



Power, Law and Liberty

Academic Year 2019/2020
2nd Semester 42h

José Tomaz Castello Branco
5.5 ECTS

Program

1. Introduction
 - a. the Idea of Liberty before Liberalism.
 - b. The case for studying the English tradition of Liberty
 2. Power: historical backgrounds:
 - a. Portugal vs Europe: a comparative chronology for the Middle Age period
 - b. From Wessex to England
 - c. The Laws of Alfred
 - d. The Danelaw, Normandy and William the conqueror
 - e. Henry II and the Common Law
 - f. The Magna Carta, 1215
 - g. The “Cortes” of Leiria, 1254
 - h. Other charters
 - i. “Fast-forward” to the modern liberal charters.
 3. Law, liberty and medieval government
 - a. Two concepts of law: barbarian vs. Roman
 - b. Trial by jury and Common Law: limiting or extending Government?
 - c. The law: is it created or discovered?
 - d. The idea of the Rule of Law
 - e. Liberty and privilege
 - f. Liberty or liberties?
 - g. Individualism and universalism: from the liberties of the Englishmen to the “droits du citoyen”
- Pre-modern politics: the understanding of law and liberty before Liberalism



Bibliography

Caetano, M, As Cortes de Leiria de 1254
Churchill, W, Histotiry of the English Speaking Peoples
Cruz, S, Direito Romano
Cunningham (Ed.), RL, Liberty and the Rule of Law
Hogue, AR, Origins of the Common Law
Holt, JC, Magna Carta
Hume, D, History of England
Howard, AED, Magna Carta
Hutchinson, AC, Evolution and the Common Law
Kriegel, B, The State and the Rule of Law
Leoni, B, Freedom and the Law
Lindsay, AD, The Modern Democratic State
Maitland, FW, A Historical Sketch of Liberty and Equality
Maravall (Ed.), JM, Democracy and the Rule of Law
Shapiro (Ed.), Ian, The Rule of Law
Stoner, JR, Common Law and Liberal Theory
Stoner, JR, Common-Law Liberty
Tamanaha, BZ, On the Rule of Law
Tamanaha, BZ, Realistic Socio-Legal Theory

Método de Avaliação

The teaching methodology for this course will be based fundamentally on the reading and the discussion of a previously organised bibliography, selected both from classical history books (including original constitutional and historical documents) and from contemporary works within the fields of political theory and the history of ideas.

Students will be strongly encouraged to read the selected bibliography and to actively take part in a continuous debate in the classroom, in order to develop their own understanding of the main topics under scrutiny.

The final grade will be a function of three different moments of evaluation:

1. The writing and presentation in class of one essay – 30%
2. The active participation in the classes' work and discussions – 30%
3. One final written exam – 40%