

Introduction to Latin America Legal Culture 2009 Syllabus Version 8

Monday, May 25, 2009

10:00 a.m. – 12:00 a.m. An Introduction to Chilean Legal Culture, A Lecture by
Professor James Cooper

1. The Chilean Exception: Reforms, Rule of Law, and the Region
 - Pre-Independence
 - The National Period
 - The Immigrant Nation
 - The Pacificación of Araucanía
 - Civil War, Political Institutions and the Struggle over Liberalism

2. U.S. Involvement in Chilean Politics:
 - The Monroe Doctrine and the Roosevelt Corollary
 - President John F. Kennedy's Alliance for Progress
 - The Nixon Years: The Other 9/11
 - Jimmy Carter's Human Rights-based Foreign Policy
 - President George W. Bush and Free Trade (Scenes from the APEC Conference in Santiago)

3. The Pinochet Years

4. Concertación and the Politics of National Conciliation

Required Reading:

Ariel Dorfman, *Why Chile is Hopeful*, Sept. 11, 2004, available at <http://query.nytimes.com/gst/fullpage.html?res=9C0DE3DD1230F932A2575AC0A9629C8B63> (last visited on May 18, 2009).

David Rieff, *After the Caudillo*, N.Y. TIMES, Nov. 18, 2007, found at <http://www.nytimes.com/2007/11/18/magazine/18bachelet-t.html?ex=1353733200&en=244b1bd7d035e298&ei=5124&partner=permalink&exprod=permalink> (visited on Nov. 27, 2007).

Carolyn Curiel, *Hello, Neighbor*, Books Section, N.Y. TIMES, Feb. 3, 2008, found at <http://www.nytimes.com/2008/02/03/books/review/Curiel-t.html?ex=1202533200&en=8dcfb2e7865f1496&ei=5070&emc=eta1>

Eric Hershberg & Fred Rosen, *Turning the Tide?*, in *LATIN AMERICA AFTER NEOLIBERALISM: TURNING THE TIDE IN THE 21ST CENTURY* 1-25 (2006) (edited by Eric Hershberg & Fred Rosen).

12:15 – 1:55 p.m. International Environmental Law

2 p.m. Lunch at Heidelberg Center/Administrative Meeting

Tuesday, May 26, 2009

9 a.m. A Visit to Parque de Paz, ex-Villa Grimaldi and Lecture by Pedro Matta

Parque de Paz, ex-Villa Grimaldi
Avenida Jose Arrieta 8.401
La Comuna de Peñalolen
Santiago de Chile

Required Reading:

PEDRO ALEJANDRO MATTA, *VILLA GRIMALDI, A VISITOR'S GUIDE* (2000).

Michael Samway, *Access to Justice: A Study of Legal Assistance Programs for the Poor in Santiago, Chile*, 6 *DUKE J. COMP. & INT'L L.* 347-69 (1996)

12:30 p.m. Lunch at Café Bocato, near the Heidelberg Center

2:00 – 3:40 p.m. International Environmental Law with Professor Ruffinelli

Wednesday May 27, 2009

10 a.m. – 12:00 p.m. *Chile as the Exception in Latin America*, A Lecture by Prof. James Cooper

The classic distinction: Market economies versus planned, state-centric economies
The New International Economic Order 1974
Chile as Laboratory for Globalization
Chicago Boys: The Free Markets of Pinochet
Sequencing: Economic Reforms First
Middle Class and Medicated
The Rule of Law as the Dialtone for Globalization
Access to Justice Denied – Classicism/Economic Castes
The Bilateral Free Trade Agreement with the U.S.

The Primacy of Foreign Direct Investment and Export Led Growth
The Calvo Doctrine, BITs, FTAs, Investments and NAFTA Chapter 11

Required Reading:

James Cooper, *Look South, Not Just East: Re-engaging Latin America*, SAN DIEGO UNION TRIBUNE, Dec. 14, 2005, available at http://www.signonsandiego.com/uniontrib/20051214/news_lz1e14south.html (last visited on May 18, 2009).

James Cooper, *U.S. is Not the Only Trading Game for Latin America*, SAN DIEGO UNION TRIBUNE, Sept. 28, 2008, available at http://www.signonsandiego.com/uniontrib/20080928/news_lz1e28cooper.html (last visited on May 18, 2009).

James M. Cooper, *Spirits in the Material World: A Post-Modern Approach to United States Trade Policy*, 14 AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW 957 (1999).

GREG GRANDIN, THE EMPIRE'S WORKSHOP 159 – 175 (2007).

12:15 p.m. - 2:05 p.m. International Environmental Law– Prof. Carlos Ruffinelli

Thursday, May 29, 2009

10 a.m. Intro Course: Tour of Chilean Supreme Court

Meet at the Mapuche Sculpture in the Plaza de Armas
Tour of Supreme Court
Peruvian Moment/Museo Pre-Colombiano
Ministry of Justice/Palacio Moneda Cultural Center

Required Reading:

Jorge Correa Sutil, *Judicial Reforms in Latin America: Good News for the Underprivileged?*, in THE (UN)RULE OF LAW & THE UNDERPRIVILEGED IN LATIN AMERICA 255-277 (Juan E. Méndez, Guillermo O'Donnell, & Paulo Sérgio Pinheiro eds, 1999).

Jorge L. Esquirol, *The Failed Law of Latin America*, 56 AM. J. COMP. L. 75-124 (2008).

12:15 p.m. – 2:05 p.m. International Environmental Law

Friday, May 29, 2009

10:00 a.m. - 11:00 a.m. *Introduction to Latin American Legal Culture: A Lecture by Claudio Pavlic Veliz, Chilean Legal Culture in A Box: The Reform and After*

11:00 a.m. – 12 p.m. *Legal Reforms, The Mantra of Free Trade, and the Caracas Consensus, A Lecture by Professor James Cooper*

Sequencing: First Generation and Second Generation Reforms
 The War on Drugs: U.S. Foreign Policy Objectives
 Second Generation Reforms
 The Importance of IP; The Threat to U.S. Innovation and Profits
 Organized Crime: The Connection between IP and Terrorism/Drugs

Required Reading:

James M. Cooper, *Access to Justice 1.1*, 30 CAL. WEST INT'L L.J. 429 (2000).

James Cooper, *Piracy 101*, CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL (Special Edition) 89 (2005).

James Cooper, *Drug Treatment Courts: A Problem-Solving Mechanism to Address the Demand Side of the War on Drugs*, in JUSTICIA PENAL Y ADICCIONES: TRIBUNALES DE TRATAMIENTO COMO ALTERNATIVA A LA SANCIÓN 13-22 (Lexis Nexis Chile, 2007).

James Cooper, *Slow Road to Legal Reforms in Mexico*, SAN DIEGO UNION TRIBUNE, Nov. 27, 2006, available at http://www.signonsandiego.com/uniontrib/20061127/news_mz1e27cooper.html (last visited on May 18, 2009).

ALAN WATSON, LEGAL TRANSPLANTS: AN APPROACH TO COMPARATIVE LAW 22-27 (2nd, edition, 1993).

12:15 p.m. - 2:15 p.m. Comparative Counterterrorism with Prof. Geoffrey Corn

Saturday, May 30, 2009

10:00 – 11:40 a.m. International Environmental Law with Prof. Ruffinelli

12 p.m.- 2 p.m. Intro Course: *Indigenous Issues and the Reversal of 500 Years of Marginalization*

Indigenous Issues: The Mapuche Conflict

Evo Morales: The Aymara Card

Venezuelan advisors and Chavez' promise to intervene in Bolivia

The Racial Card: Europeans of Santa Cruz, La Sureña, *Winke* to Mapuches

The Morales Indigenization Process: *Tropiccapitalismo*

International Law as the Language for Self-Determination

Sequencing: International Economic Law not International Development

The Revenge of Economic Nationalism/Anti-Globalization

Usos y Costumbres and Other Traditional Justice Mechanisms

Required Reading:

Willem Assies, *Indigenous peoples and reform of the State in Latin America*, in THE CHALLENGE OF DIVERSITY: INDIGENOUS PEOPLES AND REFORM OF THE STATE IN LATIN AMERICA (edited by Willem Assies, Gemma va der Haar, & André J. Joekema) 3-22 (2000).

Helena DeMoura, *Four Bolivian regions declare autonomy from government*, CNN NEWS, found at <http://www.cnn.com/2007/WORLD/americas/12/15/bolivia.unrest/index.html> (visited on Dec. 20, 2007)

Daniel Schweimler, *Argentina's Guarani see benefits in isolation*, BBC on line, Feb. 7, 2008, available at <http://news.bbc.co.uk/2/hi/americas/7232758.stm>

1 p.m. Intro Course: Post-Washington Consensus and the Rule of Law

Systems Friction: The Battle of Legal Cultures

Caracas Calling: The End of the Washington Consensus, The Rise of Alternative Trade Blocs and the Future of Free Trade

The Return of Europe?

The Legacy of Pinochet: Transparency and Equality Before the Law, Not Just Order

Required Reading:

James M. Cooper, *Competing Legal Culture and Legal Reform: The Battle of Chile*, 29 MICH. J. INT'L LAW 501 (2008).

James Cooper, *Comercio (Lucha) Libre*, EL ALTEÑO (Bolivia), September 2006 (English translation).

BENJAMIN DANGL, *THE PRICE OF FIRE: RESOURCE WARS AND SOCIAL MOVEMENTS IN BOLIVIA 75-90* (AK Press, 2007).

Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, July 15, 2004, available at <http://levin.senate.gov/newsroom/release.cfm?id=223965> (last visited on Apr. 4, 2008).

Levin-Coleman Staff Report Discloses Web of Secret Accounts Used by Pinochet, March 16, 2005, available at <http://levin.senate.gov/newsroom/release.cfm?id=233631> (last visited on Apr. 4, 2008).

Take Home Examination Distribution (to be turned in at 2 p.m. on Monday, June 2, 2008)

Sunday, May 31, 2009

Take-Home Examination

Monday, June 1, 2009

2 p.m. Introduction to Latin American Legal Culture Examination Due