

Introduction to Latin America Legal Culture 2011 Syllabus Version 7

Monday, May 23, 2011

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

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

Required Reading:

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)

Richard J. Wilson, *Three Law School Clinics in Chile, 1970-2000: Innovation, Resistance and Conformity in the Global South*, 8 CLINICAL L. REV. 515 (2002).

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

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

3:40 p.m. Program Orientation and Administrative Meeting

Tuesday, May 24, 2011

10:00 a.m. – 12:00 p.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
 5. Sebastian Piñera and the Democratic Return of the Right

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, available 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).

Daniel Kaufmann and José Tessada, *Natural Disasters, National Diligence: The Chilean Earthquake in Perspective*, BROOKINGS INSTITUTION, available at http://www.brookings.edu/opinions/2010/0305_chile_earthquake_kaufmann.aspx (last visited on May 1, 2011).

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>

Alexei Barrionuevo, *Chile Leader Enters Changed Political Landscape*, N.Y. TIMES, Mar. 10, 2010, found at <http://www.nytimes.com/2010/03/11/world/americas/11chile.html> (last visited on April 19, 2011).

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 with Professor Stan Cox

Thursday, May 26, 2011

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

Meet at the Mapuche Sculpture in the Plaza de Armas at 9:30 a.m.
 Tour of Supreme Court
 Peruvian Moment/Museo Pre-Colombiano
 Ministry of Justice/Palacio Moneda Cultural Center

Required Reading:

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

12:15 p.m. – 1:55 p.m. International Environmental Law with Prof. Stan Cox

Friday, May 27, 2011

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

Required Reading:

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

11:15 a.m. – 12:45 p.m. *Indigenous Issues and the Reversal of 500 Years of
 Marginalization*

Indigenous Issues: The Mapuche Conflict
 Evo Morales: The Aymara Card
 Venezuelan Advisors and Chavez' Intervention in Bolivia
 The Racial Card: Europeans of Santa Cruz, La Sureña, *Winke* to Mapuches
 The Morales Indigenization Process
 Pacha Mama 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>

1:30 – 3:15 p.m. *Community Justice*

Required Reading:

Constitución Política del Estado [New Political Constitution of the State of Bolivia], art. 138, *available at* http://www.vicepresidencia.gob.bo/Portals/0/documentos/NUEVA_CONSTITUCION_POLITICA_DEL_ESTADO.pdf (last visited on May 10, 2011).

Andres Schipani, *Bolivia sees rise in mob justice*, BBC NEWS, available at <http://news.bbc.co.uk/2/hi/americas/7337173.stm> (last visited on May 10, 2011)

Human Rights Watch, *Bolivia: Unequivocally Condemn Mob Violence*, Human Rights Watch Report, Mar, 12, 2009, *available at* <http://www.hrw.org/en/news/2009/03/12/bolivia-unequivocally-condemn-mob-violence> (last visited on May 10, 2011).

Lucy Ash, *Bolivia goes back to the whip*, BBC Radio 4's Crossing Continents, Nov. 23, 2006, found at http://news.bbc.co.uk/2/hi/programmes/crossing_continents/6173268.stm (last visited on May 10, 2011).

Human Rights Foundation, Country Report: Bolivia 2007, Original Report published Jan. 15, 2008, updated Mar. 5, 2008, *available at* www.thehrf.org/reports/Bolivia_Communal_Justice_Report_01-15-2008.pdf (last visited on May 10, 2011).

Take Home Examination Distribution (to be emailed to California Western School of Law Faculty Support Services (ssanchez@cwsl.edu) at 12 p.m. on Monday, May 30, 2011).

Monday, May 30, 2011

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