

**Political Science 114D/ International Relations 114D FALL QUARTER 2005**  
**Democracy, Development and the Rule of Law**

**Lectures are 11-12:15 Tuesdays and Thursdays, Building 200, Room 002,  
with discussion section times to be established.**

*Instructors: Gerhard Casper, Terry Karl, Avner Greif, Larry Diamond, Michael McFaul, and Kathryn Stoner-Weiss (course facilitator) with lectures by other faculty and associated researchers at the Center on Democracy, Development, and the Rule of Law, Stanford Institute for International Studies.*

This course, like the Center on Democracy, Development, and the Rule of Law (CDDRL) itself, is devoted to exploring the links between various components of the establishment of democracy, economic growth and rule of law. We will examine, in particular, how and why democratic, economically developed states arise as well as how rule of law can be established in places where historically it has been largely absent.

As a research community, CDDRL associates generally agree that the establishment of robust political, economic and legal institutions is an important piece in the puzzle of how democratic states are established and economies develop. But what do we mean by institutions exactly? What variation is there in how democracies are organized? What effects do such variations have on political and economic outcomes? How are such institutions built in conflict ridden places like Iraq or Afghanistan, and states in transition from communism like Russia, Tajikistan or perhaps China? How much does history matter or is there a universal formula or set of ideas the international policy community might use to promote democracy, development and the rule of law?

We will take these questions as our starting points in exploring the complex and still poorly understood relationships between democracy, economic growth and law based polities. The course is divided into four parts.

In the first part of the course, we will consider various understandings of democracy, economic development and rule of law as well as different ways in which each has been established institutionally. For example, some polities have elections on a regular basis in which political leaders are chosen, but they cannot necessarily be considered “liberal” democracies because the franchise is somehow limited, or norms of fairness and equal access are not established. Similarly, analysts often talk about the developed versus the developing world, but what do these distinctions mean in practice? How do we measure “development”? Finally, the rule of law is a popular term with international aid organizations, but what is it exactly and what effect does its establishment have on democratic and economic development?

In the second part of the course, we will look at the actual variation in how democracies, market economies and rule of law systems function in practice and what the consequences are of different institutional forms and choices. For example, what effect does the choice of a parliamentary over a presidential system make for the consolidation of a stable democracy? How do decisions about the degree of state regulation in the

market affect economic growth? How do different forms of constitutionalism influence state development?

The third part of the course will look in deeper empirical detail at how democratic systems have come about historically in different parts of the world. We will examine challenges to dominant models of democratization and institutionalization, various experiences in how sovereign states have come to be established, and how markets are built. What is the role of indigenous versus international actors in these processes? How does the European experience compare to those of Asia, Africa, the Middle East and the former Soviet Union, for example?

Finally, in the fourth part of the course, we will look at the available policy instruments commonly used in international democracy, rule of law, and development promotion efforts. What is the role of the United Nations? What is the approach of the United States versus the European Union? What is the role of the World Bank? What is the role of the IMF? What is the function and effect of non-governmental organizations on these processes?

#### COURSE REQUIREMENTS:

- two lectures a week
- take home mid-term examination handed out October 27 and returned in class on November 2. (25%)
- final take home examination handed out December 6 and returned complete on December 8 at our last class (30%)
- research paper of 12-15 pages (Due December 1)(35%)
- mandatory weekly discussion sections (10%)

#### **Required for purchase at the Stanford University Bookstore:**

William Easterly, *The Elusive Quest for Growth: Economists' Misadventures in the Tropics* (MIT Press, 2002). Available in paperback.

*Note that ALL other readings are available through Coursework at*

<https://coursework.stanford.edu> Then go to INTNLREL114D. If you do not already have a Coursework account, you can register at this website. THERE IS NO COURSE READING PACKET.

## **Part 1: Introduction to central concepts and understanding institutional variation**

***Tuesday, Sept. 27 First Meeting*** – Logistics, Introduction to course, Instructions for signing up for tutorials, short lecture on the modern state. (Stoner-Weiss)

### ***Lecture 1(Sept. 29) and Lecture 2 (October 4) Forms of Democracy***

*What is democracy? How do forms of democracy vary? What are the ways in which democracy, development and the rule of law might be linked? What is liberal versus illiberal democracy? (Karl, Diamond)*

*Required reading for both lectures:*

- Larry Diamond, Developing Democracy: Toward Consolidation, Baltimore: Johns Hopkins University Press, 1999. pp. 7-19
- Philippe Schmitter and Terry Karl, "What Democracy Is...and Is Not," Diamond and Plattner The Global Resurgence of Democracy, pp. 49-62
- Larry Diamond and Leonardo Morlino, "The Quality of Democracy: An Overview," Journal of Democracy 15 (October 2004): 20-31.
- Larry Diamond, "Moving up and Out of Poverty," pages 1-11 CDDRL Working Paper, 2004.
- Terry Lynn Karl, "Electoralism: Why Elections are not Democracy," in Richard Rose (ed.), The International Encyclopedia of Elections. (Congressional Quarterly Books), 2000.
- Andres Schedler, "What is Democratic Consolidation?" in Diamond and Plattner, eds., Global Divergence of Democracy.

***Lectures 3 and 4 (October 6 and 11)****What is the rule of law and what are its main institutional forms? What is constitutionalism? What are the links, real and imagined, between rule of law, democracy and development? (Casper and Jensen)*

*Required reading for Lecture 3:*

- Weber, Max. "The Economy and Social Norms" and "Summary of the Most General Relations Between Law and Economy," in *Economy and Society* (Eds. Guenther Roth and Claus Wittich, University of California Press: 1978), p. 311-325, p. 333-337.
- Gerhard Casper, "Constitutionalism" in *Encyclopedia of the American Constitution* 2, ed. Levy, Karst, Mahoney (1986): 473-80; also in *Occasional Papers from The Law School*, No. 22. The University of Chicago, 1987.
- Gerhard Casper, "The Rule of Law – Whose Law?" CDDRL Working Paper, 2004.

*Required reading for Lecture 4:*

- Erik G. Jensen, "The Rule of Law and Judicial Reform: The Political Economy of Diverse Institutional Patterns and Reformers' Responses," pp. 336-381, in Erik G. Jensen and Thomas C. Heller, *Beyond Common Knowledge: Empirical Approaches to the Rule of Law* (Stanford University Press: 2003).

***Lecture 5 (THERE IS NO LECTURE 5 on OCTOBER 13 DUE TO YOM KIPPUR)***

**Lecture 6 (October 18)** *What is development? What are the markers that are used to divide countries into the developed and developing worlds? What sorts of measures do we use in thinking about whether a country is developed or not? Does democracy necessarily go with economic development? What is the line of causality? Is there a correlation between development and the rule of law? (Wacziarg)*

*Required Reading:*

Prologue: The Quest; Pages 1-16 "Why Growth Matters - To Help the Poor"; Pages 217-240 "Governments can Kill Growth" all in: William Easterly in The Elusive Quest for Growth: Economists' Misadventures in the Tropics, MIT Press, 2002.

## **Part II: Institutional Theory and Consequences of Institutional Choice**

**Lecture 7 (Oct. 20)** *Sociological approaches to Institutions (global, logics of appropriateness) (Meyer)*

*Required Reading:*

-John W. Meyer, Globalization: Sources, and Effects on National States and Societies.  
-Ronald Jepperson, "Institutions, Institutional Effects, and Institutionalism." Pp. 143-163 in W. Powell and P. DiMaggio, eds., The New Institutionalism In Organizational Analysis, (U. of Chicago Press, 1991).

**Lecture 8 (Oct. 25)** *Institutions and the development of European markets, democracies and legal traditions (Greif)*

*Required Reading:*

Douglas North, Institutions, Institutional Organization, Chapters 1 and 9.

Greif, Milgrom and Weingast, Coordination, Commitment and Enforcement: The Case of the Merchant Guild

Greif, Institutions and Impersonal Exchange: The European Experience

## **Part III: Historical and Contemporary Cases**

**Lecture 9 (Oct. 27) Example 1 Latin America MIDTERM HANDED OUT IN CLASS**

*Required Reading:*

-O'Donnell, "Delegative Democracy," Global Resurgence

-Terry Lynn Karl, "The Vicious Cycle of Inequality in Latin America," in Susan Eva Eckstein and Timothy P. Wickham-Crowley, (eds.), What Justice? Whose Justice? . Berkeley: University of California Press, 2004.

-Peter Smith, Democracy in Latin America: Political Change in Comparative Perspective (Oxford 2005), chapter 10, 263-285.

-"Democracy's Low Level Equilibrium," (Economist one page article on results of Latinbarometer attitudes:

[http://www.economist.com/world/la/displayStory.cfm?story\\_id=3084404](http://www.economist.com/world/la/displayStory.cfm?story_id=3084404)

**Lecture 10 (Nov. 1) Example 2** *Rule of Law in Asia: Judicial Independence, Economic Growth and Political Stability (Jensen)* **MIDTERM TO BE RETURNED TODAY IN CLASS**

*Required Reading:*

-David Kennedy, "Laws and Developments" in *Law and Development: Facing Complexity in the 21<sup>st</sup> century*, John Hatchard and Amanda Perry-Kessaris, eds., (Cavendish Publishing: January 2003), p. 17-26.

- Andras Sajó, "How the Rule of Law Killed Hungarian Welfare Reform" *5 East European Constitutional Review* 31 (1996), p. 31-36.

-Asian Development Bank's Judicial Independence Study (Asia Foundation: October, 2003), pp. 1-7 at

[http://www.adb.org/Documents/Events/2003/RETA5987/Final\\_Overview\\_Report.pdf](http://www.adb.org/Documents/Events/2003/RETA5987/Final_Overview_Report.pdf)

**Lectures 11 & 12 (Nov. 3 and Nov. 8) Example 3** *Eastern Europe/Former Soviet Union (McFaul and/or Stoner-Weiss)*

*Required Reading for both lectures:*

-Valerie Bunce, "Comparative Democratization: Lessons from Russia and the Postcommunist World," in Michael McFaul, Kathryn Stoner-Weiss, eds., *After the Collapse of Communism: Comparative Lessons of Transition*, (Cambridge: 2004), pp. 207-231.

-Michael McFaul, "The Fourth Wave of Democracy and Dictatorship: Noncooperative Transitions in the Postcommunist World," also in McFaul and Stoner-Weiss, eds., pp. 58-95.

-Vladimir Popov, "Circumstances versus Policy Choice: Why Has the Economic Performance of the Soviet Successor States Been so Poor?" also in McFaul and Stoner-Weiss, eds., pp. 96-129.

-Michael McFaul "Transitions from Postcommunism," *Journal of Democracy*, July 2005.

**Lecture 13 (Nov. 10) Example 4** *Sub Saharan Africa (Weinstein)*

*Required Reading:*

-Robert H. Jackson and Carl G. Rosberg, Jr., "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* 35, 1 (October 1982), 1-24.

-Jeffrey Herbst, *States and Power in Africa* (Princeton University Press, 2000), chapters 1 (pages 11-32) and 9 (pages 251-72).

Part IV: Policy Instruments

**Lecture 14 (Nov. 15)** *International Institutions and Growth Promotion – The World Bank and the IMF; The Washington Consensus (Henry)*

Pages 25-45, Chapter 2 - Aid for Investment and Pages 101-121, Chapter 6 - The Loans That Were, the Growth That Wasn't all in William Easterly, *The Elusive Quest for Growth: Economists' Misadventures in the Tropics*.

Williamson, John (1990). "What Washington Means by Policy Reform" and discussion that follows the article in John Williamson ed. *Latin American Adjustment: How much has happened*, Institute for International Economics, Washington, D.C. pp. 7-38.

Bill Easterly, "A Modest Proposal," Washington Post (review of Jeff Sachs' book and Sachs' response).

<http://www.washingtonpost.com/wp-dyn/articles/A25562-2005Mar10.html>

### **Lecture 15 (Nov. 17)**

*International Law and Democracy (Weiner)*

*Required Reading:*

-Gregory H. Fox, The Right to Political Participation in International Law, in *Democratic Governance and International Law* 48 (Gregory H. Fox & Brad R. Roth eds. 2000). Read pp. 48-69

-Brad R. Roth, Governmental Illegitimacy in International Law (1999).  
Read pp. 321-344

-Charter of the United Nations, available at:  
<http://www.un.org/aboutun/charter/index.html>

Read Articles 1 and 2

-Restatement (Third) of the Foreign Relations Law of the United States (1987).  
Read section 203 and comment e

-International Covenant on Civil and Political Rights, available at:  
[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm) Read Articles 1 and 25

-Human Rights Committee, General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) (1996), available at:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d0b7f023e8d6d9898025651e004bc0eb?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d0b7f023e8d6d9898025651e004bc0eb?OpenDocument)

-Protocol Of Amendments To The Charter Of The Organization Of American States ("The Washington Protocol"), available at:  
<http://www.oas.org/juridico/english/Treaties/a-56.htm>

Read Article 1 (new Article 9 of the Charter of the Organization of American States)

-Organization of American States, Inter-American Democratic Charter, available at:  
[http://www.oas.org/charter/docs/resolution1\\_en\\_p4.htm](http://www.oas.org/charter/docs/resolution1_en_p4.htm)

Read Articles 1-6

### **Lecture 16 (Nov. 22) *The United Nations, Human Rights, and Reconciliation of Conflict Ridden Societies.* (Stacy)**

*Required Reading:*

-Henkin, Neuman, Orentlicher and Leebron, *Human Rights* Foundation Press 1999, pp 320-338

-Alston and Steiner *International Human Rights in Context* (2<sup>nd</sup> Edition) Oxford 2001, pp1216-1247

-Helen Stacy "Western Triumphalism: The Crisis of Human Rights in the Global Era" *Macquarie University Law Review* Vol 2, 193 (2002)

**Lecture 17 (Dec. 1) Iraq (Diamond)**

*Required Reading:*

- Adeed Dawisha, "Iraq: Setbacks, Advances, Prospects," *Journal of Democracy* 15 (January 2004): 5-20.
- Larry Diamond, "Building Democracy After Conflict: Lessons from Iraq," *Journal of Democracy* 16 (January 2005): 9-23.
- James Dobbins, "Iraq: Winning the Unwinnable War," *Foreign Affairs* 84 (January/February 2005): 16-26
- Bathsheba Crocker, "Reconstructing Iraq's Economy," *The Washington Quarterly* 27 (Autumn 2004): 73-93.

**Lecture 18 (Dec. 6) Democracy and Rule of Law Promotion Strategies: The United States vs. EU (Magen)**

*Required Reading:*

- Thomas Carothers "The Question of Strategy" in Aiding Democracy Abroad: The Learning Curve (1999), pp.85-122;
- Paula Dobriansky: "Democracy Promotion: Explaining the Bush Administration's Position" in Thomas Carothers " Critical Mission: Essays on Democracy Promotion (2004), pp. 75-80.
- Antoaneta Dimitrova and Geoffrey Pridham: "International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits" Democratization, vol. 11 no. 5 (December 2004), pp. 91-112
- Timothy Garton Ash: "Europe as Not America" in Timothy Garton Ash Free World: America, Europe and the Surprising Future of the West, chapter 2, pp. 46-84
- Ron Asmus, Larry Diamond, Mike McFaul et al. "A Transatlantic Strategy to Promote Democratic Development in the Broader Middle East" (Spring 2005) *Washington Quarterly*.

*Optional:*

- Richard Youngs: "Democracy and Western Strategic Interests" in Richard Youngs International Democracy and the West (2004) Oxford, OUP, pp. 27-84

**Lecture 19 Dec. 8 – The Role and Efficacy of Non-governmental Organizations in Promoting Democracy, Development, and the Rule of Law**

*Required Reading:*

- Material on OXFAM
- Michael Maren, "The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity."
- Lester Salaman, "The Rise of the Non-Profit Sector," *Foreign Affairs*, July/August, 1994.