



NYU

**ROBERT F. WAGNER GRADUATE
SCHOOL OF PUBLIC SERVICE**

EXEC-GP 2201: Institutions, Governance and Public Sector Reform

Fall 2018

Instructor Information

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Course Information

- Class Meeting Times: Saturdays, 2:30 pm – 6:00 pm
(September 15, 29; October 13, 27; November 10, December 1, 15)
- Class Location: 194 Mercer Street, Room 308

Course Description

This course reviews conceptual and practical perspectives on **global efforts to reinvent government and improve its performance**. There have long been divergent and evolving views about balancing the role of governments and markets and how government should be organized and managed. Ongoing debates and efforts in advanced economies have heavily influenced theory and practice in developing countries, which became a global concern in the 1940s and 1950s after World War II and as Africa and Asia decolonized. This period also witnessed the rise of internationalism and global governance with the creation of the United Nations, World Bank, International Monetary Fund and later other major global organizations, agreements and forums.

Public sector reforms in practice have been mixed and uneven across countries, both in terms of how they have been framed/managed and the results they have achieved. Even the wealthiest and most capacitated countries have faced considerable challenges and continue to seek ways of using government differently and/or more effectively. Many developing countries have made some gains in transforming themselves--increasing capacity, promoting development, democratizing, and reducing poverty--and a number have entered middle income status. Other countries have fared less well,

remaining constrained by various governance, resource and capacity gaps. Some challenges are attributed to flaws in reform approaches, while others stem from weak implementation. **Over time, there has been growing emphasis on adopting appropriate institutions and governance mechanisms.** As reforms have unfolded, the global and local landscapes have changed and many new actors--governmental and nongovernmental, as well as international, regional, national and local--have entered the field.

The course begins with a brief **overview of debates about the role of government and how it should function**, following the movement from narrower and more technical to broader and more institutional/political approaches. **The bulk of the course focuses on specific reforms intended to improve government performance through restructuring and redefining how it operates** as rapid economic, political and social changes—both global and local-- evolve in different countries at various stages of development. One set of reforms covers establishing and enhancing **basic institutional mechanisms that define relations between the public sector and private firms and citizens.** Another set considers the **organizational structure and management of government.** As we work through the topics, we consider competing theoretical perspectives and empirical evidence, often acknowledging that there are few definitive policy prescriptions for improving government performance. An underlying theme is the **need to go beyond the tendency to use fixed goals, pre-packaged tools and narrow frameworks in pursuit of “best practice” answers.** Instead, the course uses diverse readings and cases to challenge participants **to think rigorously and creatively in seeking levers of change that matter and are feasible for the pursuit of effective public sector reform in specific contexts.**

Course Objectives

By the end of the course participants will:

1. **Understand the evolution of the theory and practice of thinking about institutions and governance** in managing societies, including current trends and challenges;
2. **Acquire a critical perspective of conventional blueprints, received wisdoms and misconceptions** prevalent in mainstream discourse about the role and operation of government;
3. **Identify and analyze the potential and actual roles played by various key actors--** international organizations, national and local governments, private businesses, NGOs and citizens--in promoting effective government and collective action; and
4. **Think more analytically, holistically and strategically** about existing avenues for institutional reform and opportunities for pragmatic and sustainable change.

Course Format

The course meets on seven Saturdays (listed above). The format will blend lecture, discussion, in-class participatory assignments, and guest speakers.

Please note that it has been challenging to schedule speakers since we moved this course to selected Saturday afternoons (it used to meet weekly midday). We have been unable to secure speakers on some topics on the day we would have preferred. Accordingly, **there may be a few times when a guest presents out of the order of the logical flow of the class material or at an optional session on a weekday evening**, but it will always be on a topic that we have already covered to some extent in class.

The course is composed of **five modules**:

- The **first module** offers a brief survey of the **history of thinking on the role of government**, culminating in the present focus on improving institutions and governance in a globalizing context.
- The **second module** examines **core public sector institutions that define the basic rules of the game for the behavior of businesses and citizens**--rule of law, property rights, and regulatory regimes, and examines if and how they are promote or impede the attainment of priority economic, political and social goals.
- The **third module** explores the challenges of **reforming public management and governance systems**, i.e. the structures and processes that governments and societies adopt to manage collective action--administrative, fiscal and civil service frameworks and decentralization and intergovernmental relations.
- The **fourth module** considers the **role of the private sector and civil society in the evolving governance systems** (covered in the third module) and beyond, including public-private partnerships, civic participation and social accountability.
- The **final module** concludes the course with a **synthetic treatment of how to think innovatively and realistically about public sector reform and the role of nongovernmental actors**. This module will be built around presentations prepared by the class participants.

Please keep in mind that the **topics covered in the various modules are interrelated**, so some issues will emerge multiple times and in various forms. Indeed, one core goal is to challenge you to think in a holistic way about the science and art of reforming institutions and governance.

Readings

There is **no textbook** for the course. Assigned readings cover a wide range of topics. Authors represent different political positions, academic disciplines, research traditions and nationalities, as well as different parts of the world of practice. The topics are broad, and the readings are only intended to be **illustrative of key issues and debates rather than comprehensive in coverage**. Some readings may seem old, but they are assigned because they make important points that remain valid and/or are the original articulation of a powerful idea. In some cases, "readings" are in the form of website postings, videos or podcasts (links provided).

Readings are divided into primary (some are marked high priority and the others are recommended) and supplementary. We will give guidance on the content and relative importance of readings before each class. **We expect everyone to have read the high priority material prior to class.** Beyond that, you are free to make your own decisions about what to focus on. The **primary and many supplementary readings (except books or readings that cannot be posted due to various constraints) are mostly available under the Resources tab of the NYU Classes course site or through links provided in the syllabus.** Other supplementary readings are largely accessible through the NYU Library system or can be searched and downloaded online.

As the course progresses, we may add or remove readings or articles. This means that **we consider the reading list to be a living document.** If you run into articles or blogs that are relevant, feel free to alert us and/or circulate them to the class members through NYU Classes.

Requirements

The grade will be based on the following three requirements:

- Participation--in class and reading reaction memos (30%)
- Individualized Topic Memo (25%)
- Final Project (45%)

Class Participation

Active **class participation** means **coming to class prepared to engage** in thoughtful and reflective discussion and being able to ask good questions and debate possible answers, Given the small size of the group, attendance and broad engagement in class discussion is critical.

Please note that the attendance requirement is subject to the [NYU Policy on Religious Holidays](#), which states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their religious obligations. Please notify us in advance of religious holidays so that we can plan to help you deal with any material you might miss.

As part of the participation process, we will ask **each participant to serve as the resource person for two class topics (for which you will sign up in the first class)**. Each resource person prepares a **reading reaction memo** of 3-5 pages (including discussion questions) and plays a leading role in promoting discussion and debate on the topic being covered. Guidelines on the reading reaction memo are posted on NYU Classes. **The reading reaction memo should be shared with the class members through NYU Classes by 12 noon the day before the class meeting it is being prepared for.**

Individualized Topic Memo

During the semester, each participant should be thinking about issues covered that are of particular interest and/or practical value to them. Not only will this help you to decide which material is most relevant for you, but it can also assist you to focus on the topic for your required final project (see below). To facilitate this process, you are required to prepare an **individualized topic memo**. The topic should be cleared by the instructors by October 13 and the memo is **due in class by November 10**. You should start thinking about the memo soon--we are happy to discuss with you and to comment on early drafts.

Some of you may wish to use this memo to outline your final project. Others may know early on what their final project will focus on and may instead prefer to write the memo on another course-related topic of specific interest. Given the nature of the class and the diversity of the participants, we want to be **flexible in how you approach these memos**. You could, for example, write a reflective commentary on what you have learned from the readings and discussion on a particular topic. Alternatively, you could compare and contrast multiple topics, write an essay on how a topic relates to an issue or case you are familiar with or interested in, or try to fill a gap in the way we have treated a particular topic. If you have any doubts about what constitutes a "legitimate" memo, please consult the instructors to discuss your ideas and options.

Final Project

The **final project** topic can be negotiated as long as it is **directly relevant for the subject matter of the course**. It could, for example, be a more comprehensive treatment of the material covered in your individualized topic memo, an attempt to apply an analytical perspective covered in the course to a specific case, or a critical examination of the literature on a relevant issue not covered in class. **Each participant should prepare a one-page abstract of the proposed topic by October 27, and you must clear the final topic with the course instructors by November 15.**

Each participant will make a **15-minute presentation (in PowerPoint) during one of final two class meetings** (November December 1 or December 15).

In addition to this presentation, you must select one of these three options to follow up on the presentation:

1. **Enhanced/Annotated Presentation:** Embellish the presentation with detailed notes and bibliography (no formal paper required);
2. **Term Paper:** Write a formal term paper based on the presentation (with no additional work required on the presentation itself);
3. **Policy/Management Memo:** Prepare a memo to a client based on the presentation (with no additional work required on the presentation itself).

The final project can be based on academic research, reports from think tanks and agencies, government documents, personal interviews, etc. **The final project materials (which may be revised after the class presentation/discussion) are due on or before December 20.**

Assignment Format and Submission: All assignments should be written in Times New Roman 12, doubled-spaced, with one-inch margins all around. Please submit assignments on NYU Classes. PowerPoint presentations can use whatever formatting you wish as long as it is readable.

Academic Honesty and Grading Policy

Capstone will abide by the NYU Wagner School policy guidelines on academic honesty and grading. It is each student's responsibility to become familiar with these policies. All Wagner students have already read and signed the [Wagner Academic Oath](#) and are expected to pursue and meet the highest standards of academic excellence and integrity. Plagiarism of any form will not be tolerated and students in this class are expected to report violations to me. If any student is unsure about what is expected of you and how to abide by the academic code, you should consult with us. Please see the NYU Wagner Student Portal for detailed information on the academic code and grading policy.

- [Academic Code](https://wagner.nyu.edu/portal/students/policies/code) (https://wagner.nyu.edu/portal/students/policies/code)
- [Grading](https://wagner.nyu.edu/portal/students/policies/grading) (https://wagner.nyu.edu/portal/students/policies/grading)

Henry and Lucy Moses Center for Students with Disabilities at NYU

Academic accommodations are available for students with disabilities. Please visit the [Moses Center for Students with Disabilities \(CSD\) website](#) and click on the Reasonable Accommodations and How to Register tab or call or email CSD at (212-998-4980 or mosescsd@nyu.edu) for information. Students requesting academic accommodations are strongly advised to reach out to the Moses Center early in the semester for assistance.

Late Policy

Extensions will be granted only for exceptional circumstances. This policy is adopted out of respect to those who have abided by deadlines, despite equally hectic schedules. Assignments handed in late without authorized extensions will be penalized one-third of a grade per day.

This Course in the NYU Wagner EMPA Context

This is one of four required courses for the NYU-UCL Global EMPA program and is an elective for other NYU Wagner EMPA students. It is not open to students in other NYU Wagner programs.

Selected Governance Indexes and Assessment Diagnostics

There has been substantial growth in the development of diverse tools to assess institutions and governance by international organizations, think tanks and nongovernmental actors. Some are very broad, covering many aspects of governance, while others focus on a specific aspect (e.g. rule of law, property rights, human rights) or specific public service sectors (e.g. health or water).

There are many such tools and there is often overlap among them, and they vary in quality. A few that might serve as a starting point for those who wish to explore these resources include the following:

Worldwide Governance Indicators:

These indicators developed by the World Bank assess six dimensions of governance in over 200 countries: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of corruption. The online searchable database and detailed documentation are available at: [World Bank Governance Indicators](#)

Universal Human Rights Index:

The UN Office of the High Commissioner for Human Rights provides a Universal Human Rights Index, a searchable database on general and specific human rights mandates/recommendations/assessments: [Universal Human Rights Index](#)

Commitment to Development Index:

The Center for Global Development annually ranks 27 of the world's wealthiest countries on how they interact with developing countries. The index covers not only development assistance, but also how other

policies--exports, investment, financial transparency, migration, environmental policies, international security, and support for technology creation and transfer--affect developing countries: [Commitment to Development Index](#)

Global Governance Report Card:

The Council on Foreign Relations has developed with other think tanks a report card that assesses responses to ten global challenges: climate change, global health, nuclear proliferation, development, managing the global economy, combatting terrorism, violent conflict between states, cyber governance, global trade, and internal conflict: [Global Governance Report Card](#)

Rule of Law Index:

The World Justice Project assesses performance using 44 indicators across eight categories, each of which is scored and ranked globally and against regional and income peers: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice and criminal justice: [Rule of Law Index](#)

International Property Rights Index:

The Property Rights Alliance produces this index for 131 countries. It measures the legal and political environment (judicial independence, rule of law, political stability, corruption control); physical property rights (protection, registration); and intellectual property rights (protection, patents, copyrights): [International Property Rights Index](#)

EXEC-GP 2201: Institutions, Governance and Public Sector Reform

Course Schedule Fall 2018

Note: This schedule may require some modifications and the precise division of topics on specific dates will be explained in advance of each class.

I. Historical Overview: An Institutional Perspective on Public Sector Reform (9/15, 9/29)

1. Governments & Markets: Mainstream Thinking, Enduring Debates, New Perspectives
2. The Prominent Emergence of Institutionalism and Good Governance
3. Global Governance: Traditional and Emerging Approaches and Organizations

II - Institutions: Shaping the Rules of the Economic Game (9/29, 10/13)

1. Overview/Rule of Law: Rights, Obligations and Enforcement
2. Property Rights: Public Goods, Investment and Innovation

III. Governance Reform: Structures, Processes, and Functions (10/13, 10/27, 11/10)

1. Overview and The Administrative/Fiscal Framework
2. The Civil Service
3. Decentralization, Intergovernmental Relations and Local Governance

IV. Governance Reform: The Role of Nongovernmental Actors (11/10, 12/1)

1. Public-Private Partnerships
2. Civic Engagement, Civil Society and Social Accountability

V. Synthesis & Wrap-up: Pragmatic Reform of Institutions and Governance (12/1, 12/15)

1. Class Presentations
2. Open Discussion: Reimagining Institutional and Governance Reform

FINAL PROJECT/PAPER DUE December 18th

EXEC-GP 2201: Institutions, Governance and Public Sector Reform

Outline and Reading List

Note:

- High priority readings/links/podcasts/videos are indicated by a star symbol: “★”
- All primary readings are posted on NYU Classes unless links are provided or otherwise indicated; selected supplementary readings are also posted.

I. Historical Overview: An Institutional Perspective on Public Sector Reform

A. Governments and Markets: Mainstream Thinking, Enduring Debates, New Perspectives

Primary Readings

- ★Kupers, Roland. Podcast on: David Colander and Roland Kupers. **Complexity and the Art of Public Policy** (Princeton, NJ: Princeton University Press, 2014). [Kupers Art of Public Policy](#)
- ★ Goodman, John. "Answer to Krugman on Market Failure: Government Failure is Worse." **Forbes**, February 24, 2015. [Forbes Goodman](#)
- ★ Stiglitz, Joseph. "Moving Beyond Market Fundamentalism to a More Balanced Economy." **Annals of Public and Cooperative Economics**, Vol. 80, No. 3 (2009), pp. 345-360.
- ★ Mazzucato, Mariana. **The Entrepreneurial State**. London: Demos, 2011. (You can view the **Financial Times** interview [Mazzucato FT](#) or the TED talk: [Mazzucato TED Talk](#))
- ★ Cato Institute Forum on: Peter Schuck, **Why Government Fails So Often**. (Princeton University Press, 2014). [Schuck Cato Institute Forum](#)
- Moss, David. "Private Risk is the Public's Business." **The American Prospect**. April 7, 2009.
- [“Leviathan Stirs Again: The Growth of the State,”](#) **The Economist**, January 21st, 2010.
- Sandel, Michael. "How Markets Crowd Out Morals: A Forum on The Corrupting Effects of Markets." **Boston Review**. May 2012. (or view [Sandel TED Talk](#))

Supplementary Readings

- Winston, David. **Government Failure versus Market Failure**. Washington, DC: AEI-Brookings Center for Regulatory Studies, 2006. (**This is an overview for those without a strong background in or wish to review debates about the role of government**).
- Capano, Gilberto, Michael Howlett and M Ramesh. "Bringing Governments Back in: Governance and Governing in Contemporary Policy Analysis." **Journal of Comparative Policy Analysis: Research and Practice**, Vol. 17, No. 4 (2015), pp. 311-321.
- Bardhan, Pranab. "State and Development: The Need for a Reappraisal of the Current Literature." **Journal of Economic Literature**. Vol. 54 (2016), pp. 862-892.
- Stiglitz, Joseph. "Markets, Market Failures, and Development." **American Economic Review**, Vol. 79, No. 2 (1989), pp.196-203.
- Keech, William, Michael Munger and Carl Simon. "Market Failure and Government Failure." Paper presented at the Public Choice World Congress, Miami, 2012.

- Acemoglu, Daron and James Robinson. "Economics versus Politics: The Pitfalls of Policy Advice." **Journal of Economic Perspectives**. Vol. 27 (2013), pp. 173-192.
- Besley, Timothy. "What's the Good of the Market? An Essay on Michael Sandel's What Money Can't Buy." **Journal of Economic Literature**. Vol. 51 (2013), pp. 478-495.
- Williamson, John, "The Strange History of the Washington Consensus." **Journal of Post-Keynesian Economics**. Vol. 27, (2005), pp. 195-206.
- Marangos, John. What Happened to the Washington Consensus? The Evolution of International Development Policy." **Journal of Socio-Economics**. Vol. 38 (2009), pp. 197-208.
- Currie-Alder, Bruce, Ravi Kanbur, David Malone and Rohinton Medhora, eds. **International Development: Ideas, Experience, Prospects**. (Oxford: Oxford University Press, 2014). Chapter 1 by the editors "The State of Development Thought" and Chapter 4 by Shanta Devarajan and Ravi Kanbur "Development Strategy: Balancing Market and Government Failure."

B. The Emergence of Institutions and Good Governance

Primary Readings

- ★ Gerard, Roland. "Understanding Institutional Change: Fast-Moving and Slow-Moving Institutions." **Studies in Comparative International Development**, Vol. 38 (2004), p. 109-131.
- ★ Acemoglu, Daron and James Robinson, **Why Nations Fail** (New York, NY: Crown Business/Random House, 2012). Not a reading: view a short **Economist** interview with Acemoglu at [Acemoglu The Economist](#) or view a longer TEDx talk by Robinson at [Robinson TEDx](#)
- ★ Grindle, Merilee. "Good Governance, R.I.P: A Critique and an Alternative." **Governance**, Vol. 30 (2017), pp. 17-22).
- Rodrik, Dani, "Goodbye Washington Consensus, Hello Washington Confusion," **Journal of Economic Literature**, Vol. 44 (2006), pp. 973-987.
- Evans, Peter, "Development as Institutional Change: Pitfalls of Monocropping and the Potentials of Deliberation." **Studies in Comparative International Development**, Vol. 38, No. 4 (2004). pp.30-52.
- ["Conquering Chaos: Why States Fail and How to Rebuild Them,"](#) **The Economist**, January 7, 2017.

Supplementary Readings

- North, Douglas. **Institutions, Institutional Change and Economic Performance**. (Cambridge: Cambridge University Press, 1991).
- Przeworski, Adam "Institutions Matter?" **Government and Opposition**, Vol. 39 (2004), No. 4, pp. 527-540.
- Dimova, Ralitzka and Antonio Savoia. "Institutions: Evolution, Path Dependency, Anachronisms and Impact," **The Journal of Development Studies**, Vol. 52, No. 2 (2016), pp. 161-165,
- Fukayama, Francis. What is Governance? **Governance**, Vol. 26, No. 3 (2013), pp. 347-368.
- Dellepiane-Avellaneda, Sebastian. "Good Governance, Institutions and Economic Development: Beyond Conventional Wisdom." **British Journal of Political Science**, Vol. 40 (2010), pp. 195-224.

- Casson, Mark, Maria della Giusta and Uma Kambhampati. "Formal and Informal Institutions and Development." **World Development**, Vol. 38, No. 2 (2010), pp. 137-141.
- Mota Prado, Mariana and Ana Carolina da Matta Chasin. "How Innovative was the Poupatempo Experience in Brazil? Institutional Bypass as a New Form of Institutional Change." **Brazilian Political Science Review**. Vol. 5 (2011), pp. 11-34.
- Kossack, Stephen and Archn Fung. "Does Transparency Improve Governance?" **Annual Review of Political Science**. Vol. 17 (2014), pp. 65-87.
- B. Mazouz and B. Tremblay. "Towards a Post-Bureaucratic Model of Governance: How Institutional Commitment is Challenging Quebec's Administration." **Journal of Public Administration**. Vol. 66 (2006), pp. 263-273.
- Andrews, Matt. **An Ends-Means Approach to Looking at Governance**. CID Working Paper No. 281. Cambridge, MA: Harvard University Center for International Development, 2014.
- Moore, Mick "Political Underdevelopment: What Causes Bad Governance?" **Public Management Review**, Vol. 3 (2001), No. 3, pp. 385-418.
- Brinkerhoff, Derick and Arthur Goldsmith, "Institutional Dualism and International Development: A Revisionist Interpretation of Good Governance," **Administration and Society**, Vol. 37 (2005), No. 2, pp. 199-224.
- The World Bank web page on **Institutional Reform: Helping Public Systems Deliver** is a valuable resource. Their focus is on developing/middle income countries, but the material is broadly relevant. [World Bank Institutional Reform](#)

C. Global Governance: Traditional/Emerging Approaches and Organizations

Primary Readings

- ★Lindberg, Tod. **Making Sense of the "International Community."** (New York, NY: Council on Foreign Relations International Institutions and Global Governance Program, 2014.) (**Skim**)
- ★ O'Brien, Emily and Richard Gowan. **What Makes International Agreements Work: Defining Factors for Success.** (New York, NY: NYU Center on International Cooperation, 2012).
- ★Wolf, Martin. "Donald Trump's Bad Judgment on the Paris Accord." **Financial Times**, June 6, 2017. [Wolf FT](#)
- ★de Búrca, Gráinne, Robert. O. Keohane and Charles Sabel. "New Modes of Pluralist Global Governance." **Journal of International Law and Politics**, Vol. 45, No. 1, 2013. pp. 724-786. (**Note:** This is a long, challenging article and the focus should be to understand the main points).
- Wolf, Mark. **The Case for an International Anti-Corruption Court.** Washington, DC: The Brookings Institution, 2014.
- Vestergaard, Jakob and Robert Wade. "Establishing a New Global Economic Council: Governance Reform at the G20, the IMF and the World Bank." **Global Policy**, Vol. 3 (2012), pp. 257-269.
- Council on Foreign Relations podcast "Leaving the Paris Climate Agreement" June 9, 2017 [CFR Podcast Paris Agreement](#)

Supplementary Readings:

- Baldwin, Richard and David Vines, **Rethinking Global Economic Governance: New Perspectives on Economic Policy Foundations**. (London: Center for Economic Policy Research, 2012).
- Chambers, W. Bradness, Simon Maxwell, Jonathan Ockenden and Ngaire Woods. **Reform of International Institutions**. (London: Commonwealth Secretariat, 2009).
- Vibert, Frank. "Reforming International Rule Making." **Global Policy**, Vol. 3 (2012), pp. 391-393.
- de Haan, Arjan. **How the Aid Industry Works: An Introduction to International Development** (Sterling, VA: Kumarian Press, 2009)?
- Kharas, Homi. **Trends and Issues in Development Aid** (Washington, DC: Wolfensohn Center for Development at the Brookings Institution, 2007).
- Birdsall, Nancy "Seven Deadly Sins: Reflections on Donor Failings," in William Easterly, ed., **Reinventing Foreign Aid** (Cambridge, MA: MIT Press, 2008), pp. 515-552.
- Fengler, Wolfgang and Homi Kharas, eds. **Delivering Aid Differently: Lessons from the Field**. (Washington, DC: The Brookings Institution, 2010).
- Booth, David "Aid, Institutions, and Development: What Have We Learned," **Development Policy Review**, Vol. 29 (2011), pp. 5-26.
- Evans, Alex. **Delivering the Post-2015 Development Agenda: Options for a New Global Partnership**. (New York, NY: New York University Center on International Cooperation, 2013).
- Krasner, Stephen and Jeremy Weinstein. "Improving Governance from the Outside In." **Annual Review of Political Science**, Vol. 17 (2014), pp. 123-145.

II. Institutions: Shaping the Rules of the Economic Game

A. Rule of Law: Rights, Obligations and Enforcement

Primary Readings

- ★ Bedner, Adriaan. "An Elementary Approach to the Rule of Law." **Hague Journal on the Rule of Law**, Vol. 2, No. 1 (2010), pp. 48-74.
- ★ Upham, Frank, "Mythmaking in the Rule of Law Orthodoxy," **Carnegie Endowment for International Peace Working Paper No. 30** (Rule of Law Series), September 2002.
- ★ Davis, Kevin and Mariana Mota Prado. "Law, Regulation and Development." Chapter 12 in Currie-Adler, Bruce, Ravi Kanbur, David Malone and Rohinton Medhora. **International Development: Ideas, Experience, Prospects**. (Oxford: Oxford University Press, 2014).
- Dara Lind, "Donald Trump's Drive for 'Law and Order' Undermines the Rule of Law," **Vox** May 17, 2017 [Lind Vox](#)
- Nossell, Susan, "Donald Trump Has Put America in Legal Hell," **Foreign Policy**, February 14, 2017 [Nossell FP](#)
- Barry, Ellen, "How to Get Away With Murder in Small-Town India," **The New York Times**, August 19, 2017 [Barry NYT](#)

Supplementary Readings

- Hadfield, Gillian and Barry Weingast. "Microfoundations of the Rule of Law." **Annual Review of Political Science**, Vol. 17 (2014), pp. 21-42.
- Gordon, Robert. "The Role of Lawyers in Producing the Rule of Law: Some Critical Reflections." **Theoretical Inquiries in Law**. Vol. 10 (2010), pp. 441-468.
- Haggard, Stephen and Lydia Tiende. "The Rule of Law and Economic Growth: Where Are We?" **World Development**. Vol. 39 (2011), pp. 673-685.
- Kirkpatrick, Colin "Assessing the Impact of Regulatory Reform in Developing Countries. **Public Administration and Development**. Vol. 34 (2014), pp. 161-167.
- Hallward-Driemeier, Margaret and Lant Pritchett. "How Business is Done in the Developing World: Deals versus Rules." **Journal of Economic Perspectives**, Vol. 29 (2015), pp. 121-140.
- Balleisen, Edward J., and David A. Moss, eds. [Government and Markets: Toward a New Theory of Regulation](#). (Cambridge: Cambridge University Press, 2010).
- Chirayath, Leila, Caroline Sage, Michael Woolcock. 2005. [Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems](#). (Washington, DC: World Bank, 2006).
- Weingast, Barry "The Failure to Transplant Democracy, Markets, and the Rule of Law into the Developing World," **The Annual Proceedings of the Wealth and Well Being of Nations**, 2011.
- Domingo, Pilar. **Rule of Law, Politics and Development**. (London: Overseas Development Institute, 2016).
- Coslovsky, Salo, et. al. "The Pragmatic Politics of Regulatory Enforcement." In David Levi-Faur, ed. **Handbook on the Politics of Regulation**. (Cheltenham, UK: Edward Elgar, 2011).
- Porter, Doug, et. al. The Justice-Security-Development Nexus: Theory and Practice in Fragile and Conflict-Affected States." **Hague Journal on the Rule of Law**, Vol. 5, No. 2 (2013).
- Dowdle, Michael, "Beyond the Regulatory State: China and 'Rule of Law' in a Post-Fordist World," **Governance & Globalization Working Paper 21** (Beijing: Sciences Po China, 2010).
- Kim, Jee Young. "The Politics of Code Enforcement and Implementation in Vietnam's Apparel and Footwear Factories. **World Development**. Vol. 45 (2013), pp. 286-295.
- Schneider, Aaron and Rebeca Zuniga-Hamlin, "A Strategic Approach to Rights: Lessons from Clientelism in Peru. **Development Policy Review**, Vol. 23 (2005), No. 5, pp.567-584.
- Mark Heywood, "South Africa's Treatment Action Campaign: Combining Law and Social Mobilization to Realize the Right to Health," **Journal of Human Rights Practice**. Vol. 1 (2009).
- Haberman, Maggie, "Trump's Brand of Law and Order Leaves Leeway on the Law," **The New York Times**, August 27, 2017 [Haberman NYT](#)

B. Property Rights: Public Goods, Investment and Innovation

Primary Readings

- ★Upham, Frank. "Physics Envy: Property Rights in Development Theory" In **The Great Property Fallacy: Theory, Reality and Growth in Developing Countries**. (Cambridge: Cambridge University Press, 2018).
- ★ Locke, Anna. **Property Rights and Development Briefing**. (London: Overseas Development Institute, 2013). (**Focus on executive summary and chapter 3**).

- ★Upham, Frank. "Theory in Action: Cambodia" In **The Great Property Fallacy: Theory, Reality and Growth in Developing Countries**. (Cambridge: Cambridge University Press, 2018).
- ★Jacobs, Harvey M." Social Conflict over Property Rights: The End, a New Beginning, or a Continuing Debate?" **Housing Policy Debate**, Vol. 20, No. 3 (2010) pp 329-349.
- ["Intellectual Property: A Question of Utility."](#) **The Economist**, August 8, 2015.
- ["Intellectual Property: A First Principles Debate,"](#) Federalist Society, February 6. 2018
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III. Governance Reform: Structures, Processes, and Functions

A. Overview of Public Sector Reform and The Fiscal Framework

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B. The Civil Service

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C. Decentralization, Intergovernmental Relations and Local Governance

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IV. Governance Reform: The Role of Nongovernmental Actors

A. The Private Sector and Public Private Partnership

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B. Civic Engagement, Civil Society and Social Accountability

Primary Readings

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V. Synthesis and Wrap Up: Pragmatic Reform of Institutions & Governance

The purpose of the final classes will be to try to bring some sense of synthesis and a forward-looking perspective to the diverse and complex material covered in this course. Most of the final sessions will involve presentations by the class participants, but we will also leave some time for open questions and discussion. We suggest below a few readings on approaches to thinking about reform that you may wish to review selectively, but none of these readings are required since the focus on the final classes will be on participant presentations.

Primary Readings

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Supplementary Readings

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