Overview.- Latin America is depicted in the movies and some studies as if it were a unified region. Besides other misconceptions about this world region, there is a perception of Latin America and its peoples as sharing the same identity and the same history. In the United States, people from Latin America are called Latinos, Spanish, Hispanic, regardless of the particular place from which they come, and the very same word LATIN AMERICA conflates the different identities and stories existing in this region. However, language, law, and colonial relations are similar, and they are important to understand what it is this place we call Latin America. By analyzing Latin American law we can understand many of the colonial relations still existing in the region, the crisis of democracy, the particular relationship with the United States, problems like the drug trade and, currently, the effects of globalization in these countries’ political and economic systems. In this class we will analyze some aspects of these problems and we will read articles that show the connections between law and political, economic, and sociological aspects of the region.

Week 1. Introduction to the Class.

Jan. 26. Introduction to the Class.

Week 2. The Idea of Latin America.

Jan. 31. Modernity and Eurocentrism
Reading.

Enrique Dussel (WP)
Eurocentrity and Modernity.
Boundary 2 Vol. 20 No. 3 (1996)

Feb. 2. The idea of Latin America and the Modern World System
Reading.

Julio Ramos (Reserve)
Hemispheric Domains: 1898 and the Origins of Latinamericanism.

Week 3. The Spanish Conquest and the coloniality of power

Feb. 7 The debate about the Spanish conquest
Reading.

Jose A. Fernandez-Santamaria (WP)
Juan Gines de Sepulveda on the nature of the American Indians
The Americas Vol. 31 No. 4 (1975)
Feb. 9  The justifications of slavery in the new World
Reading.

Liliana Obregon (WP)
Spanish Colonial Critiques of African Enslavement
Beyond Law 24 (2002)

Week 4. Law and the colonization project

Feb. 14 Spanish Law and Sovereignty
Reading.

Lauren Benton. (Reserve)
Constructing Sovereignty: Extraterritoriality in the Oriental Republic of Uruguay.
In Law and Colonial Cultures (2001).

Feb. 16  Law and liberal reform in 19th century
Reading.

David Bushnell and Neill Macaulay (Reserve)
The Heyday of Liberal Reform in Spanish America (1850-1880)
In The Emergence of Latin America in the Nineteenth Century (1994).

Week 5. Citizenship, Nationality, and Identity

Feb. 21. President’s Day. No Class.

Feb. 23. 1st Quiz
Blacks and Indigenous peoples after Independence
Reading.

Farid Samir Benavides-Vanegas (WP)
The inclusive/exclusive Nation: Blacks and Indigenous peoples in the construction of the
nation in Colombia

Week 6. The Development Project

Feb. 28. The Development Project and the Alliance for Progress
Reading.

Philip McMichael.(Reserve)
The Development Project

March 2. Legal Reform and Legal Imperialism: the law and development movement
Reading.

John Merryman (WP)
Law and Development Memoirs II: SLADE
Week 7. The Exception as the norm

March 7 The Rule of Law and the exception.
Reading.

Gabriel L. Negretto and Jose Antonio Aguilar Rivera (WP)

March 9 1st PAPER IS DUE
Constitutional dictatorship
Reading.

J. Mark Ruhl. (WP)
Curbing Central America Militaries

Week 8. Spring Break.

March 14. No Class

March 16. No Class

Week 9. Terrorism and Law

March 21 2nd quiz
Guerrilla war and terror: FARC and Shining Path
Reading.

Deborah Poole and Gerardo Renique (WP)
Terror and The Privatized State: a Peruvian parable.
Radical History Review 85 (2003)

March 23 State Terror: Argentina and Chile
Reading.

Allison Brysk. (WP)
Recovering from State Terror: The morning after in Latin America

Week 10. The Andean Region and the Drug Trade

March 28 Film on Plan Colombia

March 30 Coca and Cocaine: the Andeanization of the drug problem.
Reading.

Bruce Michael Bagley  (Reserve)

**Week 11. Democracy and Law: the aftermath.**

April 4 Human Rights as Development Reading.

Hans Otto Sano (WP)
Development and Human Rights. The necessary but partial integration of human rights and development.
In Human Rights Quarterly 22 (2000).

April 6 Transitional Justice. The truth Commission in El Salvador and Chile Reading.

Mark Ensalaco. (WP)
Truth Commissions for Chile and El Salvador. A report and assessment.

**Week 12. Justice, Legality, peace.**

April 11. Pinochet and the Argentinean junta on trial Reading.

Madeleine Davis. (Reserve)
Law and Politics in the Pinochet Case
In The Pinochet Case (2003).

April 13. The limits of international law in the peace process in Colombia Reading.

Jorge I. Esquirol. (WP)

**Week 13. New subjects: Sex in Court**

April 18. Patriot’s Day. No Class.

April 20 Machismo in Court: Women’s rights Reading.

Martha Morgan. (WP)
Taking Machismo to Court: The Gender Jurisprudence of the Colombian Constitutional Court
April 21 (Monday Schedule). Gay movements in Latin America
Reading.

James Green and Florence Babb. (WP)
Introduction to Latin American Perspectives 123 (2002).

Week 14. The rule of law and judicial reform

April 25 Judicial Reform.
Reading.

Luis Salas (Reserve)
From Law and Development to Rule of Law: New and Old issues in Justice Reform in Latin America
In Pilar Domingo, ed. The Rule of Law in Latin America (2001).

April 27 Alternative models: Venezuela and Cuba
Reading.

Gregory Wilpert (WP)
Collision in Venezuela

Week 15. Globalization and the new development project

May 2 Indigenous peoples and the Globalization project
Reading.

Jean Jackson (Reserve)
Caught in Crossfire: Colombia’s Indigenous peoples during the 1990s.

May 4 Neoliberalism and Constitutionalism in Peru
Reading.

Teivo Teivanen (Reserve)
Enter Economism exit politics (2002).
Ch. 10 – 12.


May 9. 2nd PAPER IS DUE
The rule of law and neoliberal globalization
Reading.

Erika Marquez& Farid Benavides (WP)
Law, Developments, and the Coloniality of Power

May 11. 3rd Quiz.
Grading.

1. In this course you have to write 1 paper of five (5) pages. 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 March 9th.**

2. You have to write a reaction paper to any of the topics of the class. However, to do so, you have to read the article, present the main argument and then defend your own position on the topic. You have to provide current information that supports your argument. Your personal opinion is not enough to support your position. **THIS PAPER IS DUE ON MAY 9TH.**

3. There will be two (2) 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. Participation in class is very important. Come to class every day and be ready to discuss the readings with your classmates.

5. Extra-credit assignments will be allowed to improve the final grade.

The final grade will be calculated in the following way:

- 1. Paper 30%
- 2. Reaction Paper 30%
- 3. Quizzes 20%
- 4. Participation 20%

The readings of the class will be on electronic reserve. For those on Reserve the password is latinam (in lower case). Those on the webpage go to [http://www.umass.edu/legal/Benavides/index.htm](http://www.umass.edu/legal/Benavides/index.htm) and look for the readings of this class.