



UNIVERSIDADE DE SÃO PAULO  
FACULDADE DE DIREITO  
Largo de São Francisco

GRUPO DE ESTUDOS

**CENTRO DE ESTUDOS  
LEGAIS ASIÁTICOS**

PROFESSOR DOUTOR CARLOS PORTUGAL GOUVÊA

PROGRAMA

**MÓDULO I – EVOLUÇÃO HISTÓRICA E ECONÔMICA DO JAPÃO E COREIA  
DO SUL**

**1º Encontro**

*Data: 17 de setembro de 2014*

**INTRODUÇÃO: O DISCURSO JURÍDICO APLICADO AO DESENVOLVIMENTO  
ECONÔMICO DA ÁSIA**

***Texto Básico:***

OHNESORGE, John K. M. *Law and development orthodoxies and the Northeast Asian experience*. In MCALLIN, Gerald P.; PEJOVIC, Caslav. **Law and development in Asia**. 1 ed. New York: Routledge, 2012. pp. 9-42.

YASUDA, Nobuyuki. *Law and development from the Southeast Asian Perspective: Methodology, History, and Paradigm Change*. In **Law and development in East and Southeast Asia**. 1 ed. New York: Routledge Curzon, 2003. pp. 19-52.

***Textos Sugeridos:***

OHNESORGE, John K. M. *The rule of law, economic development, and the developmental states of Northeast Asia*. In ANTONS, Christopher (org.). **Law and development in East and Southeast Asia**. 1 ed. New York: Routledge Curzon, 2003. pp. 70-98.

**2º Encontro**

*Data: 24 de setembro de 2014*

**A EDIFICAÇÃO DAS BASES ECONÔMICAS PARA O DESENVOLVIMENTO ECONÔMICO  
DE JAPÃO E COREIA DO SUL**

**Texto Básico:**

PIRIE, Iain. **The Korean developmental state – from dirigisme to neoliberalism.** 1 ed. New York: Routledge Curzon, 2008. (Capítulo 2 - “Putting Korea in its place” – pp. 17-35; Capítulo 4 – “Ontology of a miracle” – pp. 59-75; e Capítulo 5 – “Disintegration of the developmental state and the failure of economic liberalization in Korea” – pp. 76-104).

MORCK, Randall; NAKAMURA, Masao. **A Frog in a Well Knows Nothing of the Ocean: A History of Corporate Ownership in Japan.** In: *A History of Corporate Governance Around The World: Family Business Groups To Professional Managers*, Randall Morck, ed, Chapter 7, pp. 367-466, University of Chicago Press, 2005. Disponível em: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1542289&download=yes](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1542289&download=yes).

**Textos Sugeridos:**

AMSDEN, Alice H. **Asia’s next giant: South Korea and late industrialization.** 1 ed. New York: Oxford University Press, 1989. (Capítulo 3 – “The ABCs of Japanese and Korean Accumulation” - pp. 55-76; Capítulo 4 – “The dynamics of Growth” – pp. 79-112; Capítulo 9 – “The boom in education” – pp. 215-238).

**JAPÃO E COREIA DO SUL COMO PROTAGONISTAS DA ECONOMIA GLOBAL**

**Texto Básico:**

PIRIE, Iain. **The Korean developmental state – from dirigisme to neoliberalism.** 1 ed. New York: Routledge Curzon, 2008. (Capítulo 6 – “Building institutions for market” – pp. 105-145; e Capítulo 7 – “Corporate and financial restructuring in post-crisis Korea” – pp. 146-175).

HOSHI, Takeo. **Can Abenomics Restore Japan’s Growth?** Macro Economy Proceedings, Issue No. 9, Janeiro de 2014, *Nomura Foundation*, Disponível em: [http://www.nomurafoundation.or.jp/data/MEP\\_No9.pdf](http://www.nomurafoundation.or.jp/data/MEP_No9.pdf).

**Textos Sugeridos:**

SHIN, Jang-sup; CHANG, Ha-joon. **The restructuring Korea, Inc.** 1 ed. New York: Routledge Curzon, 2003. (Capítulo 2 – “The Korean model in historic perspective” – pp. 7-33).

**MÓDULO II – INSTITUIÇÕES POLÍTICAS E JURÍDICAS**

**3º Encontro**

*Data: 8 de outubro de 2014*

**AS ESTRUTURAS DE GOVERNO: ESTUDO DAS CONSTITUIÇÕES NACIONAIS**

**Texto Básico:**

COREIA DO SUL. **Constitution of the Republic of Korea: October 29, 1987.** Disponível em: [http://elaw.klri.re.kr/eng\\_service/main.do](http://elaw.klri.re.kr/eng_service/main.do).

JAPÃO. **Constitution of Japan: November 3, 1946.** Disponível em: [http://japan.kantei.go.jp/constitution\\_and\\_government/frame\\_01.html](http://japan.kantei.go.jp/constitution_and_government/frame_01.html).

**Textos Sugeridos:**

CHOI, Dai Kwon. *Development of law and legal institutions in Korea.* In CHUN, Bong Duck; SHAW, William; CHOI, Dai Kwon. **Traditional Korean Legal Attitudes,** 1980. Disponível em: <http://uscschooloflaw.org/lfip/lawe506/documents/ohnedorge/Session%201%20%20Choi%20-%20Development%20of%20Law.pdf>.

CHOI, Dai Kwon; ROKUMOTO, Kahei. **Judicial system transformation in the globalizing world.** Seoul: Seoul National University Press, 2007.

CONGLETON, Roger D. *Constitutional Exchange in Japan: From Shogunate to Parliamentary Democracy.* Working paper, 2006. Disponível em: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=913731](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=913731).

**A ESTRUTURA DO PODER JUDICIÁRIO E MECANISMOS DE SOLUÇÃO DE CONTROVÉRSIAS**

**Textos Básicos:**

CHO, Byung S.; GINGSBURG, Tom. *Korea final report.* In **Research studies on the organization and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation).** United Nations Development Programme, 2011. (Capítulo 4 – “*Court system*” – pp. 429-457; e Capítulo 7 – “*Justice sector reform*” – pp. 472-476).

CHO, Kuk. **Litigation in Korea.** Northampton, MA: Edward Elgar Publishing Inc., 2010.

NOTTAGE, Luke et. al. *Japan final report.* In **Research studies on the organization and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation).** United Nations Development Programme, 2011. (Capítulo 4 – “*Court system*” – pp. 321-348; e Capítulo 7 – “*Justice sector reform*” – pp. 374-377).

**Textos Sugeridos:**

CHOI, Dai Kwon; ROKUMOTO, Kahei. **Judicial system transformation in the globalizing world.** Seoul: Seoul National University Press, 2007.

HALEY, John O. **The Japanese Judiciary: Maintaining Integrity, Autonomy and Public Trust.** *Washington U. School of Law Working Paper No. 05-10-01.* Disponível em: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=821466](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=821466).

#### **4º Encontro:**

Data: 22 de outubro de 2014

#### **AS CARREIRAS JURÍDICAS**

##### ***Texto Básico:***

CHO, Byung S.; GINGSBURG, Tom. *Korea final report*. In **Research studies on the organization and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation)**. United Nations Development Programme, 2011. (Capítulo 3 – “Prosecution/Procurarcy” – pp. 419-427; Capítulo 6 – “Lawyers and other legal services” – pp. 466-470).

NOTTAGE, Luke et. al. *Japan final report*. In **Research studies on the organization and functioning of the justice system in five selected countries (China, Indonesia, Japan, Republic of Korea and Russian Federation)**. United Nations Development Programme, 2011. (Capítulo 3 – “Prosecution/Procurarcy” – pp. 311-320; Capítulo 6 – “Lawyers and other legal services” – pp. 358-373).

##### ***Textos Sugeridos:***

KIM, Dohyun. *Recent reforms in the legal profession and legal education*. In YANG, Hyunah (org.). **Law and society in Korea**. 1ª Ed. Northampton: Edward Elgar, 2013. pp. 150-171.

GONO, Junko; HIBINO, Mitsutaka; HINOKAWA, Koh; KAMIYA, Sonosuke; MAKI, Hirofumi; NISHIYAMA, Shigeki; OSAJIMA, Hirotohi; OSHIMA, Masahiro; and YAMAUCHI, Yurika, **Overview of Legal Systems in the Asia-Pacific Region: Japan" (2004)**. Overview of Legal Systems in the Asia-Pacific Region (2004).Paper 7. Disponível em: [http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1007&context=lps\\_lsap\\_r](http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1007&context=lps_lsap_r)

#### **PANORAMA DO ATUAL CENÁRIO CORPORATIVO DE JAPÃO E COREIA DO SUL: ESTUDOS SOBRE GOVERNANÇA CORPORATIVA**

##### ***Textos Básicos:***

AOKI, Masahiko; JACKSON, Gregory; MIYAJIMA, Hideaki. **Corporate governance in Japan – institutional change and organizational diversity**. 1ª Ed. New York: Oxford University Press, 2007. (Capítulo 3 – “The Unwinding of Cross-Shareholding in Japan: Causes, Effects, and Implications” pp. 79-124; e Capítulo 11 – “The turnaround of 1997: changes in Japan corporate law and governance” – pp. 310-329).

RHO, Han-Kyun. **Shareholder Activism - Corporate Governance Reforms in Korea**. 1ª Ed. New York: Palgrave Macmillan, 2007. (Capítulo 5 – “Political opportunity” – pp. 47-58; e Capítulo 6 – “Framing process” – pp. 67-85).

TIBERGHIEU, Yves. **Entrepreneurial states – reforming corporate governance in France, Japan and Korea**. 1ª Ed. New York: Cornell University Press, 2007. (Capítulo 4 – “Japan: of change and resistance” – pp. 104-155; e Capítulo 5 – “Korea: systemic transformation” – pp. 156-179).

### MÓDULO III – TEORIAS DE DESENVOLVIMENTO ECONÔMICO E INSTITUCIONAL APLICADAS AO CASO ASIÁTICO

#### 5º Encontro

Data: 5 de novembro de 2014

#### AS RELAÇÕES ENTRE DIREITO E DESENVOLVIMENTO NO CASO ASIÁTICO

##### Textos Básicos:

CHOI, Dai Kwon. *Law and development: the Korean experience*. In YANG, Hyunah (org.). **Law and society in Korea**. 1ª Ed. Northampton: Edward Elgar, 2013. pp. 3-19.

GINSBURG, Tom. *Japanese law and Asian development*. In MCALLIN, Gerald P.; PEJOVIC, Caslav. **Law and development in Asia**. 1 ed. New York: Routledge, 2012. pp. 68-88.

#### 6º Encontro

Data: 19 de novembro de 2014

#### AS INSTITUIÇÕES JURÍDICAS ASIÁTICAS NO CONTEXTO DA GLOBALIZAÇÃO

##### Textos Básicos:

GINSBURG, Tom. *Does law matter for economic development? Evidence from East Asia*. In **Law and Society Review**, v. 34, n. 3, 2000. Disponível em: <http://home.uchicago.edu/~tginsburg/pdf/articles/DoesLawMatterForEconomicDevelopment.pdf>.

TRUBEK, David. *Law and development in the 21st Century*. In MCALLIN, Gerald P.; PEJOVIC, Caslav. **Law and development in Asia**. 1 ed. New York: Routledge, 2012. pp. 1-6.

YANG, Hyunah (org.). **Law and society in Korea**. 1ª Ed. Northampton: Edward Elgar, 2013.

ANTONS, Christopher (org.). **Law and development in East and Southeast Asia**. 1 ed. New York: Routledge Curzon, 2003.

#### 7º Encontro

Data: 26 de novembro 2014

#### ENTREGA DE RELATÓRIOS DO 1º SEMESTRE