

Course Outline

LAW AND DEVELOPMENT

Course Title	Law and Development		
Programme Title	LLM (Law and Development)		
Mode	M 1	Level	3
Course ID	[●]	Credits	4
Course Type	Core	Semester	I
Credits	4	Academic Year	2020-21
Course Development Team	Sudhir Krishnaswamy, Abhayraj Naik, Shishir Bail, Arun Thiruvengadam, Amulya Purushothama, Sitharamam Kakarala, Anshuman Singh, Kanika Gauba, Neeraj Grover.		
Course Instructor(s)	Neeraj Grover		

COURSE INTRODUCTION AND RATIONALE:

The LL.M. offered by Azim Premji University focuses on the relationship between law and development. Mainstream development discourse and practice has not paid adequate attention to the institutional dimensions of development. Further, legal academic research in India has almost completely ignored the role of law and legal institutions in India's development. The belated recognition of the role and significance of institutions means that questions such as what institutions are, how they work and how they shape political and administrative actions and outcomes have become increasingly important. This course will critically examine the relationship between law and development through a theoretical focus on legal institutions and conceptions of development.

This course offers students a normative and social scientific perspective of the relationship between law and development that encourages students to embrace an external view of the law and legal systems that is atypical in Indian legal education. This multi-disciplinary perspective is foundational for the rest of the programme which encourages all students to go beyond the law, and develop competence and ability in at least one mode of disciplinary enquiry external to the legal method.

COURSE OBJECTIVES:

The course is the core basis of the field of law and development for the students. At the end of the course, the students ought to:

- Explain, and interpret the issues and broad ideas of development in context of legal institutions;
 - Deconstruct and infer critical theory and idea of development (including its economic, social and political facets) and the role that law can play in the development process;
 - Summarise and reflect foundational relations and ideas in the field of law and development, and the distinction between instrumental and constitutive approaches.
 - Appreciate and value the institutional dimensions of law, politics and the developmental state.
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PEDAGOGY:

The pedagogy for the course will consist of interactive lectures and group exercises. The manner of interaction during lectures will provide for inputs from the students so as to implement the Socratic method, to the extent possible.

Accordingly, the teaching style will expect high levels of investment from the students. The course will require students to come to class after adequate preparation which will enable them to participate fully and meaningfully in the course.

COURSE DESCRIPTION/OUTLINE

Law and legal institutions are intrinsically worthy of study and understanding as they are constitutive of all complex social orders. Further, any effort to comprehend and improve our social requires an engagement with law and legal institutions and hence is also of instrumental value. While the course takes the role of law seriously, it does not adopt an uncritical view which assumes that robust legal institutions inevitably lead to economic development. A rigorous and sustained study of the instrumental as well as constitutive relationships between law and development enables meaningful design, understanding and evaluation of specific modes of developmental planning and intervention in India and in comparative jurisdictions.

The course will be divided as follows:

- **Unit 1: Introduction to the idea of Development**

- General Introduction
- Mapping the idea of development

This part introduces students to various accounts of the divergence in development outcomes, including culture, geography and institutions.

- **Unit 2: Nature of Development**

- Cultural and Development
- Geography and Development
- Institutions, Development, and Poverty Eradication

This unit substantiates on how differing vantage points of development have substantial implications on the agendas of development. It offers a broad review of the key debates on the nature and concept of development: from the modernization thesis to the post-development view.

- **Unit 3: Linking Law and Development**

- The nature of nexus between law and development
- Phases of Law and Development Movement
- Rule of law and Development
- Indicators, Human Rights, and Development

This unit investigates the currently dominant trends in the field which focus on the role of law and legal institutions in economic, social, and political development - both instrumental and constitutive dimensions – as well as other significant approaches to law and development studies: the legal origins thesis; rights based theories of development; rule of law initiatives and indicators.

- **Unit 4: East Asian Models of Development**

This part delves into an enquiry into the remarkable development success of East Asia in the absence of conventional rule of law institutions.

- **Unit 5: Law and Development in India**

In this part, the course asks whether India resembles East Asia or Western Europe in its development trajectory. This unit also attempts a summary application of the notions discussed earlier in the course about law and development.

EVALUATION AND GRADING:

Attendance and Class participation: 20% [5%+15%]

Response Piece/Short Comment: 20%

Mid-term Exam: 30%

End-term Exam: 30%

SYLLABUS

Unit I: Introduction to the Idea of Development

[6 classes]

WEEK 1

Class 1: General Introduction

Required readings

- Makarand Paranjape, *The New Idea of India*, Indian Express, July 04, 2019, pp. 1-2.

Discussion Questions:

- What's your understanding of 'development'?
- Expectations from the course and learning motivations.

Class 2: Introduction to Law and Development

Required reading:

- David M. Trubek, Max Weber on Law and the Rise of Capitalism, (1972) 3 Wisconsin Law Review, pp. 720 – 753.

Discussion Questions:

- How does Max Weber's framework enable our understanding of 'law and development'?
- How does this sharpen your understanding of 'development'?

WEEK 2

Class 3: Mapping the Idea of Development

Required readings:

- W.W. Rostow, *Stages of Economic Growth: A Non Communist Manifesto* (1960) Ch 1 and 2 (pp. 1-10).
- Amartya Sen, *Development as Freedom*, Oxford University Press (1999), Preface and Introduction (pp. 1-17)

Discussion Questions:

- What do you think is Sen's primary motivation in setting out his arguments about freedoms and development?
- How, for instance, does his analysis differ from that of Rostow?

Class 4: Mapping the Idea of Development (contd.)

Required readings:

- Amartya Sen, *Development as Freedom*, Oxford University Press (1999), Chapter 1 (pp. 18-40).
- BS Chimni, 'The Sen Conception of Development and the Contemporary International Law Discourse: Some Parallels,' *The Law and Development Review*, Vol. 1 Issue 1 (2008), 2-22.

Optional Reading:

- Stuart Corbridge, 'Development as Freedom: the spaces of Amartya Sen', *Progress in Development Studies*, July 2012 Vol.2 no.3, pp. 183-217.

Discussion Questions:

- What is Chimni's arguments and how do you respond to it? Which aspects of Sen's claim is he opposed to, if at all?
- Are Chimni's solutions feasible, in light of your own understanding of 'development'?

WEEK 3

Class 5: Mapping the Idea of Development (contd.) [Peer group assignment; to be presented]

Required:

- Short survey on perspectives of development:
 - Students will be grouped into three each. One student from each trio will survey the two students from another trio on the following:
 - Coherently, and not exceeding 200 words, how can development be defined?
 - Does the definition of development depend on the context where it is offered? If yes, what is the context of the aforesaid definition?
 - Not exceeding 150 words, how do we place law in the idea of development?

- The trio will then work on collating the answers. They will apply thought and offer their critical view on the two answers.
- Some groups/students will be required to present their views in the next class. Each group will preserve the results for ease of reference as we discuss material during the following classes, where the context is relevant.

Class 6: Mapping the Idea of Development (contd.)

Required readings:

- H.W. Arndt, *Economic Development: A History* (1987), Introduction, Chapter 2 (pp. 1-48). [Select excerpts; to be circulated in advance].
- Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* (1995), Introduction and Conclusion (3-17; 212-226).

Discussion Questions:

- What is your sense of Arndt's motivation in embarking on his project? Do you agree with his analysis that, especially for countries in the 'developing' world, the concept of economic development has been pivotal? Is it fair to say that Arndt's book is marked by a 'European/Western' bias. How would you respond to such a charge?
- Escobar writes from the perspective of a Third World citizen to critique the discourse of development. Do you think his being originally from the Third World enables him to legitimately claim this perspective? What did you find most powerful about his analysis? Equally, did you find anything problematic in it?
- Drawing from both accounts, make a list of events and academic works that you think are most important to highlight the importance of economic development.
- Arndt references Rostow, but having been written before 'Development as Freedom' the two authors do not refer to Sen's work. What implications do these readings have for an understanding of Rostow's 'Stages of Growth' thesis and Sen's idea of 'Development as Freedom'?

WEEK 4

Unit 2: The Nature of Development

[8+1 classes]

Class 7: Culture and Development

Required readings:

- Lawrence Harrison and Samuel Huntington (eds.), *Culture Matters*, (2001), Introduction (pp. xvii-xxxiv)
- Lawrence Harrison and Samuel Huntington (eds.), *Culture Matters* Chapter 6. (pp. 65-77)

Discussion Questions:

- What do you make of Harrison's analysis that culture *matters*? Is acknowledging what seems like a basic fact really so problematic? Identify two features in his analysis that you approved of, and two others that you found problematic.

Class 8: Culture and Development (Contd.)

Required readings:

- Lawrence Harrison and Samuel Huntington (eds.), *Culture Matters* (2001), Chapter 17. (pp. 232-43).
- S.A. Marghlin, 'Toward the Decolonization of the Mind', in *Dominating Knowledge*, (pp. 1-28).

Optional Reading:

- Lawrence Harrison and Samuel Huntington (eds.), *Culture Matters* Chapter 22. (pp. 296-307).

Discussion Questions:

- Marglin's introductory chapter deals with the by now familiar concepts of 'growth', 'development', 'modernization' and 'Westernization'. He covers a vast range of issues, including the assertion that 'cultural diversity is a global asset' which we have noted in earlier readings such as that by Escobar. What do you think is novel or distinctive about the analysis presented by Marglin (and the authors whose work he summarises)? Did you find Marglin's view persuasive or problematic?
- Identify the values that Perkins identifies as 'Asian' in nature. Do you agree that these are the sole preserve of Chinese influenced societies? Can you think of groups and communities in India which may exhibit such traits? Should we be as critical of Perkins'

analysis as we were of Daniel Etounga-Manguelle's view of African culture? What is Perkins' argument about Asian values and the Asian financial crisis? Sonu is critical of this aspect of his analysis. Do you agree?

- What is your response to Perkins' argument in favour of a 'Rule of Law' culture? We will revisit this in greater detail later in the course, but do think of your reaction to this argument, which is often raised in the Indian context as well.

WEEK 5

Class 9: Geography and Development

Required readings:

- Paul Collier, *The Bottom Billion* (2007), Preface and Chapter 1. (pp. i-xiii; 1-13)
- Lawrence Harrison and Samuel Huntington (eds.), *Culture Matters* (2001), Chapter 3. (pp. 29-43).

Discussion Questions:

- Which parts of the Collier reading did you find valuable and insightful? Mention in particular some new facts and insights that came to you through his analysis.
- Try and identify what you think is Collier's approach to tackling development more broadly. How would you fit him in the kind of intellectual tradition that Arndt identified for us? Who is the audience for Collier's analysis?
- Sachs' short essay has a truly global reach and he provides stimulating reasons for the reasons why different parts of the world have developed differently. What did you find insightful and striking in his analysis?
- Sachs emphasizes the role of capitalism and geography over other factors such as culture in influencing development. Where do you stand on this debate?
- What did you think was missing from this discussion about development more generally?

Class 10: Geography and Development (contd.)

Required readings:

- Jared Diamond, *Guns, Germs and Steel* (1997), Preface and Prologue (pp. 9-11; 13-32).

- Michael Dowdle, 'Core and Periphery', NUS Law working paper, pp. 1-29 [selected excerpts only; will be circulated in advance.]

Discussion Questions:

- Diamond uses his own unique biography to speak about issues of economic development in an unusual way. Do you think that the question raised by Yali to him is as interesting as he suggests? Do you think Yali's question is worth engaging with, or should we, based on the readings we have read already, approach it differently?
- Dowdle challenges a lot of conventional thinking about development, the role of law in achieving development and other sacred cows by focusing on what is called 'economic geography' by focusing in particular on the notion of the core and the periphery. What do you think of his principal argument?
- Both authors focus on a range of examples which one doesn't usually zero in on, in part because of what Diamond has called the Eurocentric or Eurasian centric bias in development studies. What did you find striking in their analysis? Equally, what do you think may be problematic about each argument?

WEEK 6

Class 11: Institutions, Development, and Poverty Eradication

Required readings:

- Douglas North, *Institutions, Institutional Change and Economic Performance*, Chapter 1 (Introduction) and Chapter 14 (Incorporating Institutional analysis into economic history), pp. 1-8 + 10 pp.

Optional Reading:

- Michael Trebilcock and Mariana Prado, *What Makes Poor Countries Poor?* (Edward Elgar, 2011), Chapter 1 (Ends and Means of Development) pp. 1-40

Discussion Questions:

- What was your sense of North's overall purpose in focusing on institutions? Notice how he critiques his own growing understanding of the role of factors that affect economic development. Did you find his analysis persuasive?

- Notice the historical examples that North provides to back his analysis. Did you find his discussion of the economic aspects of US and English history convincing? How would you apply North's analysis to India's post-colonial evolution?
- What is your response to the claims made about the role of institutions – however defined - in fostering economic development?

Class 12: Institutions, Development, and Poverty Eradication (contd.)

Required readings:

- Dani Rodrik, *One Economics*, Chapters 5-6, pp. 153-92 (selected excerpts).
- Darren Acemoglu and James Robinson, *Why Nations Fail* (2011), Preface and Chapter 1, pp. 1-5, pp. 428-62.

Discussion Questions:

- Rodrik asserts that five types of institutions matter for development. Read through his analysis of these five types of institutions and think critically about them. Do you think he misses some institutions? Do you agree that all these types of institutions are necessary? What role does law play in Rodrik's analysis?
- Both the readings are critical of the developmental advice given out by the World Bank and IMF even in relation to institutions. Try and identify the reasons why each author is critical of the generic prescriptions offered in relation to institutions.
- What, according to Rodrik, are the most important qualities that institutions must possess to deliver progress and development? Would Acemoglu-Robinson disagree?
- What is your response to A-R's analysis about the kind of institutions that account for a nation's success or failure. How does their analysis apply to India?

WEEK 7

Class 13: Institutions, Development, and Poverty Eradication (contd.)

Required readings:

- Jeffrey D. Sachs, 'Government, Geography and Growth: The True Drivers of Economic Development' (*Foreign Affairs*, 2012), pp. 1-9
- Abhijit Banerji and Esther Duflo, *Poor Economics* (2011), Preface (pp. 1-16) and Chapter 1.

Optional reading:

- Michael Trebilcock and Mariana Prado, *Advanced Introduction to Law and Development*, pp. 214-20.

Discussion Questions:

- The Sachs reading reiterates some of the ideas that we are now familiar with, having read him earlier. However, here, he provides a stimulating critique of the “mono-causal” explanations offered by A-R. What did you find new in this analysis? Focus in particular on Sachs’ analysis of technology and authoritarianism.
- Banerji-Duflo explain to us the Sachs-Easterly debate and other dimensions of the debate over aid’s role in eradicating poverty. What do you think their objective in writing their book is? Does their analysis fit with the institutional theories we are reading about? Why do you think their analysis is useful or interesting for us to read at this stage of the course?

Class 14: MID TERM EXAMS: 24 hours take-away.

WEEK 8

Class 15: Development and Institutions

Resource:

- Movie: Vox, Divided Land: How Haiti and DR Became Two Different Worlds, <https://youtu.be/4WvKeYuwifc>
- Movie: DW, The New Silk Road, <https://youtu.be/cUxw9Re-Z-E>

Unit 3: Linking Law and Development

[7 classes]

Class 16: The significance and idea of law in development [Asynchronous Class: Reading Assignment only – to be discussed in the next class]

Required readings:

- James Scott, *Seeing Like a State*, Yale U. P., (1998), Introduction and Chapter 1, pp. 1-8, 11-21.
- Hernando de Soto, 'The Costs and Importance of the Law', in *The Other Path* (1996), pp.131-187.

Discussion Questions:

- What, according to Scott, are the four elements necessary for the tragic disasters that he enumerates to occur again? Did you find his identification insightful or problematic? How persuasive did you find his account of scientific forestry and what was the most important takeaway from it for you?
- What resonated for you in de Soto's account of the experiment conducted by the ILD in Peru? How different or similar are conditions of 'informals' in India? Do you agree with the broad thesis advanced by DeSoto?
- How do we read these two analyses together? Are they complementary or are they in tension with each other? What is each author normatively aspiring for?

WEEK 9

Class 17: The significance and idea of law in development (contd.)

Required readings:

- Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (1996) pp. 109-128.

Optional Reading:

- Keally McBride, *Mr. Mothercountry: the Man who made the Rule of Law* (2016), Chapter 1 ("Colonialism and the Rule of Law"), pp. 10-33.

Discussion Questions:

- What do you think is Mamdani's main purpose in writing this chapter? What is the most important lesson you took away from it in relation to the ability of post-colonial legal systems to shake off the yoke of colonial legal orders?

Class 18: Phases of Law and Development

Required readings:

- David M. Trubek & Mark Galanter, ‘Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States, 1974 *Wisconsin Law Review* 1062 (1974). pp 1062-1102. (selected excerpts; to be notified in advance.)
- Carol V. Rose, The “New” Law and Development Movement in the Post-Cold War Era: A Vietnam Case Study, 32 *Law and Society Review* 93 (1998). Pp. 93-140. (selected excerpts; to be notified in advance).

Discussion Questions

- What was the context in which the law and development movement commenced? Please focus on the aspects described by Trubek & Galanter that catalyzed this movement. Similarly, what was the context in which this movement failed and “estranged” its scholars?
- How do we make sense of “liberal legalism” in the modern world?
- In what manner can Rose’s account of LnD in Vietnam help us understand Question 1, above?
- How are the developments of LnD in Vietnam relevant in the Indian context today?

WEEK 10

Class 19: Phases of Law and Development (contd.)

Required readings:

- Alvaro Santos & David M. Trubek, Introduction: The Third Moment in Law and Development Theory and the Emergence of a New Critical Practice, in Alvaro Santos & David M. Trubek eds., *The New Law and Economic Development: A Critical Appraisal* (New York: Cambridge University Press 2006), pp. 1-18.
- David Kennedy, The “Rule of Law,” Political Choices, and Development Common Sense, in Alvaro Santos & David M. Trubek eds., *The New Law and Economic Development: A Critical Appraisal* (New York: Cambridge University Press 2006), pp. 150-163.

Discussion Questions:

- Using Trubek-Santos and the Kennedy reading, try and identify the key elements and constituents of Phase III. Are you persuaded that there are three different phases or can they be understood as two broad phases?

- How do you think India fits into the analysis offered by Trubek-Santos and Kennedy about the phases of LnD in this century? Are there aspects of their analysis that you believe are applicable to economic and political developments in India since 2000?
- Focus on Kennedy's analysis on the 'Rule of Law' as a concept relevant to LnD. Did you find his analysis convincing? Explain your stance with reasons.

Class 20: Rule of law and Development

Required readings:

- Thomas Carothers, The Rule of Law Revival, in Thomas Carothers (ed.), *Promoting the Rule of Law Abroad: In Search of Knowledge* (2006), pp. 1-11.
- Frank Upham, 'Mythmaking in the Rule of Law orthodoxy,' available at: <http://carnegieendowment.org/files/wp30.pdf>, pp. 5-33.

Discussion Questions

- What, according to Carothers, are the reasons for the revival of 'rule of law' discourse in the 21st century?
- What are the criticisms he offers? What are your reasons while agreeing or disagreeing?
- What is Upham's main critique of legal assistance programmes that seek to employ notions of 'rule of law' to bring about reform in developing countries? What is his critique of De Soto's analysis that we read earlier? How do you think Ms Sanderson's case should have been decided?
- Upham is a respected scholar of Japanese law. What did you draw from his analysis of the Japanese legal system's contribution to its economic development in its heyday? What insight did you find most striking in Upham's analysis?

WEEK 11

Class 21: Rule of law and Development (contd.)

Required readings:

- Brian Z. Tamanaha, 'The Primacy of Society and the Failures of Law and Development,' pp. 216-47.

Optional reading:

- Selznick & Nonet, *Law & Society in Transition* (2001), pp. 1-18; 73-104 (Chapter 1 and 4).

Discussion Questions:

- What, according to Tamanaha is the real failure of the different Law and Development movements? What is his critique of contemporary efforts (his piece tackles policies as of 2011) at reviving law and development initiatives?
- What, according to Tamanaha, should be done instead? What is your understanding of Tamanaha's 'connectedness of law' principle? Focus on the section on 'Moving Forward' (pp. 244-47). Do you think his emphasis on 'legal development' as opposed to 'rule of law projects' makes sense and is persuasive?

Class 22: Indicators, Human Rights, and Development

Required readings:

- Kevin Davis et al, Introduction, *Governance by Indicators*, pp. 3-28

Optional readings:

- Sally Engle Merry, *The Seduction of Quantification* (2016), Chapter 1, pp. 1-26.
- Sally Engle Merry, *The Seduction of Quantification* (2016), Chapter 7-8, pp. 161-222.

Discussion Questions:

- What are the main arguments offered by Davis et al?
- How do indicators affect policy and governance? Do they always represent the true and fair analysis of the context?

WEEK 12

Unit 4: East Asian Models of Development

[2 classes]

Class 23: East Asian Models of Development

Required readings:

- Chalmers Johnson, 'Developmental State: An Odyssey revisited', Meredith Woo-Cummings ed, *The Developmental State* (1999), pp. 31-60.

Optional Reading:

- T. J. Pempel, 'The Developmental Regime in a Changing World Economy', Meredith Woo-Cummings ed, *The Developmental State* (1999), pp. 137-181.

Discussion Questions:

- What, according to Johnson, were his motivations in writing about MITI and Japan? What lessons did you take away from his overall analysis?
- How does Johnson identify the main elements of the DS model that he laid down in his volume? How did the critics help him clarify that model and what changes did he add to it in the 1999 version?
- Pempel argues for an understanding of the Developmental Regime as opposed to the DS model. Do you think his analysis improves our understanding of the factors at play? He also extends the range of the DS model to cover Taiwan and South Korea. What are the four puzzles that Pempel draws attention to?
- Pempel's analysis also talks about the kind of welfare state model that was at play in the minds of leaders and political elites in East Asia. Do you think, given the way welfare has been conceived of in India, that model would have been viable in India?

Class 24: East Asian Models of Development (contd.) [Asynchronous Class: Reading Assignment only – to be discussed in the next class]

Required readings:

- Tom Ginsburg, 'Does Law Matter for Economic Development? Evidence from East Asia,' *Law and Society Review* (2000), pp. 829-56

Discussion Questions:

- As Ginsburg reviews the literature on the East Asian developmental state (referring in part to the readings by Johnson and Pempel that we have read), he concludes wryly that : “[t]he law is implicated mainly by its absence in this story.” What does he mean, and do you agree with this analysis?
- Ginsburg argues that there should be emphasis on the political features of a polity when seeking to advance economic development within it. Where does law fit into this

equation? How is law related either to politics or to economics when it comes to development?

- Do you think there are any lessons to be drawn for the Indian legal, economic and political system from the experiences of East Asia generally? What do you think these are?

WEEK 13

Unit 5: Law and Development in India

[8+1 classes]

Class 25: Law and Development in India

Required readings:

- Ronald J. Herring, Embedded particularism: India's failed Developmental State, Meredith Woo Cummings (ed.), *The Developmental State* (Cornell Univ Press), pp. 306-34.

Discussion Questions:

- Do you think Herring is right in characterizing India as a 'failed developmental state'? Did the founding generation of Indian leaders seek to create a developmental state, as we have understood it in the sense used in the last unit, in India? Be prepared to give details in support of your answer.
- Read the statistics in the [here](#) and Herring's section on 'How badly has India done' (pp. 310-313). What do you think is the point that Herring is seeking to make here? Do you agree?
- In 'Conceptualising the Indian State' (pp. 313-16), Herring gives us a bird's-eye view of the perspectives of some reputed scholars on India's political and economic evolution in the post-independence era. Which accounts did you find striking?
- What, according to Herring, are some of the characteristics of the Indian model of economic planning and development, across the ages from the Nehruvian era to the post-1991 changes leading upto 1999 that he describes? He notes several trends and makes comments which are worth thinking about, even if one disagrees. Try and mention which ones you would find stimulating or provocative.

- Do you agree with Herring's diagnosis that India's constitutional democracy and commitment to federalism were important reasons for the failure of the DS model?

Class 26: Law and Development in India (contd.)

Required readings:

- Vivek Chibber, *Locked in Place: State building and late industrialization in India* (Princeton Univ Press: 2003), Chapter 1-2 and Epilogue, pp. 3-48, 248-54.

Optional reading:

- Rahul Mukherji, Political Economy of Growth in Ashima Goyal (ed.), *The Oxford Handbook of the Indian Economy in the 21st century* (Oxford: 2014), pp. 32-49.

Discussion Questions:

- How does Chibber define the question he is focusing upon? How does he say that this claim is different and novel from other enquiries into the issue? (This is important because Chibber is admirably clear about these questions and since all of you are to write dissertations, you may also benefit from being very clear about these issues at the start of your own research).
- What kind of relationship, according to Chibber, is the focus of his analysis and why is it significant? What is your understanding of a good bureaucracy that is required to effect a developmental state?
- Did Chibber's four theses persuade you to his argument?
- Chibber, like Herring, focuses on the Nehruvian State (p. 249) and makes some comparative points. What is your response to his analysis? Why, according to Chibber, does the failure of the Nehruvian developmental state have implications for India in the neoliberal era? Does Chibber make any reference to the law in India? What are the implications of his analysis for law, lawyers and theories of law and development?

WEEK 14

Class 27: Law and Development in India (contd.)

Required readings:

- Kapur and Khosla (eds.), *Regulation in India: Design, Capacity, Performance, The Reality of Indian Regulation*, pp. 3-32.

Discussion Questions:

- Having reflected on the perspectives of law and development so far, do you agree with the approach of Khosla *et al* to construct the reality of Indian regulation?
- What are the key parameters of development lacking in the Indian regulatory approach?

Class 28: Law and Development in India (contd.)

Required readings:

- Niraja Jayal, 'Social Citizenship in a Neo-liberal Age' in *Citizenship and its Discontents- An Indian History*, 2013, pp. 163-98.

Discussion Questions:

- Have we overemphasized 'development'? We can use Jayal's reading to also uncover some assumptions built around the political rhetoric in India.

WEEK 15

Class 29: Law and Development in India (contd.)

Required readings:

- Ajit Menon, Review of Ashish Kothari and KJ Joy (eds.), *Alternative Futures: India Unshackled* (2017), pp. 1-6

Class 30: Law and Development in India (contd.)

Required readings:

- Robi Rado, A tale of India, Diaspora, Development, (2020) Indian Law Review, 31-46.

Discussion Questions:

- Is there a coherent version of ‘development’ possible? Given Rado’s arguments, do you agree that notions about development are always born around economic needs?
- Within the framework of development so constructed, do you think actual development is plausible? How?

WEEK 16

Class 31: Development and International Relations [ASYNCHRONOUS]

Resource:

- Movie: Vox, Divided Land: How Haiti and DR Became Two Different Worlds, <https://youtu.be/4WvKeYuwifc>
- Movie: DW, The New Silk Road, <https://youtu.be/cUxw9Re-Z-E>

Class 32: Revisions

Discussion of the last asynchronous class and revisions.

WEEK 17

End Term Exam: 4 Hour Take Home Exam.

Exam to be released via email and to be uploaded individually on Moodle.