Law and Development

Spring 2021

Kevin Davis and Frank Upham

Thursdays, 1:10 – 3:10 p.m. VH 206[[1]](#footnote-0)\*

Potential topics

|  |  |  |
| --- | --- | --- |
|  | What is development? | * Amartya Sen, DEVELOPMENT AS FREEDOM (New York: Knopf, 1999), pp. 3–31, 35–41.
* UN Sustainable Development Goals, in United Nations General Assembly, Transforming our World: the 2030 Agenda for Sustainable Development, A/RES/70/1, pp. 14-27, <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E>
* CIA, WORLD FACT BOOK: HAITI, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (Introduction, People and Society, and Economy).
 |
|  | Law and development movement and the New Institutional Economics | * David M. Trubek and Marc Galanter, *Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States*, 1974 WISCONSIN LAW REVIEW (1974), pp. 1062–1064, 1070–1102.
* Harold Demsetz, *“Some Aspects of Property Rights”* and *“Toward a Theory of Property Rights”*
* Timur Kuran, THE LONG DIVERGENCE: HOW ISLAMIC LAW HELD BACK THE MIDDLE EAST (Princeton: Princeton University Press, 2011), Ch. 14, pp. 279–302.
 |
|  | Informality | * Hernando de Soto, The Costs and Importance of Law, in The Other Path: The Economic Answer to Terrorism (1989), pp. 131-177
* [Uber case study]
 |
|  | International law, transnational law and global governance | * Richard B. Stewart, Remedying Disregard in Global Regulatory Governance: Accountability, Participation, and Responsiveness, 108 AMERICAN JOURNAL OF INTERNATIONAL LAW 211-270 (2014). Read only pp. 211-236.
* Kevin E. Davis, What Should Comparative Law Compare? Insights from the Caribbean (unpublished)
 |
|  | Property I | * Hernando De Soto,The Mystery of Capital, pp. 153-161,163, 166, 180-187, 189-197.
* Chapter 3 “Property Rights in Service of Markets” pp. 1-21
* *Pennsylvania Coal Company v. Sanderson and Wife*.
 |
|  | Property II – East Asia | * Daniel Fitzpatrick, *Evolution, and Chaos in Property Rights Systems: The Third World Tragedy of Contested Access*, 115 Yale Law Journal (2006), pp. 996-1048.
* Upham, Chapter
* Edesio Fernandez, Regulations of Informal Settlements in Latin America
* Ann Varley, *A New Model of Urban Land Regularisation in Mexico? The Role of Oppositional Government*, the European Journal of Development Research (Vol. 11, No. 2, December 1999), pp. 235-261.
* James Holston, *The Misrule of Law: Land and Usurpation in Brazil*, 33(4) COMPARATIVE STUDIES IN SOCIETY AND HISTORY, pp. 695-709, 709-720 (skim only), and 720-725 (1991).
* Erica Field, *Entitled to Work: Urban Property Rights and Labor Supply in Peru (2002)* pages 1-7 and 22-37
* Guangdong Xu, “Property Rights, Law, and Economic Development” (2013)6(1) *Law and Development Review* 117-142.
 |
|  | Property III – the right to housing | * Upham, “Property and Politics”, Chapter 4 in The Great Property Fallacy.
* [Shitong Qiao on comparison of Shanghai and Beijing home owners associations and political development]
 |
|  | Contract law | * Mariana Pargendler, Comparative Contract Law and Development: The Missing Link, Geo. 85 Wash. L. Rev. 1717 (2017).
* Kevin E. Davis and Mariana Pargendler, Contract Law and Inequality (unpublished).
* Beadica 231 CC v Trustees for the time being of the Oregon Trust, [[2017] ZAWCHC 134](http://www.saflii.org/za/cases/ZAWCHC/2017/134.html)
 |
|  | Empowerment and access to justice | * Laura Goodwin, and Vivek Maru, What do we know about legal empowerment? Mapping the evidence, 9 Hague Journal on the Rule of Law 157 (2017).
 |
|  | Corruption | * Jordan Gans-Morse, et al. “Reducing bureaucratic corruption: Interdisciplinary perspectives on what works." World Development 105 (2018): 171-188.
* Kevin E. Davis, Between Impunity and Imperialism: The Regulation of Transnational Bribery (2019), pp. 41-73.
* World Duty Free v. Republic of Kenya, ICSID Case No. Arb/00/7 (2006)
 |
|  | Colonialism and reparations for slavery | * Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, The Economic Consequences of Legal Origins, 46 JOURNAL OF ECONOMIC LITERATURE (2008), pp. 285–302, 323–327.
* Ronald J., Daniels, Michael J. Trebilcock, and Lindsey D. Carson, The Legacy of Empire: The Common Law Inheritance and Commitments to Legality in Former British Colonies, 59 American Journal of Comparative Law111 (2011).
 |
|  | Migration | * [Michael A. Clemens, Economics and emigration: Trillion-dollar bills on the sidewalk? Journal of Economic perspectives 25.3 (2011): 83-106](https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.25.3.83?__hstc=226246725.7086b9324acd4b8daeac29f4126a1810.1473811200051.1473811200053.1473811200054.2&__hssc=226246725.1.1473811200054&__hsfp=1773666937).
* Tendayi Achiume, Migration as Decolonization, 71 Stanford Law Review 1509 (2019)
 |
|  | Indicators | * Kevin E. Davis, *Legal Indicators: The Power of Quantitative Measures of Law*, 10 Annual Review of Law and Social Science37-52(2014).
 |

1. \* No class on March 25, 2021. [↑](#footnote-ref-0)