LAW AND MARKET: NATIONAL, INTERNATIONAL AND TRANSNATIONAL REGULATION

Professors Alberto do Amaral Junior, Umberto Celli Junior and Sheila C. Neder Cerezetti

1st semester – 2015
Mondays 9 am-1 pm

CLASS 1 – MARCH 9: Law and market: an overview

Professor Alberto do Amaral Junior and Professor Sheila C. Neder Cerezetti

CLASS 2 – MARCH 16

Special Guest: Professor Tércio Sampaio Ferraz Junior

CLASS 3 – MARCH 23

Special Guest: Professor José Alexandre Tavares Guerreiro

CLASS 4 – APRIL 6: New Regionalism(s) and Market

Professor Umberto Celli Junior

Required:

SHAW, Timothy M.; GRANT, Andrew; CORNELISSEN, Scarlett, "Introduction and Overview: The Study of New Regionalism(s) at the Start of the Second Decade of the Twenty-First Century", in *The Ashgate Research Companion to Regionalisms*, Shaw, Timothy M.; Grant, Andrew; Cornelissen, Scarlett, ed., UK: Ashgate Publishing Company, 2012, pp 3/30.

VAN LANGENHOVE, Luk, Chap. 4 " Varieties of Regional Integration", in *Building Regions: The Regionalization of the World Order*, UK: Ashgate Publishing Company, 2013, pp. 97-126*.*

MOONHAWK, Kim, *Inspecting the Termites: Market Structure and WTO's Consideration Process of PTAs*, (available at SSRN-id2299655)

Recommended:

DE LOMBAERDE, Philippe, "Comparing Regionalisms: Methodological Aspects and Considerations" ", in *The Ashgate Research Companion to Regionalisms*, Shaw, Timothy M.;

Grant, Andrew; Cornelissen, Scarlett, ed., UK: Ashgate Publishing Company, 2012, pp 31/50.

CLASS 5 – APRIL 13: Conceptualizing law and market (I)

Professor Alberto do Amaral Junior

Required:
HART, Herbert L. A. Law as the Union of Primary and Secondary Rules (cap. 5). In: p. 79-99. In: The Concept of Law. 3 ed., Oxford: Oxford University Press, 2012.

FINNIS, John. Law (cap. 10). In: Natural Law and Natural Rights, Oxford: Oxford University Press, 2001. p. 260-296.

Recommended:
DWORKIN, Ronald. Law. In: *Justice for Hedgehogs.* p. 380-400.

CLASS 6 – APRIL 27: Foreign Investment

Professor Umberto Celli Junior

Required:

SCHENEUWLY, Anne Mirjan. "International Investment Law and Its Instruments: Managing Risks to Investors and Host States". Fribourg, August 2012, p. 1/57 (available at: http://ssrn.com/abstratct=2200347).

MUNCHLINSKI, Peter. "Holistic approaches to development and international investment law: the role of international investment agreements", in *International Economic Law, Globalization and Developing Countries*, Faundez, Julio; Tan, Celine, ed..Cheltenham, UK/Northampton, MA, USA: Edward Elgar, 2012, p.180/204.

CLASS 7 – MAY 4: Conceptualizing law and market (II)

Professor Alberto do Amaral Junior

Required:
RODRIK, Dani. Of Markets and States: Globalization in History's Mirror (cap. 1). In: *The Globalization Paradox.* New York: W. W Norton and Company, 2011. p. 3-23.

HAYEK, Friedrich A. The Market Order or Catallaxy (cap.10). In: *Law, Legislation and Liberty – The Mirage of Social Justice*, v. 2. Chicago: The University of Chicago Press, 1976. p. 107-133.

Recommended:
HAYEK, Friedrich A. Epilogue: The Three Sources of Human Values. In: *Law, Legislation and Liberty – The Mirage of Social Justice*, v. 2. Chicago: The University of Chicago Press, 1976. p. 153-176.

WALLERSTEIN, Immanuel. The Rise of the States System: Sovereign Nation States, Colonies and the Interstate System (cap.3). In: *World Systems Analysis.* Duke University Press. p. 42-59.

WALLERSTEIN, Immanuel. The Modern World System in Crisis: Bifurcation, Chaos and Choices. In: *World Systems Analysis.* Duke University Press. p. 76-90.

CLASS 8 – MAY 11: Legal pluralism and self-regulation in the national, international and transnational arenas

Professor Sheila C. Neder Cerezetti

Required:
SASSEN, Saskia. The State and Globalization, in HALL, R., BIERSTEKER, T. *The Emergence of Private Authority in Global Governance*, Cambridge, Cambridge, 2002, pp. 91-112.

CUTLER, Claire. *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, Cambridge, Cambridge, 2003, pp. 1-32.

CALLIESS, Gralf-Peter, ZUMBANSEN, Peer. *Rough Consensus and Running Code: A Theory of Transnational Private Law*, Hart, Oxford, 2010, pp. 76-96.

Recommended:
BLACK, Julia. *Decentring Regulation: Understanding the Role of Regulation and Self-regulation in a 'Post-regulatory' World*, in *Current Legal Problems* 54 (2001), pp. 103-146.

CUTLER, Claire. *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, Cambridge, Cambridge, 2003, pp. 180-224.

CLASS 9 – MAY 18: Legal Pluralism

Professor Alberto do Amaral Junior

Required:
KRISCH, Nico. The Case for Pluralism (cap. 3). *Beyond Constitutionalism: The Pluralist Structure of Postnational Law*. Oxford: Oxford University Press, 2010, p. 69-108.

KRISCH, Nico. The Promise and Perils of Postnational Constitutionalism (cap. 2). *Beyond Constitutionalism: The Pluralist Structure of Postnational Law*. Oxford: Oxford University Press, 2010, p. 27-68.

CLASS 10 – MAY 25: Stateless law and international arbitration

Professor Alberto do Amaral Junior

Required:
SCHULTZ, Thomas. Why Think in Terms of Legal Systems (cap. 6). In: *Transnational Legality – Stateless Law and International* Arbitration. Oxford: Oxford University Press, 2014. p. 101-118.

SCHULTZ, Thomas. The External Identity of a Stateless Legal System (cap. 7). In: *Transnational Legality – Stateless Law and International* Arbitration. Oxford: Oxford University Press, 2014. p. 119-150.

CLASS 11 – JUNE 1: Transnational corporate governance regulation

Professor Sheila C. Neder Cerezetti

Required:
ZUMBANSEN, Peer. *Neither Public nor Private, National nor International: Transnational Corporate Governance from a Legal Pluralist Perspective*, in *Journal of Law and Society* 38 (2011), pp. 50-75.

CALLIESS, Gralf-Peter, ZUMBANSEN, Peer. *Rough Consensus and Running Code: A Theory of Transnational Private Law*, Hart, Oxford, 2010, pp. 181-212.

CLASS 12 – JUNE 8: Challenges of global regulation

Professor Alberto do Amaral Junior

Required:
HOEKMAN, Bernard, MAVROIDIS, Petros C. Regulatory Cooperation and the Trading System: An Issues Paper. *European University Institute*, 2015. p. 1-20.

RODRIK, Dani. Designing Capitalism (cap. 11). In: *The Globalization Paradox*. New York: W. W Norton and Company, 2011. p. 233- 250.

RODRIK, Dani. A Sane Globalization (cap. 12). In: *The Globalization Paradox*. New York: W. W Norton and Company, 2011. p. 251- 280.

CLASS 13 – JUNE 15: Presentation and discussion of papers (I)

Schedule to be defined

CLASS 14 – JUNE 22: Presentation and discussion of papers (II)

Schedule to be defined

Requirements: students will be expected to prepare and participate in weekly discussions and write a paper. At the end of the semester, the paper will be orally presented and then discussed by another student.

Assessment: students' performance will be assessed on the following measures:
Discussion, active contribution: 40%
Short and long abstract of the future paper: 10% (to be handed over on April, 27th)
Paper and peer review: 50% (paper to be handed over on June, 1st)

The short abstract should have no more than 900 characters with space and the long abstract should have no more than 9000 characters with space (approximately two pages). The paper should be approximately 25 pages in length (not including a cover page, with abstract, or references). It should draw on at least 3 of the required articles.
Components of paper:
Title page: Name, title, date, abstract.
References: you can either use ABNT or follow the suggestions made by E. C. S. MARCHI. *Guia de Metodologia Jurídica (Teses, Monografias e Artigos)*. 2a. ed. Lecce, Edizioni del Grifo, 2004.
Margins: 2,54 cm margins are required on every side.
Spacing: 1,5 space.
Font: Times New Roman, 12 point.
Page numbers: Make sure to put page numbers at bottom right corner of every page (in footer).

At the end of May, the schedule of presentations will be disclosed. Every student shall review and discuss the paper prepared by a colleague. The students may choose to present and/or discuss the paper in English or in Portuguese.