

LAW, INSTITUTIONS AND DEVELOPMENT 2012

**Professor Mariana Mota Prado
Professor Michael J. Trebilcock**

Syllabus

The course materials comprise a book (Michael Trebilcock and Mariana Prado, *What Makes Countries Poor? Institutional Determinants of Development*, Edward Elgar, 2011) and two volumes, with a series of articles that complement the book. Please read the items indicated below before the class in which the topic will be discussed, according to the course calendar.

1. CONCEPTIONS OF DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 1 (pp. 1-7).

A. Sen, "Introduction: Development as Freedom," "Chapter 1– The Perspective of Freedom" and "Chapter 2 – The Ends and The Means of Development," *Development as Freedom* (Anchor Books, 1999), pp. 3-53

2. NON-INSTITUTIONAL THEORIES OF DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 1 (pp. 7-25).

L.E. Harrison, *The Central Liberal Truth: How Politics Can Change a Culture and Save It From Itself*, (Oxford University Press, 2006), Chapter 2 and 7

3. INSTITUTIONAL THEORIES OF DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 1 (pp. 25-40).

4. RULE OF LAW AND DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 2.

D. Trubek and M. Galanter, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," *Wisconsin Law Review* (1974) v.4, pp. 1062

5. POLITICAL REGIMES, ETHNICITY AND DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 4.

P. Collier, "Chapter 2 - 'Ethnic Politics,'" in *Wars, Guns and Votes, Democracy in Dangerous Places* (New York: HarperCollins, 2009), pp. 51-73

6. PUBLIC ADMINISTRATION, CORRUPTION AND DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 5.

J. Tandler, "Introduction," *Good Government in the Tropics*, (Baltimore and London: The Johns Hopkins University Press, 1997), pp.1-20

7. GENDER AND DEVELOPMENT

Note: there will be no readings in the book for this class.

A. Sen, "Chapter 8 – Woman's Agency," *Development as Freedom*, (New York: Knopf, 1999), pp. 189-203

M. Nussbaum, "Feminism and International Development," in *Women and Health Development: The Capabilities Approach*, by M. Nussbaum, New York: Cambridge University Press, 2000

M. Parker, "Female Circumcision and Cultures of Sexuality," in *Culture and Global Change*, edited by T. Skelton and T. Allen, London: Routledge, 1999

K. Pistor, A. Haldar and A. Amirapu, "Social Norms, Rule of Law and Gender Reality," Preliminary Draft Prepared for the World Justice Forum (2-5 July 2008)

J. Jütting, C. Morrisson, J. Dayton-Johnson, D. Drechsler, "Measuring Gender (In)Equality: The OECD Gender, Institutions and Development Data Base," *Journal of Human Development*, Volume 9, Issue 1, March 2008, 65-86

C. Nyamu-Musembi, "For or Against Gender Equality? Evaluating the Post-Cold War 'Rule of Law' Reforms in Sub-Saharan Africa," *United Nations Research Institute for Social Development*, Occasional Paper, Issue 7, August 2005

G. Berik and Y. Rodgers, "Engendering Development Strategies and Macroeconomic Policies: What's Sound and Sensible?" in *Social Justice and Gender Equality: Rethinking Development Strategies and Macroeconomic Policies*, edited by G. Berik, Y. Rodgers, and A. Zammit. New York: Routledge, 2008

8. PROPERTY RIGHTS, CONTRACTS AND DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 3.

H. DeSoto, “Chapter 3 – The Mystery of Capital”, in *The Mystery of Capital* (New York: Basic Books, 2000), pp. 39-67

9. PRIVATE SECTOR, FINANCING, AND DEVELOPMENT

Note: there will be no readings in the book for this class.

A. Khan, “The Finance and Growth Nexus”, *Business Review* (2000)

“They might be giants: a special report on banking in emerging markets,” *The Economist* (2010)

G. Caprio, *The Future of State-Owned Financial Institutions*, Brookings Institution Press (2005), Introduction, pp. 1-9

E. Turlea, M. Mocanu, C. Radu, “Corporate Governance in the Banking Industry,” *Accounting and Management Information Systems*, Volume 9, Number 3, 379-402, 2010

A. Pichhadze, Book Review of *Corporate Governance in Banking*, by B. Gup (Cheltenham, UK: Edward Elgar Publishing, 2007), *Banking & Finance Law Review*, June 2008, Volume 23, Issue 3, 443-447

H. De Soto, “The Costs and Importance of the Law”, in *The Other Path: The Economic Answer to Terrorism* (Basic Books, 1989), pp. 131-177

Kevin E. Davis and Michael B. Kruse, *Taking the Measure of Law: The Case of the Doing Business Project*, Law & Social Inquiry Volume 32, Issue 4, 1095–1119, Fall 2007

United Nations Development Programme, Unleashing Entrepreneurship: Making Business Work for the Poor Commission on the Private Sector and Development presents new report to the Secretary-General, Press Release, 1 March 2004

D. Snow and T Buss, “Development and the Role of Microcredit”, *Policy Studies Journal*, v. 29, 2 pp. 296-307

I. Matin, D. Hulme and S. Rutherford, “Finance for the Poor: From Microcredit to Microfinancial Services”, *Journal of International Development* (2002), v.14, pp. 273-294

10. STATE-OWNED ENTERPRISES, PRIVATIZATION AND DEVELOPMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 6.

C. Ménard, “Why reform infrastructures and with what institutional arrangements? The case of public-private partnerships in water supply,” in *The Governance of Network Industries*, edited by R. Kunneke, J. Groenewegen, and J.F. Auger, Northampton: Edward Elgar Publishing, 2009

D. Levi-Faur, “Regulatory Capitalism: The dynamics of change beyond Telecoms and Electricity,” *Governance: An International Journal of Policy, Administration, and Institutions*, Volume 19, Number 3, July 2006, 497-525

11. INTERNATIONAL TRADE AND FOREIGN INVESTMENT

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 7.

D. Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy* (W.W. Norton, 2010), Introduction and Chapter 12

12. THE ROLE OF FOREIGN AID AND INTERNATIONAL INSTITUTIONS

M. Trebilcock and M. Prado, *What Makes Poor Countries Poor?*, Chapter 8.

W. Easterly, A Modest Proposal, book review of Sachs’ “The End of Poverty”, *The Washington Post* Sunday, March 13, 2005

“Letters” (J. Sachs and W. Easterly), *The Washington Post*, Sunday, March 27, 2005

J. Sachs, “How to help the poor: piecemeal progress or strategic plans?” *The Lancet* - Vol. 367, Issue 9519, 22 April 2006, pp. 1309-1310

W. Easterly’s response to Sachs’ review of his book, *The Lancet* - Vol. 367, Issue 9519, 22 April 2006, pp. 1309-1310

A. Sen, “The Man Without a Plan,” book review of *The White Man’s Burden*, by William Easterly, *Foreign Affairs*, March/April 2006

J. Sachs, “Aid Ironies,” *Huffington Post* (24 May 2009)

D. Moyo, “Aid Ironies: A Response to Jeffrey Sachs,” *Huffington Post* (26 May 2009)

W. Easterly, “Sachs Ironies: Why Critics are Better for Foreign Aid than Apologists,” *Huffington Post* (25 May 2009)

J. Sachs and J. W. McArthur, “Moyo’s Confused Attack on Aid for Africa,” *Huffington Post* (27 May 2009)