Instructor:  Farid Samir Benavides Vanegas  
Off. Hrs.: Monday and Wednesday 12:00 p.m. – 1:00 p.m.  
Gordon Hall 121, Phone 413-545-2001  
fbenavid@legal.umass.edu

Overview:  The system of law in Latin America is different from the one we have in the United States. Whereas in this country there is a system of common law, in Latin America the system is predominantly based on the civil law or continental tradition. This different system of law leads to a different relationship between law and society. At the same time, the position of Latin American countries in the world-system means that there are other elements that need to be analyzed to understand the particular configuration of law and society in the region. Things like colonialism, the development project, globalization, Indians rights, Afro-descendant peoples are necessary to understand the differences between Latin America and the United States in terms of the relationships between Law and Society.

Week 1.  Introduction.  What is Latin America?

Sept 8.  Introduction

Sept 10.  The civil law tradition and the Spanish heritage  
Reading.  Mirow (Web Page)

Week 2.  Law and Colonial Relations in Latin America

Sept 13.  Law under the Spanish Crown  
Reading.  Scardaville.  1 – 17 (Reserve)

Sept 15.  Law and the Latin American Nation  
Reading.  Maurer 256 - 287/ Messick.  637 –659 (Reserve)

Sept 17.  Indian Lands and the law  
Reading.  Sierra.  227 – 255 (Reserve)

Week 3.  Race, Slavery, and Indigenous peoples in Latin America

Sept 20.  The discourse of justification of Slavery.  
Reading.  Obregon (Reserve)

Sept 22.  Critiques to Slavery in the juridical discourse  
Reading.  Obregon (Reserve)

Sept 24.  Land, citizenship, and Identity.  
Reading.  Schryer.  197 – 214 (Reserve).
Week 4. Law, development and legal imperialism

Sept. 27. The Alliance for Progress
Reading. Benavides (WP)

Sept. 29. 1st Quiz.
Legal Reform
Reading. Gardner. 3-34 (Reserve)

Oct. 1. Critiques to law and development
Reading. Snyder. 723-804 (Reserve)

Week 5. The Police

Oct. 4. Police Reform and democratization
Reading. Fruhling. 15-44 (Reserve)

Oct. 6. Police Misconduct
Reading. Chevigny. 45 – 68 (Reserve)

Oct. 8. Insecurity and Fear
Reading. Smulovitz. 125 – 152 (Reserve)

Week 6. The Prison in Latin America.

Oct. 11. NO CLASS

Oct. 13. The dangerous classes and the prison system
Reading. Salvatore and Aguirre 1 – 43 (Reserve)

Oct. 15. The prison in Latin America
Reading. Salvatore and Aguirre 1 – 43 (Reserve)

Week 7. Law and Dictatorship: the state of exception

Oct. 18. State of Exception in Latin America
Reading. Negretto & Aguilar Rivera. (WP)

Reading. Snyder (WP)

Oct. 22. Transition to democracy and the authoritarian past
Reading. Nino (WP)

Week 8. Latin American Women and Law

Oct. 25. Quiz No. 2
Abortion and Infanticide.
Reading. Ruggiero. 149 – 166. (Reserve)

Oct. 27. Women and Prostitution
Reading. Rivera – Garza 147 – 180 (Reserve)
Oct. 29. Gender and War
   Reading. Nelson (WP)

Week 9. Guerrillas, Law, and Institutions

Nov. 1. The rebel as terrorist: Colombia
   Reading. Crandall (WP)

Nov. 3. Shining Path and the Peruvian case
   Reading. Weinstein (WP)

Nov. 5. Argentina on the couch.
   Reading. Ablard (Reserve)

Week 10. Law and Sex in Court

Nov. 8. Contested visions of homosexuality.
   Reading. Buffington 130 – 140. (Reserve)
   Lopez Vicuna. 238 – 253 (Reserve)

Nov. 10. Machismo in Court
   Reading. Morgan (WP)

Nov. 12. Civil Unions for homosexuals in Colombia
   Reading. Newspapers articles (WP)


Nov. 15-17-19 Film: La virgen de los Sicarios.
   Reading. Alma GuillermoPrieto. 219 – 240 (Reserve)

Week 12. Indigenous peoples, coca, cocaine, and law.

Nov. 22. Quiz No. 3
   Indian Rights in Mexico: the Zapatista project
   Reading. Shannon (WP)

Nov. 24. Between Coca and Cocaine.
   Readings. Gootenberg (WP)

Nov. 26 NO CLASS

Week 13. Human Rights: the Pinochet case

Nov. 29. State Terrorism
   Reading. Ortiz (WP)

Dec. 1. The Chilean Dictatorship
   Reading. Wilson (WP)
Dec. 3. The Pinochet Trial.
   Reading. Wilson (WP)

**Week 14. Lawyers and the neoliberal project.**

Dec. 6. The return of law and development
   Reading. Rodriguez 13 – 42. (Reserve)

Dec. 8. Lawyers and Judicial Reform.
   Reading. Dezalay. 220 – 245 (Reserve)

Dec. 10. Quiz No. 4
   Law in Latin America: Between Liberalism and Neoliberalism.
   Reading. Adelman & Centeno. 139 – 161 (Reserve)

**Week 15. General Review**

Dec. 13
   FINAL CLASS.

Grading.

1. In this course you have to write 1 final paper of five (5) pages. In the paper you have to present a thesis about one of the topics of the class and defend it throughout the paper. This means that you have to give reasons and arguments and not just your personal opinion. **THE PAPERS ARE DUE ON DECEMBER 13TH.**

2. Every student has to present on one of the topics of the course. You will need to talk to the instructor for orientation to get the material for the presentation. During your presentation you will talk about the texts and introduce interesting questions that lead the discussion. Before the class you will distribute an outline in which you present the main ideas for discussion.

3. There will be four (4) quizzes that will cover the material of the course until the day of the class in which the quiz will take place. Each quiz will be worth 10% of the final grade.

4. The final exam will cover all the discussion from class. Unless you have a good excuse, there will not be any make up for the exam.

The final grade will be calculated in the following way:

1. Paper 20%
2. Presentation 20%
3. Quizzes 40%
4. Exam 20%

The readings of the class will be on electronic reserve. For those on Reserve the password is LATINAMERICA. Those on the webpage go to [www.umass.edu/legal/benavides](http://www.umass.edu/legal/benavides) and look for the readings of this class.