COMPARATIVE LAW: PROPERTY RIGHTS IN DEVELOPMENT  
(LAW-LW.11767.001)  
Frank K. Upham  
Fall 2014  
Monday 4-5:50 (Block S2)  
Furman Hall 110  

OUTLINE OF TOPICS AND INITIAL SYLLABUS  

This syllabus will give you an idea of what topics we will cover and in what order. This is also posted on NYU Classes an Introduction to the Course, which will give you the administrative details about exams, office hours, etc. The readings are subject to change as I find more current or appropriate material, or I decide to bring in a guest speaker or student presentation. For example, I hope to bring in at least two guest lecturers, one on Israeli-Palestinian land issues and one on Indonesian-E. Timor land issues. If I am successful in getting these speakers, they will displace or compress one or two listed topics. As changes are made, a revised syllabus will be posted so that by the end of the course, the posted syllabus will be an accurate record of what we have covered.  

I have listed below and will post on NYU Classes more material than I will assign. In most cases, I have posted the entire text of articles even though we will discuss only the assigned portion. Some listed (and posted) reading materials may not be assigned at all, so please be attentive to the periodic specific assignments that I will provide by email well in advance of class. These assignments will also be posted on NYU Classes.  

I hope that this seminar will provide an opportunity for students to present their own research and ideas, so I have set aside the last few meetings for your presentations. Presentations need not be based on papers, although they should be related to the themes of the seminar. Please let me know if you want to make a presentation as soon as possible.  

THEORETICAL FRAMEWORK (CLASSES ONE TO THREE)  

The emphasis here will be on Demsetz and North readings with Sanderson acting as an example of what they claim for property rights. The North and Weingast reading is an illustration of one instance of property rights change. The Tortensson and Blaug readings should provide background on the methodologies used by economists to conceptualize and analyze property rights. Banner gives an overview of how property rights change. We will apply all of these to Sanderson to see if they explain the case and vice versa.  

Classes One through Three, September (Wednesday/Legislative Monday) 3, 8, and 15  
Demsetz, Toward a Theory of Property Rights, pp. 1-15  
Excerpts from Douglass North, Structure and Change in Economic History, 1981, W. W. Norton (pp. 3-8, 16-19, 24-25, 28-29, 34-37, 48-56, 114-116, 146-152  


*Sanderson v. Pennsylvania Coal*

**THE ENGLISH ENCLOSURE MOVEMENT**

*Classes Four and Five, September 22 and 29*


Thompson, *Whigs and Hunters*, 245-70.

**19TH CENTURY AMERICAN INDUSTRIALIZATION**

*Class Six, October 6*


*Palmer v. Mulligan*

*Parker & Edgerton v. Foote*


**TRANSITION TO MARKETS/CHINA**

*Classes Seven to Nine, October 13, 20, and 27*

1. Urbanization and Property Law


Zigong land dispute chronology.
Materials on Small property rights (Planting Houses and Adverse Possession)

2. The property law reform debate


3. Privatization of SOEs

Gang de Chin
Wang Hui, Restructuring and the Historical Fate of the Working Class

4. Recent Scholarship on Chinese Property Rights

Qiao Shitong, Small Property, Big Market: A Focal Point Explanation
Chen Weitseng, Arbitrage for Property Rights: How Do Foreign Investors Create Substitutes for Land Property Institutions in China?

FORMALITY/INFORMALITY AND LAND LAW: BRAZILIAN LAND RIGHTS AND BEYOND

Classes Ten and Eleven, November 3 and 10


The Brazilian Constitution, Articles 184-186, Chapter III (Agricultural and Land Policy and Agrarian Reform).


STUDENT PRESENTATIONS

Classes Twelve, Thirteen, and Fourteen, November 24, December 1, and TBA, 4-5:50 FH 110