

Programa de Pós-graduação *Stricto Sensu* em Direito da Regulação Plano de Ensino

▪ **Disciplina:** Desenho e Técnicas Avançadas de Pesquisa I

▪ **Curso:** Doutorado

▪ **Tipo Disciplina:** Obrigatória

▪ **Carga Horária:** 30h (2 créditos)

▪ **Ementa:**

Lógica da investigação social e desenho de pesquisa. Apresentação e discussão sobre critérios metodológicos para: elaboração de problemas de pesquisa; definição e operacionalização conceitual; elaboração de hipóteses; apresentação de argumento; seleção de observações. Pesquisa teórica e empírica em direito e em especial, em temas relacionados à regulação. Técnicas de pesquisa qualitativa.

▪ **Objetivos:**

Objetivo geral:

- ✓ Discutir a lógica do desenho de pesquisa e técnicas de pesquisa qualitativa.

Objetivos específicos:

- ✓ Aprimorar o desenho de pesquisa acadêmica no Direito;
 - Particularmente, o desenho de pesquisa voltado para estudos empíricos sobre Direito e Regulação.
- ✓ Discutir o uso de métodos e técnicas de pesquisa qualitativa;
- ✓ Discutir exemplos de estudos acadêmicos na área do Direito / Direito e Regulação;
- ✓ Auxiliar na elaboração da tese de doutorado;

▪ **Temas e Bibliografia:**

Lógica da pesquisa acadêmica e estudos empíricos em regulação

Visão geral:

Jordão, Eduardo. The three dimensions of administrative law. Revista de Direito Administrativo e Constitucional, 2019. (<http://www.revistaaec.com/index.php/revistaaec/article/view/1092/794>).

Coglianesi, C. "Empirical Analysis and Administrative Law". Faculty Scholarship. Paper 978, 2002. (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=327520).

Pesquisas teóricas e empíricas:

Hausman, D. "The inexact and separate science of economics. Cap 5 "Models and theories of economics" Cambridge University Press, 1992.

Lógica qualitativa e quantitativa das pesquisas empíricas:

Goertz, G., Mahoney, J. A tale of two cultures : qualitative and quantitative research in the social sciences. Princeton University Press, 2012. Cap 1 "Introduction".

Webley, L. Qualitative Approaches to Empirical Legal Research. Oxford Handbook of Empirical Legal Research (eds) Peter Cane and Herbert Kritzer, 2010. (https://www.researchgate.net/publication/259339842_Chapter_38_Qualitative_Approaches_to_Empirical_Legal_Research).

Desenho de pesquisa:

Natow, R. Higher Education Rulemaking: The Politics of Creating Regulatory Policy. Johns Hopkins University Press, 2017. "Introduction" e "Methodological Appendix".

Problema de pesquisa, modelos, teoria e evidências

Problema de pesquisa:

Alvesson, Mats & Sandberg, Jörgen. Generating research questions through problematization. The Academy of Management Review, Vol. 36, Nº. 2, 2011. (http://crts.bilkent.edu.tr/readings_2015/Alvesson%20Sandberg%20generating%20research%20Qs%20thru%20problematization%202011.pdf).

Hancké, Bob. 2009. Intelligent Research Design: A Guide for Beginning Researchers in the Social Sciences, Oxford: Oxford University Press, Cap 2.

Gustafsson, Karl & Linda Hagstrom (2017). "What is the point? Teaching Graduate Students how to Construct Political Science Research Puzzles." European Political Science, pp. 1-15 (first online, 31 July 2017). (https://www.researchgate.net/publication/318794866_what_is_the_point_teaching_graduate_students_how_to_construct_political_science_research_puzzles).

Sandberg, Jörgen & Alvesson, Mats. Ways of constructing research questions: gap-spotting or problematization?. Organization, 18(1), 2011. (https://pdfs.semanticscholar.org/4d3a/728dcf892e41a465a4dc8a1afb43f87e3627.pdf?_ga=2.202498066.208392225.1594032415-123247792.1593001236).

Análise:

Bennett, C. Regulating Privacy: Data Protection and Public Policy in Europe and the United States. Cornell University Press, 2018. "Introduction".

Quirk, P. Industry Influence in Federal Regulatory Agencies. Princeton University Press, 2014, Cap.2 "Research Strategy: a study of policy incentives.

Problema de pesquisa, modelos, teoria e evidências (continuação)

Modelos, teorias e evidências:

Clark, K. & Primo, D. The Theoretical Implications of the Empirical Implications of Theoretical Models, mimeo, 2014.

Tipos de proposições e critérios de avaliação:

Gerring, John. Applied Social Science Methodology. Cambridge University Press, 2017. Cap.2 Arguments.

Análise:

Croley, S. Theories of Regulation: Incorporating the Administrative Process. Columbia Law Review, Vol. 98, No. 1, 1998. (<https://www.jstor.org/stable/pdf/1123396.pdf>).

Menicucci, T. Público e privado na política de assistência à saúde no Brasil: atores, processos e trajetórias. Editora Fiocruz, 2007. Cap 1 “Os argumentos analíticos”.

Bibliografia complementar:

Chalmers, A. What is this thing called Science? Cap. 4 “Deriving theories from the facts: induction”, Cap. 5 “Introducing falsificationism”, Cap. 6 “Sophisticated falsificationism, novel predictions and the growth of Science”, Cap. 7 “The limitations of falsificationism”.

Lógica da elaboração conceitual e mensuração

Análise:

Koop, C. and Lodge, M. What is regulation? An interdisciplinary concept analysis. Regulation and Governance, 2015. (https://www.researchgate.net/publication/280915642_What_is_regulation_An_interdisciplinary_concept_analysis).

Carpenter, D & Moss, D (eds). Preventing regulatory capture : special interest influence and how to limit it. Cambridge University Press, 2014. “Introduction”. (<https://www.tobinproject.org/sites/tobinproject.org/files/assets/Introduction%20from%20Preventing%20Regulatory%20Capture.pdf>).

Carpenter, D. Protection without Capture: Product Approval by a Politically Responsive, Learning Regulator. American Political Science Review. 2004. (<https://dcarpenter.scholar.harvard.edu/files/dcarpenter/files/protwoc-apsr-pub.pdf>).

Bibliografia técnica:

Goertz, G. Social Science Concepts: A User’s Guide. Princeton, Princeton University Press, 2005. Caps 2, 3 e 4

Jackman. S. “Measurement”. In Box-Steffensmeier, J.M.; BRADY, H.E.; COLLIER, D, (eds.) The Oxford Handbook of Political Methodology. Oxford University Press, 2008.

Teoria, conceitos e tipologias

Tipologia, descrição e explicação

Análise:

Ostrom, E. Beyond Markets and States: Polycentric Governance of Complex Economic Systems. American Economic Review 100, 2010. (https://www.jstor.org/stable/27871226?seq=1#metadata_info_tab_contents).

Vogel, S. Freer Markets, More Rules. Freer Markets, More Rules: Regulatory Reform in Advanced Industrial Countries. Cornell University Press, 2018. “Introduction” e Cap. 1 “Understanding Regulatory Reform”

Bibliografia técnica:

Elman, C. Explanatory typologies in qualitative studies of international politics. International Organization, 59, 2005. (https://www.researchgate.net/profile/Colin_Elman/publication/4733360)

[_Explanatory Typologies in Qualitative Studies of International Politics/links/55086fbb0cf26ff55f822384.pdf](https://www.researchgate.net/publication/22384)).

Estudo de caso, estudos comparados com poucos casos

Técnicas qualitativas: entrevistas e análise de documentos

Estudo de caso. Uso de documentos e entrevistas

Análise:

Kagan, R. Regulatory Justice: implementing a wage-price freeze. Russell Sage Foundation, 1978. Part I "Sources of Regulatory Policy and Legal Structure" e Appendix "Notes on Research Methods".

Menicucci, T. Público e privado na política de assistência à saúde no Brasil: atores, processos e trajetórias. Editora Fiocruz, 2007. Cap 5 "A Regulação da assistência à saúde suplementar".

Bibliografia técnica:

Bennett, A. Elman, C. Qualitative Research: Recent Developments in Case Study Methods. Annu. Rev. Polit. Sci. 2006, 2006. (<https://www.annualreviews.org/doi/full/10.1146/annurev.polisci.8.082103.104918>).

Goertz, G., Mahoney, J. A tale of two cultures: qualitative and quantitative research in the social sciences. Princeton University Press, 2012. Cap 14 "Case Selection and Hypothesis Testing".

Rueschemeyer, D. Can One or a Few Cases Yield Theoretical Gains?, Comparative Historical Analysis in the Social Sciences, 2003.

Estudo de caso, estudos comparados com poucos casos (continuação)

Estudos com poucos casos. Uso de documentos e entrevistas

Análise:

Quirk, P. Industry Influence in Federal Regulatory Agencies, Princeton University Press, 2014. Cap 3 a 5 e Appendix A "List of Official Interviewed, B "The Interview Schedule" C "Comment on Coding".

Macaulay, S. "Non-contractual Relations in Business", American Sociology Review, 1963.

Bibliografia técnica:

Entrevistas em profundidade/semi-estruturadas.

Análise de documentos.

Bowen, G. Document Analysis as a Qualitative Research Method. Qualitative Research Journal, vol. 9, no. 2, 2009. (https://www.researchgate.net/publication/240807798_Document_Analysis_as_a_Qualitative_Research_Method).

Davies, P. Spies as Informants: Triangulation and the Interpretation of Elite Interview Data in the Study of the Intelligence and Security Services. Political Studies Association, 2001. (https://www.academia.edu/1809346/Spies_as_informants_triangulation_and_the_interpretation_of_elite_interview_data_in_the_study_of_the_intelligence_and_security_services).

Diefenbach, T. Are case studies more than sophisticated storytelling?: Methodological problems of qualitative empirical research mainly based on semi-structured interviews. Quality & Quantity, v.43, 2009. (https://www.researchgate.net/publication/225684269_Are_case_studies_more_than

[sophisticated storytelling Methodological problems of qualitative empirical research mainly based on semi-structured interviews](#)).

Tansey, O. Process Tracing and Elite Interviewing: A Case for Non-probability Sampling. Process Tracing and Elite Interviewing: A Case for Non-probability Sampling, 2007. (<https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/process-tracing-and-elite-interviewing-a-case-for-nonprobability-sampling/8EE25765F4BF94599E7FBD996CBFDE74>)

Bibliografia complementar:

Aberbach, J. D. and Rockman, B. A. "Conducting and coding elite interviews". Political Science and Politics, 5, 2002. (https://www.jstor.org/stable/1554807?seq=1#metadata_info_tab_contents).

Becker, H. Segredos e truques da pesquisa. Rio de Janeiro: Zahar, 2008.

Rathbun, B. "Interviewing and Qualitative Field Methods: Pragmatism and Practicalities" In In Box-Steffensmeier, J.M.; BRADY, H.E.; COLLIER, D, (eds.) The Oxford Handbook of Political Methodology. Oxford University Press, 2008.

Weisberg, H. The Total Survey Error Approach: A Guide to the New Science of Survey Research, The University of Chicago Press, 2005.

Teoria, mecanismos causais e process tracing e evidências

Análise:

McCubbins, M.; Noll, R.; Weingast, B. "Administrative Process as Instruments of Political Control". Journal of Law, Economics, & Organization, v. 3, n. 2, 1987. (https://www.jstor.org/stable/764829?seq=1#metadata_info_tab_contents).

Natow, R. Higher Education Rulemaking: The Politics of Creating Regulatory Policy. Johns Hopkins University Press, 2017. Caps 2 a 7.

Carpenter, D. & Tobbell, D. Bioequivalence: The Regulatory Career of a Pharmaceutical Concept. Bulletin of the History of Medicine, Volume 85, Number 1, Spring 2011. (https://www.researchgate.net/publication/51107223_Bioequivalence_The_Regulatory_Career_of_a_Pharmaceutical_Concept).

Vogel, S. Freer Markets, More Rules. Freer Markets, More Rules: Regulatory Reform in Advanced Industrial Countries. Cornell University Press, 2018. Cap. 2 "Why Change the Rules?" e Cap 11 "The Irony of State-Led Deregulation".

Bibliografia técnica:

Beach, D. & Pedersen, R. Selecting Appropriate Cases When Tracing Causal Mechanisms. Sociological Methods & Research 2018. (<https://journals.sagepub.com/doi/abs/10.1177/0049124115622510>).

Collier, D. Understanding Process Tracing. PS: Political Science and Politics, vol. 44, n. 4, 2001. (<https://polisci.berkeley.edu/sites/default/files/people/u3827/Understanding%20Process%20Tracing.pdf>).

Bibliografia complementar:

Goertz, G., Mahoney, J. A tale of two cultures : qualitative and quantitative research in the social sciences. Princeton University Press, 2012. Cap.7 "Within Case versus Cross-Case Casual Analysis" e Cap 8. "Causal Mechanisms and Process Tracing".

Fearon, J. Counterfactuals and Hypothesis Testing in Political Science. *World Politics*. Vol. 43, n. 2, 1991. (https://www.jstor.org/stable/2010470?seq=1#metadata_info_tab_contents).

Levy, J. "Case Studies: Types, Designs, and Logics of Inference". *Conflict Management and Peace Science*, 25:1–18, 2008. (<https://journals.sagepub.com/doi/10.1080/07388940701860318>).