

THE FINANCE, ECONOMICS, AND LAW OF FISCAL CRISES

FINANCE 812, LAW 609

Robert Inman (Wharton) and David Skeel (Law School)

COURSE: Our aim in this course is to introduce students to the finance, economics and law of government fiscal crises and the resulting implications for citizens and the private economy. The focus will be on the causes of fiscal crises, a careful detailing of who wins and who loses, and then on how such crises might be resolved and, perhaps most importantly, how they might be prevented in the future. The course will draw upon the the fiscal experiences of US local governments (New York, Philadelphia, Detroit, Orange County, Puerto Rico), utilities (WPPSS) and states (Illinois), and the international experience from such countries as Greece, Brazil, and Argentina. The costs of such crises for citizens, pensioners, and bond holders can be significant. We seek to understand the underlying economic, political, and legal/regulatory causes of such events so that they may be prevented in the future. The importance of private information and public regulation for disciplining the fiscal performance of democratically elected governments will be a central concern. We believe strongly that diagnosing and treating the “disease” of fiscal mismanagement is an interdisciplinary endeavor drawing on finance, economics, political science, and the law. Students with backgrounds in any of these disciplines are welcome.

ASSIGNMENT AND GRADING: Students will be responsible for the readings for each class and will be expected to participate actively in class presentations and discussions. Students will be responsible for a midterm examination (March 25) and two written homework assignments on assigned readings to be completed over the term. Grades will be based upon a mid-term examination covering roughly 2/3's of the course material (65%), one written homework assignment and a class presentation and associated executive summary on a mutually agreed to topic (25%), and overall class participation and attendance (10%). The class presentation will be associated with the material from Sections VI-VIII. The class presentation and executive summary will be by pre-assigned groups (4-5 students each) chosen by us and based on mutual interest in a topic and relative expertise. Most likely one presentation per class.

READINGS: Required and optional readings for each class will be noted before class. Readings marked with an * are more technical and will be summarized in class, but should at least be skimmed for an understanding of their core ideas. We will be available to discuss those readings in detail – with an obvious division of labor. Readings will be made available by us at least one week before the class, most likely sooner.

COURSE SCHEDULE

I. Introduction: Why Should We Care About Fiscal Crises: January 15

II. Economics and Politics of Public Debt

A. Economic Theory of Public Debt: January 22

H. Rosen, *Public Finance*, “Taxation” (Chapter 13); “Debt,” (Chapter 18).

B. Political Theory of Public Debt: January 27, 29

Kriss Sjoblum, “Voting for Social Security,” *Public Choice*, 225-240, 1985.

* Andrés Velasco, “Debt and Deficits with Fragmented Fiscal Policy-Making” *Journal of Public Economics*, 105-125, 2000.

Pierre Yared, “Rising Government Debt: Causes and Solutions for a Decade-Old Trend,” *Journal of Economic Perspectives*, 2019.

Jagadeesh Gokhale and Kent Smetters, “Fiscal and Generational Imbalances: An Update,” *Tax Policy and the Economy*, 2006.

III. How to Cause a Fiscal Crisis February 3, 5, 10, 12

A. Economics Causes of Fiscal Crises:

Thomas Sugrue, *Origins of the Urban Crisis*, Introduction, Chapters 1 and 5.

B. Political Causes of Fiscal Crises

Robert Inman, “Anatomy of a Fiscal Crisis,” *Business Review: Federal Reserve Bank of Philadelphia*, 1983.

Robert Inman, “How to Have a Fiscal Crisis,” *American Economic Review*, May, 1995.

C. Financial Causes of Fiscal Crises

Philippe Jorion, *Derivatives and Bankruptcy in Orange County: Big Bets Gone Bad*, Chapters 10, 13, 14.

Joshua Rauh, “Hidden Debt, Hidden Deficits: 2017 Edition,” Hoover Institution. 2019.

* M. Azzimonti, E.D. Francisco, V. Quadrini, “Financial Globalization, Inequality, and Rising Public Debt,” *American Economic Review*, August, 2014.

D. Legal Causes of Fiscal Crises

David Shleicher, “Stuck! The Law and Economics of Residential Stagnation,” *Yale Law Journal*, 2017, pp. 78-154.

Thomas Fitzpatrick & Amy Monahan, “Who’s Afraid of Good Governance? State Fiscal Crises, Public Pension Underfunding, and the Resistance to Governance Reform,” *Florida Law Review*, 2014

IV. Consequences of a Fiscal Crisis: February 17, 19, 24

A Economic Consequences

* Andrew Haughwout and Robert Inman, “Fiscal Policies With Firms and Households in Open Cities with Firms and Households,” *Regional Science and Urban Economics*, April, 2001.

B. Fiscal Consequences

New York City: Martin Shefter, *Political Crisis, Fiscal Crisis: The Collapse and Revival of New York City*, Chapter 6: “The Fiscal Crisis and Its Budgetary Consequences.”

Detroit: Melissa Jacoby, “Federalism Form and Function in the Detroit Bankruptcy,” *Yale Journal on Regulation*, 2016.

* *Greece*: Pierre-Olivier Courinchas, Thomas Phillipon, and Dimitri Vayanos, “The Analytics of the Greek Crises,” *NBER Macroannuals*, 2016.

Puerto Rico: The Fiscal Plan for Puerto Rico: Restoring Growth and Prosperity, May, 2019.

C. Financial Consequences

Edward Gramlich, “New York City Fiscal Crisis: What Happened and What Is to Be Done?” *American Economic Review*, May, 1976.

Josefin Meyer, Carmen Reinhart, Christoph Trebesch, “Sovereign Bonds Since Waterloo,” NBER Working Paper, 25543

*Franklin Allen and Douglas Gale, “Financial Contagion,” *Journal of Political Economy*, 2000.

V. Managing a Fiscal Crisis: February 26, March 2, 4, 16, 18

A. Austerity

Alberto Alesina, Carlo Favero, Francesco Giavazzi, “Effects of Austerity: Expenditure-Based and Tax-Based Approaches,” *Journal of Economic Perspectives*, Spring, 2019.

Alberto Alesina and Dorian Carloni, and Giampaolo Lecce, “The Electoral Consequences of Large Fiscal Adjustments,” in *Fiscal Policy After the Financial Crisis*. NBER WP 17655.

Pablo Gluzmann, Martin Guzman, and Joseph Stiglitz, “An Analysis of Puerto Rico’s Debt Relief Needs to Retore Debt Sustainability,” NBER WP 25256, November, 2018.

B. Bailouts:

Robert Inman, “Transfers and Bailouts,” in Rodden (ed.) *Fiscal Decentralization and the Challenge of Hard Budget Constraints*, 2003, pp. 35-54. .

Adam Levitin, “In Defense of Bailouts,” *Georgetown Law Journal*, 2011.

C. Bankruptcy

Clayton Gillette and David Skeel, “Governance Reform and the Judicial Role in Municipal Bankruptcy,” *Yale Law Journal*, 2016.

Expert Report of Martha E.M. Kopacz Regarding the Feasibility of the City of Detroit Plan of Adjustment, 2014.

MIDTERM EXAMINATION COVERING SECTIONS I-V, March 25

VI. Preventing a Fiscal Crisis I: Information March 30, April 1, 6, 8

A. Accounting Standards

Andrew Haughwout and Robert Inman, “The How’s, Why’s, and Consequences of State and Local Deficits,” in *Gathering Storm: The Risks of State Pension Underfunding*.

Government Accounting for Fixed Assets: GASB Guidelines for Your Organization..

W. B. P. Robson and Farah Omran, “From A to F: Grading the Fiscal Transparency of Canada’s Cities, 2019.” CD Howe Institute.

B. Rating Agencies

Standard and Poors, *Guide to Credit Ratings Essentials*.

Lawrence White, “Credit Rating Agencies: An Overview,” *Annual Review of Financial Economics*, 2013.

J. Leigland and R. Lamb, *Who Is to Blame for the WPPSS Disaster*, Chapter 1, and pp. 115-130. .

* Konrad Stahl and Roland Strausz, “Certification and Market Transparency,” *Review of Economic Studies*, pp. 1842-1868, 2017.

C. Market Information and Fiscal Efficiency:

Itay Goldstein and Haresh Sapra, “Should Banks’ Stress Test Results be Disclosed? An Analysis of the Costs and Benefits,” *Foundation and Trends in Finance*, 2013. (As you read this article, substitute the word “government” for “bank” and it will be a perfect fit for our agenda.)

* Itay Goldstein and Liyan Yang, “Information Disclosure in Financial Markets,” *Annual Review of Financial Economics*, 2017.

Robert MacKay, “Implicit Debt Capitalization in Local Housing Prices: An Example of Unfunded Pension Liabilities,” *National Tax Journal*, 2014.

D. Transparency and Political Accountability

James Naughton and Holger Spamann, “Fixing Public Sector Finances: the Accounting and Reporting Lever,” *UCLA Law Review*, 2015.

“Mendoza Model: The Wine-Growing Province Offers Lessons on How to Reform,” *Economist*, March 30, 2019

VII. Preventing a Fiscal Crisis II: Regulation April 13, 15

A. Balanced Budget Rules and Rainy Day Funds

Robert Inman, “Do Balanced Budget Rules Work? US Experience and Possible Lessons for the EMU,” in Horst Siebert (ed.), *Quo Vadis Europe*.

PEW Foundation, “The Future of Fiscal Oversight in Philadelphia: PICA.”

Philip Joyce, “What’s So Magical About Five Percent? A Nationwide Look at Factors That Influence the Optimal Size of State Rainy Day Funds,” *Public Budgeting and Finance*, Summer, 2001.

B. Takeover and Oversight

Clayton Gillette, “Dictatorships for Democracy: Takeovers of Financially Failing Cities,” *Columbia Law Review*, 2014.

VIII. Investing in Distressed Credits April 20, 22

A. Predicting a Crisis

Xavier Debrun, et. al. “Public Debt Sustainability,” in Rogoff (ed.) *Sovereign Debt: A Guide for Economists and Practitioners*.

Pierre-Olivier Courinchas, Thomas Phillipon, and Dimitri Vayanos, “The Analytics of the Greek Crises,” *NBER Macroannuals*, 2016.

B. Predicting a Bailout:

Robert Inman, “Transfers and Bailouts,” in Rodden (ed.) *Fiscal Decentralization and the Challenge of Hard Budget Constraints*, 2003.

Jonathan Rodden, “Federalism and Bailouts in Brazil,” in J. Rodden (ed.), *Fiscal Decentralization and the Challenge of Hard Budget Constraints*.

C. Predicting a Settlement

Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, Sept. 27, 2019

Robert Inman, “The Allocation of Settlement for Defaulted WPPSS 4/5 Bonds.”

Donald Keim, “The Risk and Return Characteristics of WPPSS 4/5 Bonds.”