The Institutions of Justice and Democracy in Latin America
LM0151 S0061

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Spring Semester

Schedule: Wednesday, 3-5:20 pm.
Location: SAYLES-306.

The course will examine the relationship between democracy building and the Institutions of Justice in Latin America. We will address issues of human rights violations, globalization and its threats, and the challenges that Latin American regimes face to build democratic institutions and the rule of Law.

What is the relationship between justice and democracy in contemporary Latin America? Although political liberties associated with democracy (i.e., rights of suffrage, association and freedom of speech) have been secured in many Latin American countries, the systematic violation of human rights by governments still poses a major challenge to democracy across the region. Moreover, many Latin American countries continue to suffer from high levels of economic inequality, social exclusion, and discrimination along ethnic, racial, and gender lines. The “liberal” tradition, and more conservative conceptions of justice in Latin America, advocate for a “culture of legality” and the “rule of law”. From this perspective, justice should be based on neutrality, fairness, and objectivity. Yet is it possible to construct neutral and fair institutions of justice in the face of high levels of economic inequality and social exclusion? This course explores alternative positions on this question by focusing on the normative and sociological literature on institutions of justice in Latin America.

The course also examines a range of other issues of justice in Latin America related to gender, family, the organization of work, the expanding power of global and corporate capitalism. We will analyze how Latin American institutions respond to these challenges.

Seminar Format

For each session one or two students will be in charge of co-leading the discussion, including the posting of questions about the reading. We will begin each session with an introduction to the readings, providing the general background on the topic in question. The rest of class time will be devoted to group discussion.

For some specific sessions we will develop an exercise based on the literature, such as comparing constitutional arrangements for justice. For every assignment, I will provide specific guidelines during the class.
**Evaluation**

Participants are required to achieve the following:

Two assignments.

1st. Writing assignment 20% (5-8 pages long)
2d. Writing assignment 20% (5-8 pages long)

One research paper 40% due at the last class (20-30 pages)
- Topic on 3rd. week of the course
- Outline on 6th week
- Draft by Mid April

Participation and presentation in class 20%

Research paper due Friday, May 11th.

**Required Readings for the Course**

Readings are assigned for each seminar session in the semester. All students must read the required assignments for every week. Recommended readings will be useful for preparing class presentations and assignments. I have suggested some readings in Spanish to provide students with a broader view of the literature not available in English. I encourage students to read them because they also offer a genuine vision of Latin America. There is, however, is no language requirement.

**List of sessions**

**Session 1. Wednesday, January 24th, 2007**

**Introduction: Institutions of Justice, Individuals, Peoples and States Human Rights and Democracy.**

**Required Readings:**


Recommended readings:


Session 2. Wednesday, January 31st, 2007

Conceptions of Law, Justice and Democracy, I.

The Rule of Law and the institutions of justice.

Required Readings:


Recommended readings.


Conception of Law, Justice and Democracy, II.

Comparative Constitutional Provision for Justice

Writing Assignment: Select a constitution from one Latin American country and write a three pages essay, describing, the political rights of its citizens, the definition and limits of the Judiciary and the institutions that enforces rights.

In this class students must present selection of topic for class presentation.

Required Readings:
Latin American Constitutions in…
http://www.georgetown.edu/LatAmerPolitical/home.html


Recommended readings:

Hilbink, Lisa. “An Exception to Chilean Exceptionalism? The Historical Role of Chile’s Judiciary”. In, Eckstein, Susan Eva & Timothy P. Wickham-Crowley Struggles for Justice in Latin America.

Global (In)Justice and the State
Domestic institutions, local state
Globalization, Justice and the state
**Required Readings:**


**Recommended readings:**

Maxwell, Kenneth. "The case of the missing letter in Foreign Affairs: Kissinger, Pinochet and Operation Condor". Cambridge, MA: David Rockefeller Center for Latin American Studies (DRCLAS), Harvard University, c2004. 30 p. (David Rockefeller Center for Latin American Studies. Working papers on Latin America ; no. 04/05-3 )


**Session 5. Wed. Feb. 21st.**
*Justice outside the State.*
- “Private justice”
- Indigenous traditions as institutions of justice
- Policing in Latin America (Public and private)

**Required readings:**
Nash, June, “The War of the Peace: Indigenous Women's Struggle for Social Justice in Chiapas, Mexico” In, Eckstein, Susan Eva & Timothy P. Wickham-Crowley Struggles for Justice in Latin America


In this class students must deliver their selection of topic and outline for research paper.

**Session 6. Wed. Feb. 28th.**
*Discipline and justice: Institutions of “order”, punishment and Justice I.*
- Militarism, authoritarianism and justice
- Illegal state actions
- War, Terrorism

**Required readings:**

Payne, Leigh A. *Perpetrators’ Confessions: Truth, Reconciliation, and Justice in Argentina*.


**Recommended readings:**


Session 7. Wed. March 7th.
Discipline and justice: Institutions of “order”, punishment and Justice II.
Police
Prisons
Globalization, illegal activities, international crime and justice

Required readings:
Human Rights Watch Prison Project, Prisons in Latin America and the Caribbean.


**Recommended readings:**


States and illegal practices. Published: Oxford; New York : Berg, 1999.*


**Session 8. Wed. March 14th.**
**Justice and Markets**
- Global economy,
- International Corporations
- Labor
- Immigration

**Required readings:**


**Recommended readings:**


Block, Alan A. and Constance A. Weaver. “All is clouded by desire: global banking, money laundering, and international organized crime”. Westport, Conn. : Praeger, 2004


Social Movements and “Popular Justice”


Palmer, David Scott, Citizen Responses to Conflict and Political Crisis in Peru: Informal Politics in Ayacucho. In, Eckstein, Susan Eva & Timothy P. Wickham-Crowley Struggles for Justice in Latin America

Justice and the Family
Justice and Gender

Required readings:


Date for 2d. Writing assignment.

**Recommended readings:**
Lynn, Stephen, Women and social movements in LA, power from bellow.


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**Session 10. Wed. April 4th.**

**Inequality, poverty and justice**

**Required readings:**

Oxhorn, Philip. Social Inequality, Civil Society, and the Limits of Citizenship of Latin America. In, Eckstein, Susan Eva & Timothy P. Wickham-Crowley Struggles for Justice in Latin America

Terry Lynn Karl. “The Vicious Cycle of Inequality in Latin America” in Eckstein & Wickman Ibid.

**Recommended readings:**


Immigration and justice, global citizens
Religion and Justice


Session 12. Wed. April 18th.
Multiculturalism, Minorities, Law and Justice.

Required readings:


Deadline for delivery of Research Paper draft.

Recommended readings:


Session 13th. Wed. April 25th.
Concluding remarks, Justice and Democracy

Representation
Quality of Democracy
Human Rights
Required readings:


Recommended readings:
Cohen, Joshua, “Minimalist about Human Rights?”.
Popkin, Margaret. Peace Without Justice: Obstacles to Building the Rule of Law in El Salvador.
Edelstein, Joel C. The Future of Democracy in Cuba: Debates.

Final, Research paper due Friday, May 11th.