, as well as the formation and evolution of a common European legal culture.
4. Compare and contrast different legal systems and identify their main characteristics.

## **3. Teaching methods**

Face to face

## **4. Contents / Program**

### **List of topics:**

Topic 1: Introduction and overview.

Topic 2: Law in medieval Europe. Ius Commune and its method: Glossators and Commentators.

Topic 3: National and local laws in Europe.

Topic 4: Humanism and Enlightenment: changes and evolutions.

Topic 5: The age of revolutions: constitutions and public law since the XVIII century.

Topic 6: Codification: codification movement in Europe.

Topic 7: The Twentieth Century: transformations after WW II and the construction of Europe.

## 5. Bibliography

Principal reference handbooks:

R. C. VAN CAENEGEM, *An Historical Introduction to Western Constitutional Law*: Cambridge University Press, 2012

DOI: (<https://doi.org/10.1017/CBO9781139170871>)

Translated to Portuguese: *Uma introdução histórica ao direito constitucional ocidental*, FCG, 1996.

Library FDUL: C01-4309 : <https://catalogo-bibliotecas.ulisboa.pt/cgi-bin/koha/opac-detail.pl?biblionumber=1082960>

ANTONIO PADOA-SCHIOPPA, *A History of Law in Europe*: Cambridge University Press, 2017

DOI:(<https://doi.org/10.1017/9781316848227>) Original in Italian. Translated to English and Portuguese.

TAMAR HERZOG, *A Short History of European Law: The Last Two and a Half Millennia*: Harvard University Press, 2019. Translated to Portuguese.

Librarian: shelfmark: C04-1697 (ed. 2018): <https://catalogo-bibliotecas.ulisboa.pt/cgi-bin/koha/opac-detail.pl?biblionumber=652302>

JEAN-LOUIS HALPÉRIN, *Histoire des Droits en Europe. De 1750 à nos Jours*, Flammarion, 2004

ANTONIO PEDRO BARBAS HOMEM, *A Lei da Liberdade*, Cascais: Principia, 2001

Library: Shelfmark: A05-463 : <https://catalogo-bibliotecas.ulisboa.pt/cgi-bin/koha/opac-detail.pl?biblionumber=823187>

### Other reference works:

ANTÓNIO MANUEL HESPANHA, *A Cultura Jurídica Europeia. Síntese de um Milénio*, Coimbra: Almedina, 2012 (translated to french and spanish)

Library: shelfmark: A05-391/B : <https://catalogo-bibliotecas.ulisboa.pt/cgi-bin/koha/opac-detail.pl?biblionumber=780285>

MANLIO BELLOMO, *The Common Legal Past of Europe. 1000-1800*: The Catholic University of America Press, 1995.

PAOLO GROSSI, *A History of European Law*: Wiley-Blackwell, 2010.

Available Moodle

PETER STEIN, *Roman Law in European History*: Oxford University Press, 2000.

Students have access free access to library and its resources, including online materials.

Other materials

Videos: António Pedro Barbas Homem, *A Justiça e o Direito*, [YouTube/UL](https://www.youtube.com/playlist?list=PLDE6EF54342BAC149).  
(<https://www.youtube.com/playlist?list=PLDE6EF54342BAC149>)

## **6. Workload distribution**

Activities Hours

Classroom-based activities (Lectures, seminars and practical sessions)

Online practical activities

Reading activities

Evaluation and exams

Total - 20 hours

## **7. Assessment criteria**

Ongoing assessment: 100%

Class participation, written essay.

Or:

Final exam: 100%

Multiple-choice test, short questions, commentary of a legal text. A grade of, at least, 10 out of 20 is required.