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**LAW AND DEVELOPMENT**  
**PROFESSOR DAVID KENNEDY**  
**FALL 2010**

**Course Description:**

This course will deal with past and present debates over the role of the legal order in economic development. We will explore the relationships among economic ideas, legal ideas and the development policies pursued at the national and international level in successive historical periods. We will focus on the potential for an alliance of heterogeneous traditions from economics, law and other disciplines to understand development.

**Readings:**

We will aim to cover one assignment per class. *Required* and *recommended* readings marked “**DM**” are in the distributed materials available at the distribution center, except when they come from one of the following texts, which you should probably purchase. Significant portions of each will be required reading.

**JAMES CYPHER** and **JAMES DIETZ**, *The Process of Economic Development* (Routledge, 3<sup>rd</sup> edition, 2009)

**GERALD M. MEIER**, *Biography of a Subject: An Evolution of Development Economics* (Oxford University Press, 2005)

**DAVID TRUBEK** and **ALVARO SANTOS**, *The New Law and Economic Development: A Critical Appraisal* (Cambridge University Press, 2006)

**HA-JOON CHANG**, *Rethinking Development Economics* (Anthem Press, 2003)

**RAPHAEL KAPLINSKY**, *Globalization, Poverty and Inequality* (Polity Press, 2005)

**KARL POLANYI**, *The Great Transformation: The Political and Economic Origins of Our Time* (originally published 1944, 2001 Beacon Press edition with Foreword by Joseph Stiglitz and introduction by Fred Block)

**VICTOR BULMER-THOMAS**, *The Economic History of Latin America Since Independence*, (Cambridge University Press, 2<sup>nd</sup> edition, 2003)

**BARRY NAUGHTON**, *The Chinese Economy: Transitions and Growth* (The MIT Press, 2007)  
[RECOMMENDED for Assignment 20]

**Exam:**

The take home exam will be available on the last day of the course and will be due at the Registrar's office on the last day of the exam period. Evaluation may rest in part on work done during the course.

# Part I: Introduction and History: What is “Development?”

## ASSIGNMENT 1

### A. MEASURING NATIONAL ECONOMIC DEVELOPMENT

*Required:*

**CYPHER** and **DIETZ**, *Chapter 2: Measuring Economic Growth and Development*, pp. 30-63

**DM:** DAVID KENNEDY, *What is ‘Development?’ Issues That Have Divided the Profession*

**DM:** Gunnar Myrdal, *Prologue, Asian Drama: An Inquiry Into the Poverty of Nations* (Pantheon, 1968), pp. 5-35

**DM:** Ian Parker, *The Poverty Lab: Transforming Development Economics, One Experiment at a Time*, The New Yorker (17 May 2010), pp. 78-89

*Recommended:*

**MEIER:** *Chapter 1*, pp. 3-14

## ASSIGNMENT 2

### **B. THE WORLD HISTORY OF DEVELOPMENT AS SOCIAL TRANSFORMATION: THE INDUSTRIAL REVOLUTION AS MODEL AND THE LEGACY OF COLONIALISM**

*Required:* CYPHER and DIETZ, *Chapter 3: Development in Historical Perspective*, pp. 73-103

**DM:** KARL POLANYI, The Great Transformation (1944), *Chapter 4: Societies and Economic Systems*, *Chapter 5: Evolution of the Market Pattern*, and *Chapter 6: The Self-Regulating Market*, pp. 45-80

**DM:** J. S. FURNIVAL, Progress and Welfare in Southeast Asia: A Comparison of Colonial Policy and Practice (1941), *Contents*, and pp. 3-84

*Background:* H.W. ARNDT, Economic Development: The History of an Idea (1987) *Chapters 2 and 3*, pp. 9-87

MEIER, Leading Issues in Economic Development (2000), pp. 1-68

GILBERT RIST, The History of Development: From Origins to Global Faith (1997) *Chapters 1, 2 and 4*, pp. 8-46, 69-79

WALT ROSTOW, How it All Began: Origins of the Modern Economy (1975)

## ASSIGNMENT 3

### C. THE HISTORY OF DEVELOPMENT: THE INITIAL SITUATION

*Required:*

**DM:** ERIC WOLFF, Europe and the Peoples without History, (1982) *Chapter 11: The Movement of Commodities*, pp. 310-353

**VICTOR BULMER-THOMAS**, *Chapter 5: Export-led Growth and the Non-export Economy*, pp. 117-151

**DM:** ALICE AMSDEN, The Rise of the Rest: Challenges to the West from Late- Industrializing Economies, (Oxford Press, 2001) *Chapter 2: The Handloom Weavers' Bones*, pp. 31-50

**DM:** WALTER ROSTOW, *The Stages of Economic Growth: A Non-Communist Manifesto* (Cambridge, 1960) *Table of Contents*, and *The Five Stages of Growth: A Summary*, pp. 1-16

*Background:*

GUNNAR MYRDAL, Asian Drama, *Chapter 5: The Frontiers of Independence*, pp. 175-229; *Chapter 10: Economic Realities: Population and the Development of Resources*, pp. 413-471

CELSO FURTADO, Economic Development of Latin America: Historical Background and Contemporary Problems (Cambridge University Press, 2<sup>nd</sup> edition, 1970) (translation by Suzette Macedo)

# Part II: Economic Theories and National Development Policies 1950-1980: The Rise of Import Substitution Industrialization

## ASSIGNMENT 4

### A. GROWTH: NEO CLASSICAL AND KEYNESIAN THEORIES OF DEVELOPMENT

*Required:* CYPHER and DIETZ, *Chapter 4: Classical and Neoclassical Theories*, pp. 109-132, and *Chapter 5: Developmentalist Theories of Economic Development*, pp. 140-164

DM: DAVID KENNEDY, *Modest Interventionism: Key People and Key Concepts*

DM: ALBERT HIRSCHMAN, *Preliminary Explanations*, in The Strategy of Economic Development (1958), pp. 1-28

*Recommended:* MEIER: *Chapter 2: The Heritage of Classical Growth Economics*, pp. 15-40; *Chapter 4: Early Development Economics 1: Analytics*, pp. 53-67; and *Chapter 5: Early Development Economics 2: Historical Perspectives*, pp. 68-80

*Background:* ALBERT HIRSCHMAN, The Strategy of Economic Development (1958) *Chapter 6: Interdependence and Industrialization: Forward and Backward Linkages Defined*, pp. 98-119

WALT ROSTOW, The Stages of Economic Growth: A Non-Communist Manifesto (1960)

WALT ROSTOW, Politics and Stages of Growth (1971);

GILBERT RIST, The History of Development: From Origins to Global Faith (1997), pp. 80-103 (Bandung, the institutionalization of Rostow)

ALBERT HIRSCHMAN, The Strategy of Economic Development (1958)

RAGNAR NURKSE, Problems of Capital Formation in Underdeveloped Countries (1953)

W. ARTHUR LEWIS, The Theory of Economic Growth (George Allen and Unwin Ltd, 1955)

W. LEWIS, *Economic Development with Unlimited Supplies of Labor*, in  
Manchester School of Economic and Social Studies (1954)

## ASSIGNMENT 5

### **B. HETERODOX ECONOMIC THEORIES OF DEVELOPMENT: THE LEFT, WORLD SYSTEMS, DEPENDENCY AND SELF RELIANCE**

- Required:*                    **CYPHER** and **DIETZ**, *Chapter 6: Heterodox Theories of Economic Development*, pp. 168-196
- DM:** GUNNAR MYRDAL, *The Drift Toward Regional Economic Inequalities in a Country*, in Economic Theory and Underdeveloped Regions (1957), pp. 23-38
- DM:** GUNNAR MYRDAL, *Appendix 2: The Mechanism of Underdevelopment and Development and a Sketch of an Elementary Theory of Planning for Development*, in Asian Drama, Vol III (1968), pp. 1843-1940
- DM:** FERNANDO ENRIQUE CARDOSO AND ENZO FALETTO, Dependency and Development in Latin America (1976 translation) *Preface to the English edition*, pp. vii-xxv; and *Postscript* (excerpt), pp. 199-216
- Background:*                GUNNAR MYRDAL, Economic Theory and Underdeveloped Regions (Harper Torchbooks, 1971)
- H.W. ARNDT, The Rise and Fall of Economic Growth: A Study in Contemporary Thought (The University of Chicago Press, 1978)
- ANDRE GUNDER FRANK, Latin America: Underdevelopment or Revolution: Essays on the Development of Underdevelopment and the Immediate Enemy (Monthly Review Press, 1969)
- FERNANDO HENRIQUE CARDOSO and ENZO FALETTO, Dependency and development in Latin America (University of California Press, 1979) (translation by Marjory Mattingly Urquidí)
- PETER EVANS, Dependent Development: The Alliance of Multinational, State and Local Capital in Brazil (Princeton University Press, 1979)
- SAMIR AMIN, Unequal Development: An Essay on the Social Formations of Peripheral Capitalism (Monthly Review Press, 1976)
- SAMIR AMIN, Accumulation on a World Scale: A Critique of the Theory of Underdevelopment (Monthly Review Press 1974)

SAMIR AMIN, *Alternative Development for Africa and the Third World*, in Maldevelopment: Anatomy of a Global Failure (1990);

JOHAN GALTUNG, PETER O'BRIEN and ROY PREISWERK (eds), Self-Reliance: A Strategy for Development (Institute for Development Studies, 1980)

THE CLUB OF ROME'S PROJECT ON THE PREDICAMENT OF MANKIND, The Limits to Growth (Universe Books, 1972, 1974)

PAUL BARAN, The Political Economy of Growth (Modern Reader Paperbacks, 1957)

HARRY PEARSON, *The Economy Has No Surplus: A Critique of a Theory of Development*, in Trade and Market in the Early Empires: Economies in History and Theory (1957), pp. 320-341

ARTURO ESCOBAR, *Economics and the Space of Development: Tales of Growth and Capital*, in Encountering Development: The Making and Unmaking of the Third World (1995), pp. 55-101.

TERENCE HOPKINS and IMMANUEL WALLERSTEIN, *Patterns of Development of the Modern World System*, in World Systems Analysis: Theory and Methodology (1982)

GILBERT RIST, The History of Development: From Origins to Global Faith (1997), pp. 104-139 (postwar Marxism, dependency, Tanzania, self-reliance)

H.W. ARNDT, pp. 115-147 (radical viewpoint, the left)



## ASSIGNMENT 6

### **C. NATIONAL IMPORT SUBSTITUTION INDUSTRIALIZATION: THE POLICY PROGRAM AND ITS POLITICS**

- Required:*                    **CYPHER** and **DIETZ**, *Chapter 9: The Initial Structural Transformation: Initiating The Industrialization Process*, pp. 271-303
- DM:** ALICE AMSDEN, *Statistical Table on ISI results*
- VICTOR BULMER-THOMAS**, *Chapter 9: Inward-looking Development in the Postwar Period*, pp. 268-312
- Recommended:*            **DM:** CARLOS DIAS ALEJANDRO, *The Argentine State and Economic Growth: A Historical Review*, in Government and Economic Development (1971), pp. 216-250
- Background:*                MAURICE GIRGIS, Industrialization and Trade Patterns in Egypt, pp. 5-53

## ASSIGNMENT 7

### **D. THE LEGAL ELEMENT IN IMPORT SUBSTITUTION INDUSTRIALIZATION: THE ANTI-FORMALIST SOCIAL**

*Required:* DAVID KENNEDY, *'The Rule of Law,' Political Choices, and Development Common Sense*, in **TRUBEK** and **SANTOS**, pp. 95-128

DUNCAN KENNEDY, *Three Globalizations of Law and Legal Thought 1850-2000*, in **TRUBEK** and **SANTOS**, pp. 19-73

**DM:** DAVID TRUBEK and MARK GALANTER, *Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States*, 4 Wisconsin Law Review 1062 (1974)

*Background:* DAVID TRUBEK, *Max Weber on Law and the Rise of Capitalism*, 3 Wisconsin Law Review 720 (1972)

ROBERTO UNGER, Law and Modernization (1977)

LAWRENCE FRIEDMANN, Legal Culture and Social Development (1964)

## Part III: Transition 1965-1980

### ASSIGNMENT 8

#### A. ADJUSTING STRATEGY IN LIGHT OF DISAPPOINTMENTS AND PROBLEMS OF IMPLEMENTATION

*Required:*

**CYPHER and DIETZ**, *Chapter 10: Strategy Switching and Industrial Transformation*, pp. 308-334

**DM: ALICE AMSDEN**, *The Rise of “The Rest” – Challenges to the West from Late Industrializing Economies* (Oxford University Press, 2001) *Chapter 1: Industrializing Late*, pp. 1-28, and *Chapter 6: Speeding Up*, pp. 125-160

**VICTOR BULMER THOMAS**, *Chapter 10 New Trade Strategies and Debt-Led Growth*, pp. 313-352

*Background:*

**ROBERT WADE**, *Governing the Market: Economic Theory and the Role of Government in East Asian Industrialization* (Princeton University Press, 2003)

**ATUL KOHLI**, *State Directed Development: Political Power and Industrialization in the Global Periphery* (Cambridge University Press, 2004)

## ASSIGNMENT 9

### **B. DISAPPOINTMENTS, PROBLEMS OF IMPLEMENTATION, UNINTENDED CONSEQUENCES AND THE RISE OF CRITIQUE: PUBLIC CHOICE AND RENT-SEEKING ANALYTICS**

*Required:* MEIER: *Chapter 6*, pp. 81-94

DM: ANNE KRUEGER, Political Economy of Policy Reform in Developing Countries (1993) *Chapter 2: Economic Policies in Developing Countries*, pp. 11- 35, and *Chapter 4: Models of Government*, pp. 53-73

DM: DEEPAK LAL, *The Dirigiste Dogma*, in The Poverty of Development Economics (1985), pp. 5-16

*Background:* H. W. ARNDT, The Rise and Fall of Economic Growth: A Study in Contemporary Thought (University of Chicago Press, 1978)

DEEPAK LAL, The Poverty of Development Economics (1985)

DEEPAK LAL, *The Political Economy of Economic Liberalization*, World Bank Economic Review (1987), and World Bank Development Report (1983)

## ASSIGNMENT 10

### **C. ENGAGING A CHANGING INTERNATIONAL CONTEXT: THE SEARCH FOR GLOBAL POLITICAL ALTERNATIVES , ENERGY SHOCK, DEBT CRISIS**

*Required:* **CYPHER** and **DIETZ**, *Chapter 16: The Debt Problem and Development*, pp. 529-549

**DM:** GILBERT RIST, The History of Development: From Western Origins to Global Faith (1997) *Chapter 9: The Triumph of Third-Worldism*, pp. 140-170

**VICTOR BULMER THOMAS**, *Chapter 11: Debt, Adjustment, and the Shift to a New Paradigm*, pp. 353-391

**DM:** Declaration on the Establishment of a New International Economic Order, adopted by the UN General Assembly on 1 May 1974

*Background:* **CYPHER** and **DIETZ**, *Chapter 15: Microeconomic Equilibrium: the External Balance*, pp. 502-523

WOLFGANG FRIEDMANN, *The Relevance of International Law to the Processes of Economic and Social Development*, 60 ASIL Proceedings 8 (1966)

MOHAMMED BADJAOUI, Towards a New International Economic Order, (UNESCO 1979), Table of Contents, pp. 97-115

OSCAR SCHACHTER, *Dag Hammarskjöld and the Relation of Law to Politics*, 56 American Journal of International Law 857 (1965)

## Part IV. Economic Theories and Development: 1980-2000: The Rise of the Washington Consensus

### ASSIGNMENT 11

#### A. THE INTELLECTUAL FRAMEWORK FOR NEO-LIBERALISM AND THE WASHINGTON CONSENSUS

- Required:* **DM:** WILHELM RÖPKE, *Economic Order and International Law*, 86 Recueil des Cours 203-71 (1954) (excerpts)
- DM:** DAVID KENNEDY, *Turning to Market Democracy: A Tale of Two Architectures*, 32 Harvard International Law Journal 373 (1991)
- Recommended:* **DM:** DAVID KENNEDY, *The International Style in Postwar Law and Policy*, 94 Utah Law Review 7 (1994)
- Background:* JOHN JACKSON, The World Trade Organization: Constitution and Jurisprudence (Routledge, 1998)
- DAN TARULLO, *Beyond Normalcy in the Regulation of International Trade*, 100:3 Harvard Law Review 546 (1987)
- FINGER and WINTERS, *What Can the WTO Do for Developing Countries, with comment by Alan Hirsch*, in ANNE KRUEGER (ed), The WTO as an International Organization (1998), pp. 365-400
- ANTONY ANGHIE, Imperialism, Sovereignty, and the Making of International Law (Cambridge University Press, 2005), *Chapter 2: Finding the Peripheries: Colonialism in Nineteenth Century Law*, pp. 32-114.

#### B. THE NATIONAL POLICY PROGRAM: EFFICIENCY, GETTING PRICES RIGHT AND INTEGRATION INTO THE WORLD ECONOMY

- Required:* **DM:** TOM HEWITT, HAZEL JOHNSON and DAVE WELD, *Neo Liberal Theory*, in Industrialization and Development (1992)
- Recommended:* **CYPHER** and **DIETZ**, *Chapter 17: International Institutional Linkages: The IMF, the World Bank and Foreign Aid*, pp. 555-597
- DM:** MEIER, Leading Issues in Economic Development (Oxford University Press, 6<sup>th</sup> edition, 2000), *Trade and Development*, pp. 453-511

## ASSIGNMENT 12

### **C. THE LEGAL ELEMENT IN NATIONAL NEOLIBERAL POLICY MAKING: FORMALIZATION, STANDARDIZATION, PRIVATIZATION AND TRANSPARENCY**

*Required:* DAVID KENNEDY, *The 'Rule of Law,' Political Choices and Development Common Sense*, in **TRUBEK** and **SANTOS**, pp. 128-150

ALVARO SANTOS, *World Bank's Uses of the 'Rule of Law' Promise in Economic Development*, in **TRUBEK** and **SANTOS**, pp. 253-300

**DM:** HERNANDO DE SOTO, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, (Bantam Books, 2000) *Chapter 3: The Mystery of Capital*, and *Chapter 6: The Mystery of Legal Failure*

**DM:** DAVID KENNEDY, *Some Caution about Property Rights as a Recipe for Development (DRAFT)*, for publication in KENNEDY and STIGLITZ (eds), *New Policy Approaches to Chinese Economic Development*, (forthcoming 2010)

*Background:* DUNCAN KENNEDY, *Mainstream Law and Economics from the Point of View of Critical Legal Studies* (1998), pp. 465-474

DUNCAN KENNEDY, *Hale and Foucault*, in *Sexy Dressing* (1993)

KATHARINA PISTOR, *The Standardization of Law and Its Effects on Developing Economies*, 50 *American Journal of Comparative Law* (2002) pp. 97-130

# PART V: AFTER NEO-LIBERALISM: THE CONSENSUS CHASTENED

## ASSIGNMENT 13

### A. SECOND THOUGHTS ABOUT MARKET SHOCK AND STRUCTURAL ADJUSTMENT: THE EMERGENCE OF CRITIQUE

*Required:* GABRIEL PALMA, *The 'Three Routes' to Financial Crisis: Chile, Mexico and Argentina [1]; Brazil [2]; and Korea, Malaysia and Thailand [3]*, in HA-JOON CHEN, pp. 347-377

**DM:** JOSEPH STIGLITZ, *Whither Reform? Ten Years of Transition*, (World Bank Annual Bank Conference on Development Economics: Keynote Address, April 28-30, 1999) (Stiglitz was Chief Economist for the Bank in the late 1990s)

**CYPHER** and **DIETZ**, *Chapter 7: The State as a Potential Agent of Transformation: From Neo-liberalism to Embedded Autonomy*, pp. 203-238

HA-JOON CHEN, *The Market, the State and Institutions in Economic Development* (excerpt concerning *Neoliberal Reaction and its Limits*), in HA-JOON CHEN, pp. 46-57

*Recommended:* **DM:** CARLOS HEREDIA AND MARY PURCELL, *Structural Adjustment and the Polarization of Mexican Society*, in MANDER and GOLDSMITH (eds), The Case Against the Global Economy and For a Turn Toward the Local (Sierra Club Books, 1997), pp. 273-284

**DM:** WALDEN BELLO, *Structural Adjustment Programs: Success for Whom?*, in MANDER and GOLDSMITH (eds), The Case Against the Global Economy and For a Turn Toward the Local (Sierra Club Books, 1997), pp. 285-293

*Background:* JAN KREGEL, EGON MATZNER, and GERNOT GRABHER, The Market Shock: An Agenda for the Economic and Social Reconstruction of Central and Eastern Europe (Austrian Academy of Sciences, 1992)

JOHN NELLIS, *The World Bank, Privatization and Enterprise Reform in Transitional Economies: A Retrospective Analysis*, World Bank Discussion Paper (2002)



DOUGLASS NORTH, *Institutions, Institutional Change and Economic Performance* (Cambridge University Press, 1990)

AMY CHUA, *Globalization and Ethnic Hatred*, in World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability (Doubleday, 2002)

AMY CHUA, *The Paradox of Free Market Democracy: Rethinking Development Policy*, 41:2 Harvard International Law Journal 287 (2000)

AMY CHUA, *Markets, Democracy and Ethnicity: Toward a New Paradigm for Law and Development*, 108 Yale Law Journal 1 (1998)

## ASSIGNMENT 14

### **B. THE “NEW DEVELOPMENT ECONOMICS:” MARKET FAILURES, PATH DEPENDENCE AND INSTITUTIONS**

- Required:* **MEIER:** *Chapter 7: Modern Growth Theory*, pp. 95-117, and *Chapter 8: The New Development Economics*, pp. 118-128
- DM:** DANI RODRIK, *The New Development Economics: We Shall Experiment, But How Shall We Learn?* (REVISED DRAFT) (July 2008)
- DM:** JOSEPH STIGLITZ, *The Post Washington Consensus Consensus* (2004)
- DM:** *The Barcelona Development Agenda* (2004)
- DM:** *Draft Outcome of the International Conference on Financing for Development: Monterrey Consensus* (2002)
- Recommended:* **DM:** DANI RODRIK, *Rethinking Growth Policies in the Developing World* (Manuscript 2004)
- CYPHER and DIETZ,** *Chapter 8: Endogenous Growth Theories and New Strategies for Development*, pp. 239-270, and *Chapter 13: Technology and Development*, pp. 422-444
- Background:* **DANI RODRIK,** *One Economics, Many Recipes: Globalization, Institutions and Economic Growth* (Princeton University Press, 2008)
- DANI RODRIK,** *The New Global Economy and Developing Countries: Making Openness Work* (1999)
- DANI RODRIK,** *Industrial Policy for the Twenty-First Century* (September 2004)

## ASSIGNMENT 15

### C. “SOCIAL DEVELOPMENT,” HUMAN RIGHTS AND DEMOCRACY AS STRATEGIES OF DEVELOPMENT

- Required:* **DM:** AMARTYA SEN, Development as Freedom (1999), *Chapter 1: The Perspective of Freedom*, pp. 13-34, and *Chapter 5: Market State and Social Opportunity*, pp. 111-145
- KERRY RITTICH, *Second Generation Reforms and the Incorporation of the Social*, in **TRUBEK** and **SANTOS**, pp. 203-252
- ERIK REINERT, *Increasing Poverty in a Globalized World: Marshall Plans and Morgenthau Plans as Mechanisms of Polarization of World Incomes*, in **HA-JOON CHANG**, pp. 453-477
- Recommended:* **MEIER**, *Chapter 9: Culture, Social Capital, Institutions*, pp. 129-143
- CYPHER** and **DIETZ**, *Chapter 12: Population, Education and Human Capital*, pp. 351-376, and pp. 522-587 (foreign aid)
- Background:* AMARTYA SEN, Resources, Values and Development (Harvard University Press, 1984)
- JOSEPH STIGLITZ, *Participation and Development: Perspectives from The Comprehensive Development Paradigm*, 6:2 Review of Development Economics 163-182 (2002) (“investigating the relationship between economic and social development”)
- REGIONAL BUREAU FOR ARAB STATES, UNDP, The Arab Human Development Report 2002, Creating Opportunities for Future Generations, *Chapter 1: Human Development: Definition, Concept and Larger Context*, pp.15-23, *Chapter 2: The State of Human Development in the Arab Region*, pp. 25-33, *Chapter 6: Using Human Capabilities: Recapturing Economic Growth and Reducing Human Poverty*, pp. 85-103, and *Chapter 7: Liberating Human Capabilities: Governance, Human Development and the Arab World*, pp. 105-120

## ASSIGNMENT 16

### D. THE NEW DEVELOPMENT ECONOMICS AND TRANSNATIONAL STRATEGIES

- Required:*                   **RAPHAEL KAPLINSKY**, *Chapter 5: The Global Dispersion of Production – Three Key Sectors*, pp. 122-159
- HA-JOON CHANG**, *Trade and Industrial Policy Issues*, in **HA-JOON CHANG**, pp. 257-276
- JOSE ANTONIO OCAMPO**, *Development and Global Order*, in **HA-JOON CHANG**, pp. 83-104
- DM: NANCY BIRDSALL, DANI RODRIK, and ARVIND SUBRAMANIAN**, *How to Help Poor Countries*, 84:4 Foreign Affairs 136 (2005)
- MEIER**, *Chapter 11: Global Trade Issues*, pp. 161-179
- Recommended:*               **DM: JOSEPH STIGLITZ and ANDREW CHARLTON**, Fair Trade for All: How Trade Can Promote Development (Oxford Press, 2005) *Chapter 7: Priorities for a Development Round*, pp. 107-114
- DM: DANI RODRIK**, How to Make the Trade Regime Work for Development (Manuscript, February 2004)
- CYPHER and DIETZ**, *Chapter 14: Transnational Corporations and Economic Development*, pp. 403-439
- PETER NOLAN**, *Industrial Policy in the Early 21<sup>st</sup> Century: The Challenge of the Global Business Revolution*, in **Ha-Joon Chang**, pp. 294-320
- DM: JOHN BRAITHWAITE**, Global Business Regulation (2000), pp. 3-36
- DEEPAK NAYYAR**, *Globalization and Development*, in **HA-JOON CHANG**, pp. 61-82
- Background:*                   **ROBERTO UNGER**, Free Trade Reimagined: The World Division of Labor and the Method of Economics (Princeton Press, 2007)
- MEIER**, Leading Issues in Economic Development (Oxford University Press, 6<sup>th</sup> edition, 2000), 247-263 (FDI, MNCs, political risks)
- JOSEPH STIGLITZ**, Globalization and its Discontents (W. W. Norton & Company, 2002), *Chapter 9: The Way Ahead*, pp. 214-252

JOSEPH STIGLITZ, *Dealing with Debt: How to Reform the Global Financial System*, 25 Harvard International Review 54 (2003)

JOSEPH STIGLITZ and ANDREW CHARLTON, Fair Trade for All: How Trade Can Promote Development (Oxford University Press, 2005)

## ASSIGNMENT 17

### **E. HETEROGENEITY REVISITED: POVERTY AND THE GLOBAL ECONOMY, OR RENTS AND THE POTENTIAL FOR LOCAL, NATIONAL OR INTERNATIONAL STRATEGIES TO THE LEFT OF STIGLITZ, RODRIK OR SEN**

*Required:*

**RAPHAEL KAPLINSKY**, *Chapter 3: Getting it Right: Generating and Appropriating Rents*, pp. 53-85, *Chapter 4: Managing Innovation and Connecting to Final Markets*, pp. 86-121, *Chapter 6: How Does It All Add Up? Caught Between a Rock and a Hard Place*, pp. 153-195, *Chapter 8: So What?*, pp. 232-257

**DM: ROBERTO UNGER**, What Should The Left Propose? (2005), *The Developing Countries: Growth with Inclusion*, pp. 64-82, and *Globalization and What To Do About It*, pp. 133-148

**DM: ROBERTO UNGER**, Free Trade Reimagined: The World Division of Labor and the Method of Economics (Princeton University Press, 2007), pp. 77-109

**DM: ARTURO ESCOBAR**, *Chapter 6: Conclusion: Imagining a Post Development Era*, in Encountering Development: The Making and Unmaking of the Third World (Princeton University Press, 1996), pp. 212-226

**DM: GUSTAVO ESTEVA**, *Regenerating People's Space*, 198 Alternatives XII (1987), pp. 125-152

*Background:*

RAHNEMA and BAWTREE (eds), The Post Development Reader, (1997), perhaps particularly HASSAN ZAOUAL, *The Economy and Symbolic Sites of Africa*, pp. 30-39; particularly ESCOBAR, *The Making and the Unmaking of the Third World through Development*, pp. 85-93, IVAN ILLICH, *Development as Planned Poverty*, pp. 94-102; SUSAN GEORGE, *How the Poor Develop the Rich*, pp. 207-213

FREDERIQUE APFFEL-MARGLIN (ed), with PRATEC, The Spirit of Regeneration: Andean Culture Confronting Western Notions of Development (1998)

GUSTAVO ESTEVA and MADHU SURI PRAKESH, Grassroots Postmodernism: Remaking the Soil of Cultures (1998)

MANDER and GOLDSMITH (eds), The Case Against the Global Economy and For a Turn Toward the Local (1996), pp. 393-514 (various authors on self-reliant community based development strategies),

ROBERTO UNGER, Democracy Realized: The Progressive Alternative (1998)

MEIER, Leading Issues in Economic Development (Oxford University Press, 6<sup>th</sup> edition, 2000), pp. 382-399 (impact of development on income distribution)

## ASSIGNMENT 18

### F. THE LEGAL ELEMENTS IN POST-WASHINGTON CONSENSUS PROGRAMS

- Required:* **DM:** DAVID KENNEDY, *Laws and Developments*, in Law and Development: Facing Complexity in the 21st Century, (Cavendish Publishing, 2003), pp. 17-26
- DAVID KENNEDY, *The 'Rule of Law,' Political Choices and Development Common Sense*, in **TRUBEK** and **SANTOS**, pp. 150-173
- KARL POLANYI**, *Chapter 7: Speenhamland 1795, Chapter 8: Antecedents and Consequences, Chapter 9: Pauperism and Utopia, and Chapter 10: Political Economy and the Discovery of Society* (in the 2001 Beacon Press edition, this is pp. 81-135)
- Recommended:* DAVID TRUBEK, *The 'Rule of Law' in Development Assistance: Past, Present, and Future*, in **TRUBEK** and **SANTOS**, pp. 174-94
- AJIT SINGH, *The New International Financial Architecture, Corporate Governance and Competition in Emerging Markets: Empirical Anomalies and Policy Issues*, in **HA-JOON CHANG**, pp. 377-404
- BARBARA HARRISS-WHITE, *Institutions and Economic Development in Historical Perspective*, in **HA-JOON CHANG**, pp. 481-498
- Background:* JOHN K. M. OHNESORGE, *The Rule of Law, Economic Development and the Developmental States of Northeast Asia*, in CHRISTOPH ANTONS (ed), Law and Development in East and Southeast Asia (Routledge, 2002), pp. 91-127
- FRANK UPHAM, *Mythmaking in the Rule of Law Orthodoxy*, 30 Carnegie Endowment Working Paper, Rule of Law Series, Democracy and the Rule of Law Project (September 2002)
- JAMES GATHII, *Retelling Good Governance Narratives on Africa's Economic and Political Predicaments: Continuities and Discontinuities in Legal Outcomes Between Markets and States*, 45:5 Villanova Law Review 971 (2000)
- DAVID KENNEDY, *The International Anti-Corruption Campaign*, 14 Connecticut Journal of International Law 455 (1999)
- FRANCIS BOTCHWAY, *Good Governance: The Old, the New, the Principle and the Elements*, XII:2 Florida Journal of International Law 159 (Spring 2001)



JAMES GATHII, *Corruption and Donor Reforms: Expanding the Promises and Possibilities of the Rule of Law as an Anti-Corruption Strategy in Kenya*, 14:2 Connecticut Journal of International Law 407 (Fall 1999)

JOHN OHNESORGE, Asia's Legal Systems in the Wake of the Financial Crisis: Can the Rule of Law Carry any of the Weight? (Manuscript for UNRISD conference in Bangkok, May 2000)

JOHN OHNESORGE, Understanding Chinese Legal and Business Norms: A Comment on Professor Janet Tai Landa's "Coasean Foundations of a Unified Theory of Western and Chinese Contractual Practices and Economic Organizations" (Draft of October 30, 1999)

# PART VI: CASE STUDIES

## ASSIGNMENT 19

### A. PUTTING THE STORY TOGETHER AND SETTING UP THE CASE STUDIES

*Required:*

**TRUBEK** and **SANTOS**, *An Introduction: The Third Moment in Law and Development Theory and the Emergence of a New Critical Practice*, pp. 1-18

**DM:** DAVID KENNEDY, *The 'Rule of Law,' Political Choices, and Development Common Sense*, in The New Law and Economic Development, (Cambridge University Press, 2006), pp. 95-173.

**DM:** David Kennedy, *Law and Development Economics: Toward a New Alliance of the Heterogenous* (DRAFT), in STIGLITZ and KENNEDY (eds), New Development Policies and Chinese Economic Development (forthcoming 2010)

## ASSIGNMENT 20

### **B. NATIONAL DEVELOPMENT: LAW AND DEVELOPMENT IN CHINA**

*Required:*

**DM:** *The Great Divide*, New York Times (2004)

**DM:** *White Paper on Rural China's Poverty Reduction* (2001)

**DM:** JOSEPH STIGLITZ, Remarks on China's 11<sup>th</sup> Five-Year Plan: Another Major Step in China's Transition to a Market Economy (DRAFT, 2009)

**DM:** ROBERTO UNGER and ZIYUAN CUI, *China in the Russian Mirror*, The New Left Review, (November-December 1994), p. 78

*Recommended:*

**BARRY NAUGHTON**, *Chapter 12: Rural Industrialization: Township and Village Enterprise*, pp. 271-293, *Chapter 13: The Urban Economy: Industry, Ownership and Governance*, pp. 295-325, *Chapter 16: China and the World Economy: International Trade*, pp. 375-400, and *Chapter 17: China and the World Economy: Foreign Investment*, pp. 401-422

**DM:** ZHIYUAN CUI, Whither China? The Discourse on Property Rights in the Chinese Reform Context

**RAPHAEL KAPLINSKY**, pp. 205-231 (China is not just a Competitor in External Markets)

*Background:*

DOUG GUTHRIE, The Social, Economic and Political Transformation of Chinese Society (Routledge, 2006)

GREGORY CHOW, China's Economic Transformation (Blackwell Publishing, 2<sup>nd</sup> edition, 2007)

## ASSIGNMENT 21

### C. SECTORAL DEVELOPMENT: AGRICULTURE

- Required:* TERRY BYRES, *Agriculture and Development: The Dominant Orthodoxy and an Alternative View*, in HA-JOON CHANG, pp. 235-254
- JOHN SENDER, *Rural Poverty and Gender: Analytical Frameworks and Policy Proposals*, in HA-JOON CHANG, pp. 407-424.
- CYPHER and DIETZ, *Chapter 11: Agriculture and Development*, pp. 341-385
- DM: ROBERT H. BATES, *The Role of Markets in the World Food Economy*, in Gale Johnson and Edward Schuh (eds), Governments and Agricultural Markets in Africa (1983) reprinted as *Political Economy of Agricultural Policy*, in Meier (1995), pp. 569-575
- Add “Rural India Gets Chance at Piece of Jobs Boom, The New York Times, November 13, 2009**
- Recommended:* DM: LEE J. ALSTON, GARY D. LIBECAP, and BERNARDO MUELLER, *Property Rights and Land Conflict: A Comparison of Settlement of the US Western and Brazilian Amazon Frontiers*, in Latin America and the World Economy Since 1800, (1998), pp. 55-84
- DM: ESTER BOSERUP, *Male and Female Farming Systems*, in Woman’s Role in Economic Development (1970), pp. 15-36
- DM: LOURDES BENERIA and GITA SEN, *Accumulation, Reproduction and Women’s Role in Economic Development: Boserup Revisited*, in Woman’s Role in Economic Development (1970), pp. 42-51
- DM: MEIER, Leading Issues in Economic Development (Oxford University Press, 7<sup>th</sup> edition, 2000), pp. 329-374 (agriculture)

## ASSIGNMENT 22

### D. SECTORAL DEVELOPMENT: URBAN POLICY, LAW AND DEVELOPMENT

- Required:*
- DM:** GEORGE PACKER, *The Megacity: Decoding the Chaos of Lagos*, The New Yorker (November 13, 2006) pp. 64-75
- DM:** GEOFFREY INWAKA, *The Urban Informal Sector in Nigeria: Towards Economic Development, Environmental Health and Social Harmony*, 1:1 Global Urban Perspectives (May 2005)
- DM:** RICARDO MONTEZUMA, *The Transformation of Bogota, Colombia, 1995-2000: Investing in Citizenship and Urban Mobility*, 1:1 Global Urban Development, (May 2005)
- Recommended:*
- DM:** SANJOY CHAKRAVORTY, *From Colonial City to Globalizing City: The Far from Complete Spatial Transformation of Calcutta*, in Globalizing Cities: A New Spatial Order? (2000), pp. 56-77
- DM:** LEO VAN GRUNSVEN, *Singapore: The Changing Residential Landscape in a Winner City*, in Globalizing Cities: A New Spatial Order? (2000), pp. 95-126
- DM:** RAQUEL ROLNICK, *Urban Legislation and Informal Land Markets - The Perverse Link* (paper based on the doctoral thesis presented in 1995 to NYU/GSAS/History Department *The City and the Law: Legislation, Urban Policy and Territories in the City of Sao Paulo 1886-1936*)
- DM:** OMAR RAZZAZ, The Informal Sector and the New Institutionalism: Theoretical and Policy Implications (1996)
- DM:** MEIER, Leading Issues in Economic Development (Oxford University Press, 7<sup>th</sup> edition, 2000), pp. 289-327 (migration and the urban informal sector)