

LW6158E: LAW AND DEVELOPMENT

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Law and Development

Subject Code

LW - Law

Course Number

6158E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW6158C and LW6158E are equivalent courses.

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to provide an understanding of the theoretical and practical issues relating to law and development, the extent to which law as a tool for social engineering has affected development and how far development process has influenced the understanding of law and the interaction among institutions.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Identify, evaluate and synthesize the theoretical framework of issues relating to law and development and in particular their impact on policies.			x	x
2	Explain the relationship between law and development, examine their interaction for the purpose of protecting the rule of law and promoting social and economic development.		x	x	x
3	Identify the legal issues that affect development processes and to assess the implications of law and policy on social and economic development.			x	x
4	Critically assess the international and comparative law framework of the law relating to development.		x	x	x
5	Explain, evaluate and compare issues relating to environment, trade, investment, human rights and governance with a view to critically analysing these issues within the framework of law and development.		x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures/seminars	Lectures/seminars	1, 2, 3, 4, 5	3 hours/week or a total of 39 hours of block teaching

2	Lecture and discussion	Students will be provided with certain reading materials every week that will form the basis for discussions in the seminar each week. While the reading materials that will be given for the purposes of discussions will be essential reading, the students will also be encouraged to identify of their own additional materials relevant to the topic of discussion in a particular seminar.	1, 2, 4, 5	3 hours/week or a total of 39 hours of block teaching
3	Seminar/ presentation/ problem specific debate/tutorial	The seminar discussions will be conducted in an interactive manner. The lecturer will provide an overview of the subject matter of the topics that will be discussed in a particular seminar and the students are expected to participate in the discussion that would follow. The lecturer will be moderating the discussion. The focus on the seminar will be to analyse and critically examine the key issues relating to the topic for discussion on the basis of the arguments given in the reading materials. Students are expected to be prepared for questions and other forms of assessment during the seminars.	3, 4, 5	3 hours/week or a total of 39 hours of block teaching

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3, 4, 5	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Open book Examination: The use of Generative AI tools is not allowed.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles. It is also the purpose of the assessment pattern to assess the ability of students to creatively and critically analyse issues relating to the subject with a holistic perspective of law and development.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Assessment Rubrics (AR)

Assessment Task

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.

Application of legal writing and research skills.

Demonstration of ability to engage in argument-based analysis based on critical thinking.

Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.

Application of legal writing and research skills.

Demonstration of ability to engage in argument-based analysis based on critical thinking.

Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

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Failure

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Assessment Task

Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

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Application of legal writing and research skills.

Demonstration of ability to engage in argument-based analysis based on critical thinking.

Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

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(F) Inadequate

Part III Other Information

Keyword Syllabus

Various dimensions of discourses relating to law and development and their impact on the rule of law, social and economic development, and civic and political culture of the people and also the functioning of the civil society. The role of domestic and international institutions and their impact on law and development from the standpoint of international and comparative law. Issues relating to corruption and good governance, trade and investment and the rule of law in the context of their interaction between law and development.

Detailed Syllabus

- a. Legal Systems in the Developing World: A Critical Appraisal
- b. Development Studies: Theoretical Framework
- c. International Development Law and its Policy Implications
- d. Development Institutions: Domestic, Regional and International
- e. Rule of Law and its Relevance for Social and Economic Development
- f. Law, Development and their Impact on Social and Political Movements
- g. Corruption and its Impact on Development and Governance
- h. Trade, Investment and Development
- i. Corporations as Actors in Development
- j. Law and Development: The Role of International Civil Society

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	David Kennedy, "Law and Developments," in John Hatcher/Amanda Perry-Kessaris (eds.), Law and Development: Facing Complexity in the 21st Century, Essays in Honour of Peter Slinn, (London: Cavendish, 2003)
2	David Trubek "Toward a social Theory of Law: An Essay on the Study of Law and Development," 82 Yale Law Journal 1 (1972)

3	Brian Tamanaha, "The lessons of law-and-development studies," American Journal of International Law, 470, (1995)
4	Amy Chua, "The Paradox of Free Market Democracy: Rethinking Development Policy," 41 Harvard International Law Journal 287 (2000)
5	Amy Chua, "Markets, Democracy and Ethnicity: Toward a New Paradigm for Law and Development," 108 Yale Law Journal 1 (1998)
6	Shinichi Ago, "Economic Development and Social Development: Do the Two Goals Meet?" In IDE Asian Law Series, 1. Manila, 20-21 November: Institute of Developing Economies Symposium: Proceedings of the Roundtable Meeting: Law, Development and Socio-Economic Changes in Asia (2000)
7	John K. M Ohnesorge, "The Rule of Law, Economic Development, and the Developmental States of Northeast Asia," in Christoph Antons (ed.), Law and Development in East and Southeast Asia, (London; New York: Routledge Curzon: IIAS, 2003)
8	Larry Diamond, "The Rule of Law as Transition to Democracy in China," in Journal of Contemporary China, 12(35), pp. 319-331, (2003)
9	Lawrence M. Friedman, "Legal Culture and Social Development," in Lawrence M. Friedman/Stewart Macaulay, Law and the Behavioral Sciences, 2nd ed., (Indianapolis: Bobbs-Merrill, 1977)
10	Lawrence M. Friedman, "On Legal Development," 24 Rutgers Law Review 11-64 (1969)
11	Yash Ghai, "The Rule of Law, Legitimacy and Governance," in International Journal of the Sociology of Law, 14, pp. 179-208, (1986)
12	Balakrishnan Rajagopal, International Law from Below: Development, Social Movements, and Third World Resistance, (Cambridge, U.K. ; New York: Cambridge University Press, 2003)
13	Balakrishnan Rajagopal, "International Law and Social Movements: Challenges of Theorizing Resistance," 42 Columbia Journal of Transnational Law, (2003)
14	Hasmy Agam, "Working with NGOs: A Developing World Perspective - A Cartography of Governance: Exploring the Province of Environmental NGOs," In Colorado Journal of International Environmental Law and Policy, 13(1), pp. 39-48, (2002)
15	James Gathii, "Retelling Good Governance Narratives on Africa's Economic and Political Predicaments: Continuities and Discontinuities in Legal Outcomes Between Markets and States," 45 Villanova Law Review 5, 971, (2000)
16	James Gathii, "Corruption and Donor Reforms: Expanding the Promises and Possibilities of the Rule of Law as an Anti-Corruption Strategy in Kenya," 14 Connecticut Journal of International Law 407, (1999)
17	Tom Ginsburg, "Does Law Matter for Economic Development? Evidence From East Asia (Review)," 34 Law & Society Review 829, (2000)
18	Randall Peerenboom, "Let One Hundred Flowers Bloom, One Hundred Schools Contend: Debating Rule Of Law In China," 23 Michigan Journal of International Law 471, (2002)
19	Rittich Kerry, Recharacterizing Restructuring: Law, Distribution and Gender in Market Reform, (The Hague; Boston: Kluwer Law International, 2002)
20	Rittich Kerry, "Who's Afraid of the Critique of Adjudication? Tracing the Discourses of Law in Development," 22 Cardozo Law Review 929, (2001)
21	Teemu Ruskola, "Conceptualizing corporations and kinship: comparative law and development theory in a Chinese perspective," 52 Stanford Law Review 1599, (2000)
22	Joseph Stiglitz, Globalization and its Discontents, (London: Allen Lane, 2002)
23	David Trubek "Law and Development," in Neil J. Smelser/Paul B. Baltes (eds.), International Encyclopedia of the Social & Behavior Sciences 8443, (Amsterdam; New York: Elsevier, 2001)
24	David Trubek/Yves Dezelay, Ruth Buchanan/John R. Davis, "Global Restructuring and the Law: Studies of the Internationalization of Legal Fields and the Creation of Transnational Arenas," 44 Case Western Law Reserve Journal of International Law 407 (1994)
25	David Trubek "Toward a social Theory of Law: An Essay on the Study of Law and Development," 82 Yale Law Journal 1 (1972)

26	David Trubek/Marc Galanter, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," 4 Wisconsin Law Review 1062 (1972)
27	Online Resources
28	Dani Rodrik, The Global Governance of Trade as if Development Really Mattered, United Nations Development Programme, October 2001
29	Web: http://ksghome.harvard.edu/~drodrik/UNDPtrade.PDF