

## LAW AND DEVELOPMENT IN EAST ASIAN COUNTRIES

2 credits (Fall)

### 東アジアの開発と法 2単位(秋学期)

The Role of Law for Economic, Political and Social Development in East Asian Countries

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#### **Course Description/Objectives/Teaching Method/Intended Learning Outcome:**

This course aims to analyze the role of legal reform for the development process in East Asian countries. It will analyze the process of the legal development (or the rule of law promotion including Access to Justice) in East Asian countries. Then it will investigate the relation between the legal development and the economic, political and social development with special attention to the strength of informal and indigenous institutions which have originally developed in those countries and the globalization impact which have been influencing them.

#### **Course Plan:**

- 1 Introduction and Guidance
- 2 The legal system and the economic, political and social development in Japan (1)  
Topic: Are there any unique combinations between law, politics and economics in Japan?
- 3 The legal system and the economic, political and social development in Japan (2)  
Topic: What are the features of the Japanese legal system and how do they influence economic, political and social developments?
- 4 The legal system and the economic, political and social development in Japan (3)  
Topic: What is the current situation of access to justice in Japan and the future direction of its development?
- 5 The legal system and the economic, political and social development in Korea (1)  
Topic: What are the roles of law and politics in the economic development in Korea?
- 6 The legal system and the economic, political and social development in Korea (2)  
Topic: What is the relation between the economic growth and democracy promotion in the rapid development process after the World War II in Korea?
- 7 The legal system and the economic, political and social development in Taiwan  
Topic: What are the features of the Taiwan legal system and its relation with economic development?
- 8 The legal system and the economic, political and social development in Hong Kong SAR  
Topic: How has the legal system developed in relation to the economic development in Hong Kong SAR?
- 9 The legal system and the economic, political and social development in China (1)  
Topic: What are the features of Chinese legal development and its relation with economic growth and democracy promotion?
- 10 The legal system and the economic, political and social development in China (2)  
Topic: What are the features of Chinese legal development and its relation with economic growth and democracy promotion?
- 11 The legal system and the economic, political and social development in Mongolia  
Topic: How is the traditional nomadic society changing with the political intervention, economic growth and democracy promotion and how is the legal system reformed and working for the more sustainable development?
- 12 The theory and practice of Law and Development (1): the relation between legal system and economic, political and social development  
Topic: Does economic development have a causal relation with (the rule of ) law?

- 13 The theory and practice of Law and Development (2): An analysis of the East Asian Miracle and the Asian financial crisis from the viewpoint of law and development

Topic: What is the role of government and law in East Asian economic development?

- Other The theory and practice of Law and Development (3): The reception of the Western legal systems (Civil Law and Common Law system) into Asian countries

Topic: Do legal origins (such as Common Law and Civil Law) matter for economic, political and social development in East Asian countries?

Summary and Discussions

Topic: What are the features of the relation between law and development in East Asian countries?

Preparation for the final essay

#### **Method of Evaluation:**

Evaluation is based on (1) the class participation including the submission of the short report on the legal system of one's own country (30%) and (2) the term end report of 3000 words (70%).

The details on the short report and the term end report shall be announced through the Canvas LMS or Class Support System.

#### **Textbooks:**

There are no specific textbooks. Materials will be distributed as appropriate and relevant.

#### **Reference Books:**

- Lawrence MacDonald (editor), John Page, Nancy Birdsall, Ed Campos, W. Max Corden, Chang-Shik Kim, Howard Pack, Richard Sabor, Joseph I. Stiglitz, *The East Asian miracle: economic growth and public policy*, Oxford University Press, 1993.
- Masahiko Aoki, Hyung-Ki Kim and Masahiro Okuno-Fujiwara, *The Role of Government in East Asian Economic Development: Comparative Institutional Analysis*, Oxford University Press, 1996.
- Albert Fishlow, Catherine Gwin, Stephan Haggard, Dani Rodrik and Robert Wade, *Miracle or Design?: Lessons from the East Asian Experience, Overseas Development*, 1996.
- Katharina Pistor and Philip A. Wellons (eds.), *The Role of Law and Legal Institutions in Asian Economic Development 1960-1995*, Oxford University Press, 1999.
- Kanishka Jayasuriya (ed.), *Law, Capitalism and Power in Asia: The rule of law and legal institutions*, Routledge, 1999.
- Christopher Antons (ed.), *Law and Development in East and Southeast Asia*, Routledge Curzon, 2003.
- Randall Peerenboom (ed.), *Asian Discourses of Rule of Law: Theories and implementation of the rule of law in twelve Asian countries, France and the U.S.*, Routledge Curzon, 2004.
- Kenneth Dam, *The Law-Growth Nexus: The Rule of Law and Economic Development*, Brookings Institution Press, 2006.
- 松尾弘『良い統治と法の支配：開発法学の挑戦』（日本評論社，2009）[Hiroshi Matsuo, *Good Governance and the Rule of Law: A Challenge of Law and Development*, Nihonhyoronsha, 2009.]
- 松尾弘『開発法学の基礎理論：良い統治のための法律学』（勁草書房，2012）[Hiroshi Matsuo, *Basic Theory of Law and Development: Jurisprudence for Good Governance*, Keisoshobo, 2012.]
- 松尾弘『発展するアジアの政治・経済・法——法は政治・経済のために何ができるか』（日本評論社，2016）

[Hiroshi, Matsuo, *Politics, Economics and Law for developing Asia: What Can Law Do for Development*, Nihonhyoronsha, 2016.]

#### **Lecturer's Comments to Students:**

Participants do not need to have any special knowledge of law. However, regular attendance and active participation will be expected.

The maximum number of students for this course shall be 20, which are determined through the automatic selection system.

#### **Questions/Comments:**

Questions and comments are welcomed at any time.