

## **DOUTORAMENTO EM DIREITO E SEGURANÇA**

### **DS102 – DIREITO E SOCIEDADE (DeS)**

#### **FICHA DE UNIDADE CURRICULAR**

##### **1 – INFORMAÇÕES GERAIS**

Coordenador: professor Doutor Jorge Bacelar Gouveia

Regentes da disciplina: Professor Doutor Armando Marques Guedes e  
Professora Doutora Ana Cristina Nogueira da Silva

Ano letivo: 2018/2019

Curso: 3.º Ciclo

Semestre: 1.º

ECTS: 10

Horas de contacto: 30

Contacto do docente: amarquesguedes@gmail.com

##### **2 – OBJETIVOS E COMPETÊNCIAS A ADQUIRIR**

O objetivo do programa da disciplina é o de disponibilizar aos discentes quadros teóricos e metodológicos relativos aos vários tipos de interações existentes entre o direito e os contextos sociais da sua produção e aplicação. No que toca ao doutoramento em Direito (DD), apenas os objetivos gerais estão em causa. No que diz respeito ao doutoramento em Direito e Segurança (DDS), o programa inclui objetivos também específicos, ligados a questões securitárias da atualidade e aos seus quadros jurídico-normativos. Os objetivos gerais são os mesmos para os dois grupos de doutorandos: a aquisição de conhecimentos aprofundados sobre as teorizações e metodologias mais importantes nos domínios abordados, por forma a permitir-lhes vir a propor inovações e eventuais alargamentos de âmbito nos campos sobre que se irão debruçar nas suas teses de doutoramento.

*The aim of the discipline is that of making available for students theoretical and methodological tools relative to the various types of interaction extant between law and its social contexts of production and use. For the doctorate in law (DD) only general objectives are brought to the fore. As concerns the law and security doctorate (DDS) the program includes some specific aims, linked to current security issues and their legal-normative dimensions. The general objectives are shared by the two student groups: the acquisition of advanced knowledge on the most important themes raised, so they will be capable of innovating and eventually enlarge the scope of the domains which they will engage in for their doctoral theses.*

### **3 – PROGRAMA**

A autonomia do direito e/ou a(s) sua(s) dependência(s) relativamente aos contextos em que se inserem discursos e atos jurídicos tem desde há muito sido objeto de numerosas discussões. Nuns casos, o contexto sócio-antropológico e histórico é tido como essencial para a produção jurídica, noutros a economia, noutros ainda a política, ou/e uma combinação destes fatores, de acordo com modulações e pesos específicos variáveis de cada um deles – que mudam de autor para autor e em diferentes fases das leituras analíticas de cada um dos autores que sobre o tema se debruçam.

Os seminários tocam, em ordem cronológica, alguns dos momentos centrais dessas discussões ainda em curso. Visam uma contextualização dessas leituras quanto a uma “não-autonomização” (ou a uma autonomia tão-só parcial) do direito na produção teórica nacional e internacional.

No que toca os discentes inscritos no doutoramento em Direito & Segurança (DDS), o programa é o mesmo e contará com textos específicos, de leitura obrigatória, que serão os aqui primeiro listados.

A avaliação dos estudantes será feita durante os Seminários, com base nas apresentações feitas nos termos regulamentares (que serão explicados em pormenor na primeira sessão), e sobretudo pela avaliação dos trabalhos de 15 a 25 pp. (que devem ser depois entregues nos prazos que constam do Regulamento da Faculdade). e contará com textos de leitura obrigatória para a elaboração de trabalhos, abaixo arrolados, podendo, naturalmente, ser utilizada mais bibliografia tida como

relevante.

*The autonomy of the law and/or its dependency(ies) in relation to contexts in which discourses and jural acts in are embedded have raised many fascinating academic discussions. In some cases their socio-anthropological and historical contexts are envisaged as essential for legal production and practices, in other economic systems are instead, in others still, politics, or/and a combination of these factors, in terms of variable modulations and specific weights– and ones that change from author to author. The seminars touch, in chronological order, some of the crucial moments of these ongoing discussions. They aim at a contextualisation of the readings carried out, and focus on their “non-autonomisation” (or onn their only partial autonomy), both as concerns national and international theoretical productions.*

*In what concerns the students enrolled in the Law and Security doctorate (DDS), the program is the same e will include specific texts, which constitute obligatory Reading, and that will be the ones initially listed here, which may be uptated as new developments unfold..*

*Student evaluation will be carried out during the Seminars, both as pertains to presentations made (which will be explained in detail in the first session) and, mostly, via the evaluation of 15 to 25pp. papers which must be handed in according to Faculty timetables. What follows below includes obligatory readings for the elaborations of these texts. These are listed below. Other academic readings may naturally be used if they are considered as relevant.*

BIBLIOGRAFIA GERAL PARA OS DISCENTES DO  
DOUTORAMENTO EM DIREITO E SEGURANÇA  
*GENERAL BIBLIOGRAPHY FOR THE LAW AND SECURITY  
DOCTORAL STUDENTS*

- Andreas Umland (2018), “Russian policies in the Southern Caucasus”, *Caucasus Watch*, pp. 1-10, in [www.caucasuswatch.de/news/910.html](http://www.caucasuswatch.de/news/910.html)
- (eds.) **Alina Inayeh, Daniela Schwarzer, and Joerg Forbrig** (2014), *Regional repercussions of the Ukraine Crisis*, Europe Policy Paper 3, GMF, Washington, [http://www.gmfus.org/wp-content/blogs.dir/1/files\\_mf/1404920650Inayeh\\_UkraineCrisisRegional\\_Outlook\\_Jun14\\_web.pdf](http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/1404920650Inayeh_UkraineCrisisRegional_Outlook_Jun14_web.pdf)
- (ed.) **Kadri Liik** (2014), “Russia's Pivot to Eurasia”, *European Council for Foreign Relations*, UK, [http://www.ecfr.eu/page/-/ECFR103\\_RUSSIA\\_COLLECTION\\_290514\\_AW](http://www.ecfr.eu/page/-/ECFR103_RUSSIA_COLLECTION_290514_AW)
- David Batashvili** (2017), “Russia’s cyber war, past, present, and future”, in *EUObserver*, <https://euobserver.com/opinion/136909>
- Michael Connell and Sarah Vogler** (2017), “Russia’s Approach to Cyber Warfare”, *CNA’s Occasional Paper*, Department of the Navy, Washington, [https://www.cna.org/CNA\\_files/PDF/DOP-2016-U-014231-1Rev.pdf](https://www.cna.org/CNA_files/PDF/DOP-2016-U-014231-1Rev.pdf)
- Bērziņš, Jānis** (2014), “Russia's new generation warfare in Ukraine”, *National Defense University of Latvia*, <http://www.naa.mil.lv/~media/NAA/AZPC/Publikacijas/PP%2002-2014.ashx>
- Dreier, Iana and Nicu Popescu** (2014), “The Eurasian Customs Union”, *European Union Institute for Security Studies*, Paris, [http://www.iss.europa.eu/uploads/media/Brief\\_11\\_Eurasian\\_Union.pdf](http://www.iss.europa.eu/uploads/media/Brief_11_Eurasian_Union.pdf)
- Dugin, Alexander** (2012), *The Fourth Political Theory*, Aktos Media, London, <http://www.scribd.com/doc/225908749/The-Fourth-Political-Theory-by-Alexander-Dugin>

**Formuszewicz, Ryszarda** (2014), “Germany’s Policy towards Russia. New Wine in an Old Wineskin”, PISM, Warsaw, [http://www.pism.pl/files/?id\\_plik=16971](http://www.pism.pl/files/?id_plik=16971)

**Shevtsova, Lilia** (2015), “Bad Romance”, <http://www.the-american-interest.com/2015/07/15/bad-romance/>

**Järvenpää, Pauli** (2014), “Zapad 2013. A View from Helsinki”, *The Jamestown Foundation*, Washington DC, [http://www.jamestown.org/uploads/media/Zapad\\_2013\\_View\\_From\\_Helsinki\\_-\\_Full.pdf](http://www.jamestown.org/uploads/media/Zapad_2013_View_From_Helsinki_-_Full.pdf)

**Judah, Ben, Jana Kobzova, and Nicu Popescu** (2011), *Dealing with a post-BRIC Russia*, European Council for Foreign Relations, London, [http://www.ecfr.eu/page/-/ECFR44\\_RUSSIA\\_REPORT\\_AW.pdf](http://www.ecfr.eu/page/-/ECFR44_RUSSIA_REPORT_AW.pdf)

**Laruelle, Marlène** (2008), *Russian Eurasianism. An Ideology of Empire*, The Johns Hopkins University Press, Baltimore, <http://www.scribd.com/doc/40865870/M-laruelle-Russian-Eurasianism-An-Ideology-of-Empire>

**Lucas, Edward and A. Wess Mitchell** (2014), “The Case for Strengthening NATO’s Eastern Defenses”, *CEPA*, Washington DC, [http://www.cepa.org/sites/default/files/The%20Case%20for%20Strengthening%20NATO's%20Eastern%20Defenses-%20\(2\).pdf](http://www.cepa.org/sites/default/files/The%20Case%20for%20Strengthening%20NATO's%20Eastern%20Defenses-%20(2).pdf)

**Markedonov, Sergey** (2013), *The Rise of Radical and Nonofficial Islamic Groups in Russia’s Volga Region*, CSIS, Washington D.C., [http://csis.org/files/publication/130122\\_Markedonov\\_RiseRadicalIslamicVolga\\_Web.pdf](http://csis.org/files/publication/130122_Markedonov_RiseRadicalIslamicVolga_Web.pdf)

**Marques Guedes, Armando** (2009), *A Guerra dos Cinco Dias. A Invasão da Geórgia pela Federação Russa*, Instituto de Estudos Superiores Militares e Prefácio, Ministério da Defesa, Lisboa [prefácio do Almirante Álvaro Sabino Guerreiro]

**Marques Guedes, Armando and Radu Dudau** (2010), “The Regional Aftermath of the ‘Five Day War’. Political, economic, and security overheads of the conflict in Georgia”, *Boletim do Instituto de Estudos Superiores Militares* 7: 165-211, Ministério da Defesa, Portugal, <http://www.iesm.pt/cisdi/boletim/Artigos/B7-6.pdf>

**Karaganov, Sergey** (2012), *Toward the Great Ocean, or The New Globalisation of Russia*, Valdai Discussion Club, Moscow, [http://vid-1.rian.ru/ig/valdai/Toward\\_great\\_ocean\\_eng\\_short.pdf](http://vid-1.rian.ru/ig/valdai/Toward_great_ocean_eng_short.pdf)

**Mounk, Yascha** (2014), “Pitchfork Politics. The Populist Threat to Liberal Democracy”, *Foreign Affairs*, Sept./Oct., <http://www.foreignaffairs.com/articles/141733/yascha-mounk/pitchfork-politics>

**Popescu, Nicu** (2014), “The Eurasian Union. the real, the imaginary and the likely”, *Chaillot Paper* 132, EUISS, Paris, [http://www.iss.europa.eu/uploads/media/CP\\_132.pdf](http://www.iss.europa.eu/uploads/media/CP_132.pdf)

**Shekhovtsov, Anton** (2008), “The Palingenic Thrust of Russian Neo-Eurasianism”, *Totalitarian Movements and Political Religions*, vol. 9, no. 4, 491-506, December, <http://www.mod-langs.ox.ac.uk/russian/nationalism/shekhovtsov1.html>

**Global Legal Insights** (2017), *Global Energy Security: new concerns & enduring challenges*, <https://www.globallegalinsights.com/practice-areas/energy/global-legal-insights---energy-5th-ed./global-energy-security>

**Samir Tata** (2017), “Deconstructing China’s Energy Security Strategy”, *The Diplomat*, <https://thediplomat.com/2017/01/deconstructing-chinas-energy-security-strategy/>

**Briosa e Gala, Francisco** (2013), *O Fornecimento de Gás Natural à União Europeia: Questões de Segurança Energética*, Coimbra Editora, Coimbra.

**Dudau, Radu** and **Armando Marques Guedes** (2011), “European Energy Security: The Geopolitics of Natural Gas Projects”, in Roxanna Ivan (ed.) *New Regionalism or No Regionalism. Emerging Regionalism in the Black Sea Area*: 69-94, Ashgate, London.

**Freire Nogueira, José Manuel** (2011), *O Método Geopolítico Alargado*, IESM e Prefácio, Lisboa.

**Friedman, George** (July 2013), “The PC16: Identifying China's Successors”, *Geopolitical Weekly*, STRATFOR, <http://www.stratfor.com/weekly/pc16-identifying-chinas-successors#axzz3DzTniH3N>

(ed.) **John Richardson**, *The Fractured Ocean. Current Challenges to Maritime Policy in the Wider Atlantic*, The German Marshall Fund of the United States, Washington, DC, [http://www.gmfus.org/wp-content/blogs.dir/1/files\\_mf/1354226179Richardson\\_FracturedOcean\\_Se\\_p12\\_web.pdf](http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/1354226179Richardson_FracturedOcean_Se_p12_web.pdf)

**Isbell, Paul** (2012). *Energy and the Atlantic: Mapping the Shifting Energy Landscape of the Atlantic Basin*, The German Marshall Fund of the United States, Washington, DC, [http://transatlantic.sais-jhu.edu/publications/books/Energy%20and%20the%20Atlantic/Energy\\_and\\_the\\_Atlantic\\_final\\_electronic\\_version\\_Nov\\_29\\_2012.pdf](http://transatlantic.sais-jhu.edu/publications/books/Energy%20and%20the%20Atlantic/Energy_and_the_Atlantic_final_electronic_version_Nov_29_2012.pdf)

**Lesser, Ian O.** (2010), “Southern Atlanticism: Geopolitics and Strategy for the Other Half of the Atlantic Rim,” Brussels Forum paper series, The German Marshall Fund of the United States, Washington, DC <http://www.gmfus.org/doc/GMF7536%20BF%20Southern%20Atlanticism%20Paper%20Web.pdf>

**Marques Guedes, Armando** (2012), “Geopolitical Shifts in the Wider Atlantic: past, present, and future”, in (ed.) John Richardson, *The Fractured Ocean. Current Challenges to Maritime Policy in the Wider Atlantic*, pp. 11-59, The German Marshall Fund of the United States, Washington, DC, [http://www.gmfus.org/wp-content/blogs.dir/1/files\\_mf/1354226179Richardson\\_FracturedOcean\\_Se\\_p12\\_web.pdf](http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/1354226179Richardson_FracturedOcean_Se_p12_web.pdf)

\_\_\_\_\_ (2012b), “From deregulation to recentering in the South Atlantic and the construction of ‘lusofonia’”, *Janus.net*, vol. 3 no.1: pp. 1-36, Universidade Autónoma de Lisboa, <http://observare.ual.pt/janus.net/en/component/content/article/51-english-en/vol-3,-n-º1-spring-2012/>

\_\_\_\_\_ (2012), ““Here be Dragons. Novos Conceitos de Segurança e o Mundo contemporâneo”, *O Poder e o Estado*: 5-36, com Luís Elias, ISCPSI and Almedina, Coimbra.

\_\_\_\_\_ (2014), “*Liaisons dangereuses*: reading and riding the winds of security risks in the Atlantic south”, in (ed.) Dan Hamilton, ‘*Dark Networks*’ in the Atlantic Basin. *Emerging Trends and*

*Implications for Human Security*, SAIS (School for Advanced International Studies), Johns Hopkins University, Washington DC, [http://transatlantic.sais-](http://transatlantic.sais-jhu.edu/events/2012/Atlantic%20Basin%20Initiative/ABI%20chapters/ABI%20Human%20Security%20Working%20Paper%20MarquesGuedes.pdf)

[jhu.edu/events/2012/Atlantic%20Basin%20Initiative/ABI%20chapters/ABI Human Security Working Paper MarquesGuedes.pdf](http://transatlantic.sais-jhu.edu/events/2012/Atlantic%20Basin%20Initiative/ABI%20chapters/ABI%20Human%20Security%20Working%20Paper%20MarquesGuedes.pdf) para o livro publicado, ver aqui: <http://www.brookings.edu/research/books/2014/dark-networks-in-the-atlantic-basin>

**Alastair Reed and Johanna Pohl** (2017), Tackling the surge of returning foreign fighters”, *NATO Review*, Magazine, <http://www.nato.int/docu/review/2017/Also-in-2017/daesh-tackling-surge-returning-foreign-fighters-prevention-denmark-rehabilitation-programmes/EN/index.htm>

**Asaf Siniver and Scott Lucas** (2016), “The Islamic State lexical battleground: US foreign policy and the abstraction of threat”, *International Affairs* 92: 1, pp. 63–79, Chatham House, London, [https://www.chathamhouse.org/sites/files/chathamhouse/publications/ia/INTA92\\_1\\_04\\_SiniverLucas.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/publications/ia/INTA92_1_04_SiniverLucas.pdf)

**McCants, William** (2014), “State of Confusion. ISIS’s Strategy and How to Conunter it”, *Foreign Affairs*, September 11 (<http://www.foreignaffairs.com/articles/141976/william-mccants/state-of-confusion>)

**Tomé, Luis** (2015). [«Estado Islâmico» percurso e alcance um ano depois da auto-proclamação do «Califado»](http://observare.ual.pt/janus.net/pt/component/content/article/95-portugues-pt/v-6,-n-1-2015-maio-outubro/artigos/311-%C2%ABestado-isl%C3%A2mico%C2%BB-percurso-e-alcance-um-ano-depois-da-auto-proclama%C3%A7%C3%A3o-do-%C2%ABcalifado%C2%BB). *Janus.net*, e-journal of international relations, Vol 6. Nº 1 (Maio-Outubro 2015). <http://observare.ual.pt/janus.net/pt/component/content/article/95-portugues-pt/v-6,-n-1-2015-maio-outubro/artigos/311-%C2%ABestado-isl%C3%A2mico%C2%BB-percurso-e-alcance-um-ano-depois-da-auto-proclama%C3%A7%C3%A3o-do-%C2%ABcalifado%C2%BB> (see this site for English version too).

(ed.) **Tomé, Luis** (2015) *Islamic State – the new global jihadist phenomenon*. Media XXI, Setembro.

**Bunzel, Cole** (2015), . *From Paper State to Caliphate: The Ideology of the Islamic State*. The Brookings Institution, Analysis Paper, No. 19, March 2015.



Url: <http://www.brookings.edu/~media/research/files/papers/2015/03/ideology-of-islamic-state-bunzel/the-ideology-of-the-islamic-state.pdf>

**Richard, Barret.** (2015) *The Islamic State*. The Soufan Group, November 2015. <http://soufangroup.com/wp-content/uploads/2014/10/TSG-The-Islamic-State-Nov14.pdf>

**Weiss, Michael and Hassan Hassan** (2015). *ISIS: Inside the Army of Terror*. Regan Arts, February.

**Zelin, Aaron Y.** (2014), “ISIS is Dead, Long Live the Islamic State. Will the declaration of a new caliphate unite the world’s jihadists -- or tear them apart?”, *Foreign Policy*, [http://www.foreignpolicy.com/articles/2014/06/30/isis\\_is\\_dead\\_long\\_live\\_the\\_islamic\\_state\\_iraq\\_syria](http://www.foreignpolicy.com/articles/2014/06/30/isis_is_dead_long_live_the_islamic_state_iraq_syria)

**European Commission** (2017), *Cyber Security in the Energy Sector report (final version)*, *Energy Expert Cyber Security Platform*. [https://ec.europa.eu/energy/sites/ener/files/documents/eecsp\\_report\\_final.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/eecsp_report_final.pdf)

**European Commission** (2014), *Energy Security Strategy*, [https://ec.europa.eu/energy/sites/ener/files/publication/European\\_Energy\\_Security\\_Strategy\\_en.pdf](https://ec.europa.eu/energy/sites/ener/files/publication/European_Energy_Security_Strategy_en.pdf)

**Dudau, Radu and Armando Marques Guedes** (2011), “European Energy Security: The Geopolitics of Natural Gas Projects”, in Roxanna Ivan (ed.) *New Regionalism or No Regionalism. Emerging Regionalism in the Black Sea Area*: 69-94, Ashgate, London.

**Ulrik Franke** (2015), *War by non-military means*, FOI, Global Press, Swedish Ministry of Defense, Stockholm, <http://www.foi.se/Global/Press%20och%20nyheter/War%20by%20non-military%20means.pdf>

**Marlene Laruelle** (2015), “The three colors of Novorossiia, or the Russian nationalist mythmaking of the Ukrainian crisis”, *Post Soviet Studies*, Washington.

**Daucé, Françoise, Marlene Laruelle et al.** (2015), “What Does it Mean to be a Patriot. Patriotic Practices in Contemporary Russia”, *Europe-Asia*, vol.67, no. 1, pp.1-7,

<http://www.tandfonline.com/doi/pdf/10.1080/09668136.2014.986964>

**Edward Lucas and A. Wess Mitchell** (2014), *Central European Security after Crimea. The Case for Strengthening NATO's Eastern Defenses*, CEPA,

Washington, [http://www.cepa.org/sites/default/files/The%20Case%20for%20Strengthening%20NATO's%20Eastern%20Defenses-%20\(2\).pdf](http://www.cepa.org/sites/default/files/The%20Case%20for%20Strengthening%20NATO's%20Eastern%20Defenses-%20(2).pdf)

**Edward Lucas** (2015), *The Coming Storm. Baltic Sea Security Report*, CEPA, [http://www.cepa.org/sites/default/files/styles/medium/Baltic%20Sea%20Security%20Report-%20\(2\).compressed.pdf](http://www.cepa.org/sites/default/files/styles/medium/Baltic%20Sea%20Security%20Report-%20(2).compressed.pdf)

**Bhalla Reva** (2015), "Quantum Geopolitics", *Geopolitical Weekly*, STRATFOR, [https://www.stratfor.com/weekly/quantum-geopolitics?utm\\_source=freelist-f&utm\\_medium=email&utm\\_term=Gweekly&utm\\_campaign=20150728&utm\\_content=readmoretext&mc\\_cid=6a57dd2b30&mc\\_eid=563ccb602e](https://www.stratfor.com/weekly/quantum-geopolitics?utm_source=freelist-f&utm_medium=email&utm_term=Gweekly&utm_campaign=20150728&utm_content=readmoretext&mc_cid=6a57dd2b30&mc_eid=563ccb602e)

A partir deste acervo bibliográfico podem ser propostos temas pelos discentes para apresentações opcionais de 10-15 minutos durante as sessões. Visto as apresentações durante as sessões não serem obrigatórias para dos candidatos do doutoramento em Direito e Segurança, os temas escolhidos serão entremeados no programa geral da disciplina, de acordo com aquilo que seja tido por mais conveniente.

*From this bibliography, a variety of themes may be proposed by students for optional 10-15 minute presentations during sessions. Since session presentations are not obligatory for the Law and Security doctoral candidates, the themes chosen will be interspersed in the general program of the discipline according to what shall be deemed as more convenient.*

## **PROGRAMA GERAL**

### ***GENERAL PROGRAMME***

A autonomia do direito e/ou a(s) sua(s) dependência(s) relativamente aos contextos em que se inserem discursos e atos jurídicos tem desde há muito sido objeto de numerosas e fascinantes discussões académicas. Nuns casos, os contextos sócio-antropológico e histórico são tidos como essenciais para a produção e práticas jurídica, noutros a economia, noutros ainda a política, ou/e uma combinação destes fatores, de acordo com modulações e pesos específicos variáveis de cada um deles – que mudam de autor para autor e em diferentes fases das leituras analíticas de cada um dos autores que sobre o tema se debruçam.

Os seminários tocam, em ordem cronológica, alguns dos momentos centrais dessas discussões ainda em curso. Visam uma contextualização dessas leituras quanto a uma “não-autonomização” (ou a uma autonomia tão-só parcial) do direito na produção teórica nacional e internacional.

A avaliação dos estudantes será feita durante os Seminários, com base nas apresentações feitas nos termos regulamentares (que serão explicados em pormenor na primeira sessão), e sobretudo pela avaliação dos trabalhos de 15 a 25 pp. (que devem ser depois entregues nos prazos que constam do Regulamento da Faculdade). e contará com textos de leitura obrigatória para a elaboração de trabalhos (na secção B) a relativa ao Doutoramento Geral (DD) e na secção C), aquela que diz respeito ao Doutoramento em Direito e Segurança (DDS):

The autonomy of the law and/or its dependencies in relation to contexts in which discourses and jural acts in are embedded have raised many fascinating academic discussions. In some cases their socio-anthropological and historical contexts are envisaged as essential for legal production and practices, in other economic systems are instead, in others still, politics, or/and a combination of these factors, in terms of variable modulations and specific weights– and ones that change from author to author.

The seminars touch, in chronological order, some of the crucial moments of these ongoing discussions. They aim at a contextualization of the readings carried out, and focus on their “non-autonomy” (or on

their only partial autonomy), both as concerns national and international theoretical productions.

Student evaluation will be carried out during the Seminars, both as pertains to presentations made (which will be explained in detail in the first session) and, mostly, via the evaluation of 15 to 25pp. papers which must be handed in according to Faculty timetables. What follows below includes obligatory readings for the elaborations of these texts. These are listed in Section B) for the general Doctoral Programme (DD), and in Section C) for the Doctorate in Law and Security (DLS):

**PROGRAMA E BIBLIOGRAFIA DAS SESSÕES DO  
DOUTORAMENTO**  
**PROGRAMME AND BIBLIOGRAPHY OF THE  
GENERAL DOCTORATE**

**I. Direito e sociedade, as grandes perspetivações  
fundacionais**  
**Law and society, the great foundational  
perspectives**

**1. O direito como ideologia (org. Cristina Nogueira da Silva)**  
**Law as ideology**

**Karl Marx (1818-1863): Karl Marx** (1ª ed.: 1959), textos originais editados em Lord Lloyd of Hampstead, *Introduction to Jurisprudence*, London, Stevens Sons, 1979 Cap. 10: “Marxist Theories of Law and State”, pp. 724-815.

**Roger Cotterrell** (1992), *The Sociology of Law: an Introduction*, London, Dublin, Edinburgh, (1ª ed.: 1984), (Cap. 4: “Law, Power and Ideology”, pp. 99-133). BFDUNL: S2-33.

**Isaac D. Balbus** (1977), “Commodity form and legal form: an essay on the «relative autonomy» of the law”, in *Law and Society*, pp. 571-588 [11]

**Andrew Vincent**, “Marx and Law”, *Journal of Law and Society*, Nº20, 1993, p. 371-97.

**2. Os formatos do Direito e as configurações da  
solidariedade social (org. Armando Marques Guedes)**  
**Legal forms and social solidarity configurations**

**Émile Durkheim (1858-1917): Émile Durkheim**, (1975, original 1893), “L’origine de l’idée du Droit”, em *Textes I*: 233-241, Éditions de Minuit.

\_\_\_\_\_ (1950, original de 1922), *Leçons de Sociologie. Physique des Mœurs et du Droit*, Presses Universitaires de France, Paris.

### **3. Direito, sociedade e racionalidade** (org. Armando Marques Guedes)

#### **Law, society, and rationality**

**Max Weber** (1864-1920): **Max Weber** (1978, 1ª ed.: 1920), *Economy and Society: an outline of interpretative sociology* (ed.: Guenther Roth and Claus Wittich, Berkeley, University of California Press, 1978, Vol. I, pp. 3-62; 213-254; BFDUNL: S1-27 (1); Vol. II, pp. 880-899. BFDUNL: S1-27(2).A. [trad. castelhana: *Economía y Sociedad: esbozo de sociología comprensiva*, Madrid, Fondo de Cultura Económica, 1993. BFDUNL: S1-9].

**Roger Cotterrell** (1992), *The Sociology of Law: an Introduction*, London, Dublin, Edinburgh, (1ª ed.: 1984), (Cap. 5: “The Acceptance and Legitimacy of Law”, pp. 148-178; 99-133). BFDUNL: S2-33.

### **4. O direito e a sociedade como foram vistos de cá** (org. Armando Marques Guedes)

#### **Law and society as seen from here**

**Rogério Soares** (1969), *Direito Público e Sociedade Técnica*, Coimbra.

**J. Oliveira Ascensão** (1982), “Por um direito vivo”, *Revista de Direito e de Estudos Sociais* XXVI (1,2,3,4): 5-17, Lisboa e Coimbra.

**Maria Manuel Leitão Marques e Fernando Ruivo** (1982), “Comunidade e Antropologia Jurídica em Jorge Dias: Vilarinho da Furna e Rio de Onor”, *Revista Crítica de Ciências Sociais* 10: 41-87.

## II. **Direito, pluralismo jurídico e jurisdicional, interculturalidade**

### **Law, legal and jurisdictional pluralisms, interculturality**

#### **5. Interculturalidade e modelos de cidadania (org. Cristina Nogueira da Silva)**

**Will Kymlicka** (1995), *Multicultural Citizenship*, Oxford, Oxford University Press.

**Cristina Nogueira da Silva** (2009), “Conceitos oitocentistas de cidadania. Liberalismo e igualdade”, *Análise Social*, Vol. XLIV (192).

\_\_\_\_\_ (2009), “«Missão civilizacional» e Codificação de «usos e costumes» na doutrina colonial portuguesa (séculos XIX-XX)”, in *Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno*, n.ºs 33-34, t. II, 2004-2005, pp. 899-921.

#### **6. Interculturalidade, transnacionalidade, cosmopolitismo (org. Cristina Nogueira da Silva)**

##### **Interculturality, transnationality, cosmopolitanism**

**Boaventura de Sousa Santos** (2004), "Por uma concepção multicultural de direitos humanos", in Santos, Boaventura de Sousa (org.), *Reconhecer para libertar. Os caminhos do cosmopolitismo multicultural*. Porto: Edições Afrontamento, 331-356.

**Boaventura de Sousa Santos; Rodríguez-Garavito, César** (orgs.) (2005), *Law and Globalization from Below. Towards a Cosmopolitan Legality*. Cambridge: Cambridge University Press.  
FDUNL: S2 – 40 (1) [trad. Espanhola: Santos, Boaventura de Sousa; Rodríguez-Garavito, César (orgs.) (2007), *El derecho y la*  
Campus de Campolide, 1099-032 Lisboa – Portugal | www.fd.unl.pt | Email: jbg@fd.unl.pt

*globalización desde abajo. Hacia una legalidad cosmopolita.*  
Barcelona: Anthropos-Universidad Autónoma Metropolitana.

## **7. As formas híbridas nos direitos lusófonos, as representações simbólicas e a ‘bifurcação’ (org. Armando Marques Guedes**

### **The hybrid forms of lusophones laws, symbolic representations, and ‘bifurcation’**

**Armando Marques Guedes, Maria José Lopes, Yara Miranda, João Dono e Patrícia Monteiro** (2001) “Litígios e Pluralismo em Cabo Verde. O sistema judicial e as formas alternativas”, *Themis. Revista da Faculdade de Direito da UNL* 3: 1-69.

**Armando Marques Guedes, N’gunu Tiny, Ravi Afonso Pereira, Margarida Damião Ferreira e Diogo Girão** (2003) *Litígios e Pluralismo. Estado, sociedade civil e Direito em São Tomé e Príncipe*, Almedina, Coimbra.

**Armando Marques Guedes** (2008), “Uma articulação entre o Estado e as ‘Autoridades Tradicionais’? Limites na congruência entre o Direito do Estado e os Direitos ‘Tradicionais’ em Angola”, em (ed.) Diogo Freitas do Amaral, *Estudos Comemorativos dos 10 anos da Faculdade de Direito da Universidade Nova de Lisboa*, vol. 1: 715-753, Almedina, Coimbra.

\_\_\_\_\_ (2008), “President and Prime Minister. Twinning up and switching down”, *Magazine. Jornal Oficial da Presidência da República Democrática de Timor-Leste*, vol 1, no. 1: 12-13. High-resolution pdf available for download at <http://www.presidencia.tl/mag/mag0/page1.html>, Dili, East-Timor.

\_\_\_\_\_ (2011), “Performative Political Power Repertoires and Shifting Waters in the East-Timorese ‘Semi-Presidentialist’ System of Government”, in (eds.) Nuno Canas Mendes and André Saramago, *Dimensions of State-Building*: 89-111, Instituto Superior de Ciências Sociais e Políticas, Lisboa.



### **III. Direito e sociedade, perspectivas contemporâneas** **Law and society, contemporary perspectives**

#### **8. Direito, individualismos e comunitarismos (org. Armando Marques Guedes)** **Law, individualisms and communitarisms**

**Duncan Kennedy** (1976), “[Form & Substance in Private Law Adjudication](http://duncankennedy.net/bibliography/chrono.html)”, *Harvard Law Review*: 1685-1778, disponível em <http://duncankennedy.net/bibliography/chrono.html>

**Jack Balkin** (1986), “The Crystalline Structure of Legal Thought”, *Rutgers Law Review* vol. 39, no. 1: 2-103, descarregado a 10 de Setembro de 2008, mas ainda lá disponível a 9 de Outubro de 2009, em <http://www.yale.edu/lawweb/jbalkin/articles/crystal.pdf>

#### **9. O direito como modo de comunicação (org. Armando Marques Guedes)** **Law as a mode of communication**

**Jürgen Habermas** (1996), *Between Facts and Norms. Contributions to a discourse theory of law and democracy*, MIT Press, Cambridge, Massachusetts.

#### **10. O direito enquanto narrativa (org. Cristina Nogueira da Silva)** **Law as narrative**

**Bernard Jackson** (1996), *Making Sense in Jurisprudence*, Deborah Charles Publications, Liverpool.

#### **11. O direito como subsistema da sociedade – Günther Teubner (org. Cristina Nogueira da Silva)**

## **Law as a social subsystem – Günther Teubner**

**Günther Teubner (ed.)**, *Autopoietic law: a new approach to law and society*, Berlin, Walter de Gruyter, 1988.

**Günther Teubner** (1989), *O Direito Como Sistema Autopoiético* (trad. José Engrácia Antunes), Lisboa, Fundação Calouste Gulbenkian, s.d.

**Günther Teubner** (1989), “How the Law Thinks: Toward a constructivist epistemology of Law”, *Law & Society Review*, Vol. 23, nº 5.

**Michael King** (1993), “The Truth About Autopoiesis”, *Journal of Law and Society*, Vol. 20, nº 2, 1993, pp. 219-226.

### **12. Direito e “Governamentabilidade”** (org. Cristina Nogueira da Silva)

#### **Law and govenamentality**

**Michel Foucault** (1975), *Surveiller et punir*, Naissance de la prison, Paris, Éditions Gallimard.

**Miguel Lopes Romão** (2015), *Prisão e Ciência Penitenciária em Portugal*, Coimbra, Almedina, 2015

### **13. A “pré-modernidade” e a “pós modernidade”: o direito, ordem normativa de “recurso”?** (org. Cristina Nogueira da Silva)

#### **“Pre-modernity” and “post-modernity; law as a “normative review” order?**

**António M. Hespanha** (2001), “Juristas como couteiros”, *Análise Social*, Nº 161, pp. 1183-1209.

\_\_\_\_\_ (2007), *Caleidoscópio do Direito*, Coimbra, Almedina, pp. 370-425.

**James Scott** (1998), *Seeing like a State, How Certain Schemes to Improve the Human Condition Have Failed*, Yale, Yale University Press.

#### **14. Os direitos entre sociedades e culturas (org. Armando Marques Guedes)** **Laws between societies and cultures**

**Armando Marques Guedes** (2005) *Entre Factos e Razões. Contextos e Enquadramentos da Antropologia Jurídica*. Almedina, Coimbra.

\_\_\_\_\_ (2010), “Democracy and its Boundaries. Can there be such a thing as a *bona fide* intergenerational social contract?”, *Intergenerational Justice Review* 1/2010: 31-22, The Foundation for the Rights of Future Generations (FRFG)/Stiftung für die Rechte zukünftiger Generationen (SRzG), Uberursel, Germany, <https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12b2090f3debb65d&mt=application/pdf&url>

\_\_\_\_\_ (2011), “A estratégia política de reconstrução e a normatividade *post bellum* emergente. O caso da participação portuguesa na ISAF, Afeganistão, 2002-2011”, *Conflictos Armados, Gestión Posconflicto y Reconstrucción*: 477-515, *Studia Iuridica*, Santiago de Compostela.