



RPOS 425Z: JUSTICE REFORM IN LATIN AMERICA

Professor: Matthew Ingram
Office: Milne Hall 314-A
Dep: 518-442-3248
Ofc: 518-442-3940
Email: mingram@albany.edu

Location: BA 216
Time: TTh 1:15-2:35
Office Hours (in HU 016):
TTh 11:00-12:30
or by appointment

Course Description. This course examines the patterns, causes, and consequences of justice reforms in Latin America since the 1980s. First, students will explore the various types of sociopolitical conflicts that give rise to demands for legal resolution, including: (1) human rights violations during civil wars or authoritarian regimes that give rise to demands for transitional justice in post-conflict or post-authoritarian settings, (2) rampant criminality, including organized crime, that gives rise to public demands for more effective criminal justice systems, and (3) institutional dysfunction, incompetence, and/or corruption that give rise to demands for more effective justice institutions in general. In each area, students will examine (a) the differing nature and sources of offenses and other wrongs/harms that give rise to calls for justice, (b) the consequences of failing to address these harms effectively (including political, economic, and social costs of weak, abusive, or otherwise ineffective justice institutions), and (c) the manner in which governments and other actors have sought to build more effective responses to these harms, including truth and reconciliation commissions, reforms targeting police, prosecutors, and courts, as well as communal and other societal responses to various forms of injustice. The main course requirement is a research paper that will develop through various stages of instructor and peer-based feedback, with students frequently working in groups to help each other improve written work.

Pre-requisites. There are no pre-requisites for this course. However, introductory courses to Comparative Politics and/or Latin American Politics are strongly recommended. Knowledge of Spanish or Portuguese is not required.

Readings

Readings. The main texts for this course are:

- 1) Domingo, Pilar, and Rachel Sieder, eds. 2001. *Rule of Law in Latin America: The International Promotion of Judicial Reform*. London: Institute of Latin American Studies, University of London. (ISBN: 978-1900039390)
- 2) Hayner, Priscilla B. 2010. (2nd ed.) *Unspeakable Truths: Confronting State Terror and Atrocity*. New York: Routledge. (ISBN: 978-0415806350)
- 3) Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. New York: W.W. Norton & Company. (ISBN: 978-0-393-91936-3)

- 4) Bailey, John, and Lucia Dammert, eds. 2005. *Public Security and Police Reform in the Americas*. Pittsburgh: University of Pittsburgh Press. (ISBN: 978-0822959137)
- 5) Mendez, Juan E., Guillermo O'Donnell, Paulo Sergio Pinheiro, eds. 1999. *The (Un)Rule of Law and the Underprivileged in Latin America*. Notre Dame: University of Notre Dame Press. (ISBN: 978-0268043025)

Used and new copies of these books are available at Mary Jane's bookstore and at various online booksellers. These books will be supplemented periodically with journal articles and other short pieces. Please see the class schedule below for a detailed list of the reading assignments. Articles and other short pieces are available on Blackboard and/or via the electronic databases that can be accessed through the library (e.g., JSTOR). Where otherwise unavailable, I will provide these materials for you.

Grading

* Dates subject to change

Participation: You are expected to read and come prepared to actively engage the material in class discussions and other activities. Your contributions should be related to the material and constructive. Differing perspectives are encouraged as long as they are relevant and respectful. Personal opinions are not unwelcome, but students are strongly encouraged to base arguments on evidence, not purely on subjective opinion.

Reflections and Quizzes. Active engagement with the material is critical to your success in class. Generally, you need to encounter the material at least three times in order for you to understand it in any depth. For some people, this may be easy to do independently. However, for most people, an efficient way to encounter the material three times is to (1) read for class, (2) participate in class discussions, and (3) write notes, outline, or review the material for an exam or paper. Therefore, staying current with the reading and participating in class put you in a much better position to work with the material when you take an exam or write a paper later in the course.

Considering the importance of participation and active engagement with the materials, several elements of the course are designed to encourage you to come prepared for each day of class. Two of these components are **Reading Reflections** and **Reading Quizzes**. You are responsible for submitting **Reading Reflections** related to the reading assigned for the day on which a reflection is due. These reflections are due **on the last day of class of every month**. That is, there will be four reflections due as follows: end of Jan., Feb., March, and April. These reflections are observations of your own that occur to you as you are doing the reading. For example, a question might occur to you as you are reading, so you might then write down this question and offer some initial reflections on possible answers to it that you draw from the reading itself or from other material in class. Another example is that material for the current week might help you gain some insight or think differently about material we covered in an earlier part of the course. Keep in mind that the main goal of the reading reflection is to think and write about the reading in advance of the class for which the reflection is due so that you get used to coming to class prepared to discuss the material. Reflections should be considered written assignments, should be typed

(no less than half a page, no more than 1 page, double-spaced, 12-point, Times New Roman font) and should be submitted to me **in person within the first five (5) minutes of class on the day they are due.**

Separately, I will **toss a coin at the start of class to determine if there will be a quiz.** I will do this at random with no prior notice. I might go several days without tossing a coin, or I might toss a coin several days in a row. If the result is heads, there will be a short quiz on the reading for that day. If the result is tails, there is no quiz. If there is a quiz, it will be very short, consisting of 1-3 quick questions. If you have done the reading for that day, you should not have any trouble with the quiz. I will collect all quizzes within the first 5 minutes of class.

Each reflection and each quiz is worth **4 points** (1 for being present and 3 for content). If you are present but did not complete or cannot answer the quiz, at least turn in a paper with your name on it so that you get credit for being present. Do not email reflections.

No late reflections or quizzes will be accepted. Either you are present in class to turn in the reflections or take the quiz, or you are not. Do not submit reflections via email or ask for quizzes to be sent to you via email.

Paper. A research paper of 12-13 pages is required for this class. The paper is actually an assignment in five parts. All parts are considered written assignments and should follow the standard format for all writing assignments in this class (double-spaced, 12-point, Times New Roman font). Part1 (brainstorm ideas): you must submit at least 5 ideas for a paper on **[see class schedule below for date]**. These ideas should be discussed in five, separate, short paragraphs (about 2-3 sentences for each paragraph) that clearly communicate the topic in which you might be interested in writing a paper. You'll have an opportunity to discuss each of your ideas with your group in class. Part2 (outline): you must select one idea from your brainstorm exercise and then submit an outline for this paper on **[see class schedule below for date]**. The outline should consist of at least two full pages and be annotated to provide sufficient detail, and you should have a separate list of references at the end (which does not count towards 2-page requirement). The references should include at least two new, out-of-class references that you identified in your own research. By "annotated", I mean that entries in your outline should have at least 1-2 sentences fleshing out the content and significance of the entry, i.e., why you are including it in the outline, or how the entry is relevant to the content of the paper. Your peers and I will provide comments on your outline in class. Part3 (draft): building on the outline above, you must submit a draft of your paper. This draft should be 5-7 pages in length. Please submit **five copies** of this document – one is for me and the rest are for four of your colleagues. I will distribute the extra copies in class the same day. Part4 (peer comments): you must comment on four of your colleagues' drafts. Comments **must be typed** (double-spaced, 12-point, Times New Roman font) so that your classmate can read them easily, and you should provide at least one, double-spaced page of comments that speak to the 5 areas of the paper instructions (see Paper Instructions, on Blackboard). These comments are due the following week, on **[see class schedule below for date]**. Please submit **two copies** of each set of these comments (8 pages total) so that I can receive one copy for grading and your colleague can receive a copy of their own. Part5 (final paper): building on comments from

me and your peer writing group on your brainstorm, outline, and draft, revise your draft into your final paper; the final paper is due on the last day of class [see class schedule below].

Summary of Grading:

- Participation: 10%
- Reflections: 10%
- Quizzes: 10%
- Research Paper Assignment (70% total)
 - Paper Brainstorm: 5%
 - Paper Outline: 5%
 - Paper Draft: 15%
 - Peer Comments: 15%
 - Paper (final): 30%

Writing Groups and Assignments

Peer writing groups: As a writing-intensive class, this course is structured to help you think more self-consciously about how you prepare for writing, how you write, and how you re-write. In order to do that, the main writing assignment is broken up into several parts, and you will receive feedback for each part, i.e., at each stage of the writing process. The main vehicle for this feedback will be your peer writing group. Each group should consist of 4 people and will be established by the second week of class. While some of the class is based on lecture and discussion, we will routinely break up into our peer writing groups to work together during class. You will not be asked to work as a group outside of class, but you may do so if you like. If there is someone you would clearly like to work with on your writing assignment, you will have the option to do so. However, I will also evaluate how groups are working throughout the semester, I plan to shuffle the groups at least once, and I reserve the right to move people from one group to another at any time.

Written assignments. All worked turned in to me should be considered a written assignment and should be typed in the following format: double-spaced (so I can comment), 12-point (so I can read it), Times New Roman font. Also, each paper should follow the structure set out in the detailed document on paper instructions, which I will distribute later in the semester. Make sure you refer to this document in preparing your work for this assignment. We will also discuss the instructions in greater detail in class.

Additionally, make sure to cite all sources properly and include a bibliography. The bibliography or list of references never counts towards the length requirement of any assignment.

I have provided some helpful resources online on how to write social science papers, as well as sources on how to read nonfiction books for content (i.e., quickly).

Note that the third part of the paper assignment involves commenting on three (4) of your colleagues' work. Your comments should offer constructive feedback that will help

strengthen their paper, just as you expect to receive 4 sets of comments that will help strengthen your paper. Also, your comments are being evaluated. Thus, as you make your comments, you should refer to the instructions for the paper identified above and make at least one comment on each component of the paper, gauging how well your colleague has addressed each section. For instance, is the research topic clearly stated? Is it clear why this topic is important or interesting? Further detail on this assignment will be covered in class.

OTHER POLICIES

Classroom conduct. You are also expected to promote a classroom environment that makes it easy for your peers to engage with the material. In this regard, please keep distractions to a minimum. With regards to **technology in the classroom**, please turn your phones and other handheld devices off during class. Texting during class is unacceptable. Laptop use is allowed for taking notes and other activities relevant to class, but sending emails, instant messaging, checking social media, or watching videos online is unacceptable. If you are texting, on social media sites, watching videos, or otherwise using technology inappropriately in the classroom, you will be asked to leave for the day. If this happens a second time, you will receive a zero (0) for your participation grade.

Email. I expect you to check your email. You are responsible for material sent by email.

Late Work and Missed Assignments. All work must be turned in within the first 5 minutes of class on the day it is due, or by 5pm if there is no class on the due date. Without a legitimate (e.g., medical or family emergency) and documented explanation, late work will be penalized one letter grade for each day it is late, and it is considered late if turned in beyond the time limits above (i.e., after the first 5 minutes of class, or after 5pm on days there is no class; this includes weekends and holidays). Reflections and quizzes must be turned in at the beginning of class – no exceptions. No extensions will be given.

Academic Integrity. All students must familiarize themselves with the *Standards of Academic Integrity* on the University's website and pledge to observe its tenets in all written and oral work, including oral presentations, quizzes and exams, and drafts and final versions of essays. The full standards and examples of dishonest behavior are available at: http://www.albany.edu/undergraduate_bulletin/regulations.html.

Americans with Disabilities Act (ADA). Qualified students with disabilities needing appropriate academic adjustments should contact me as soon as possible to ensure your needs are met in a timely manner.

Miscellaneous. If you feel you need any help or simply want clarification on any of the material, please do not hesitate to raise your question in class or approach me outside of class. I will hold regular office hours throughout the summer session. If you cannot arrange to come talk with me during these hours, please call or email me, or contact the Department of Political Science administrative offices, so that we can set up an appointment.

CLASS SCHEDULE

WEEK 1: Jan 22

Introductions; review syllabus

WEEK 2: Jan 27, 29

Challenges 1: Transitional justice

*** Reading Reflection due on last class of this week, covering week's readings**

Reading for T and Th:

- International Center for Transitional Justice
 - Case studies in Argentina, Brazil, Colombia, Guatemala, and Peru
 - On Blackboard and also here: <http://ictj.org/our-work/regions-and-countries>
- Hayner, ch1-3
- Brysk, Allyson. 2008. "Democratic Reform and Injustice in Latin America: The Citizenship Gap Between Law and Society." *Whitehead Journal of Diplomacy and International Relations* (Winter/Spring): 55-69.

Recommended:

- Keck and Sikkink (1998), *Activists Beyond Borders*, ch.3: "Human Rights Advocacy Networks in Latin America"

Additional resources:

- UN Rule of Law: http://www.unrol.org/article.aspx?article_id=29

WEEK 3: Feb 3-5

* set up peer writing groups

Challenges 2: Disorder, Democracy, and Development

Reading:

- Leiby, Michelle. 2009. "Wartime Sexual Violence in Guatemala and Peru"
- Arias, Enrique, and Daniel Goldstein, "Violent Pluralism"
- William C. Prillaman. 2003. "Crime, Democracy, and Development in Latin America" (CSIS paper)

WEEK 4: Feb 10-12

Methods: Concepts, Measures, and Case Selection

Reading:

- Kleinfeld, Rachel. 2006. "Competing Definitions of the Rule of Law"
- WJP piece on conceptualizing and measuring "rule of law" (skim appendices)
- Munck and Verkuilen (2002), "Conceptualizing and Measuring Democracy"
- Gerring, John. 2008. "Techniques for Case Selection", pages 645-656 and 668-679
- Data familiarity:
 - Democracy: Polity; Freedom House
 - Rule of Law: World Justice Project; Freedom House; Cignarelli and Richards

Recommended:

- O'Donnell, Guillermo. 2004. "Why the Rule of Law Matters." *Journal of Democracy*

- Ohnesorge, John. 2007. "The Rule of Law." *Annual Review of Law and Social Science*

WEEK 5: Feb 17, 19

Transitional Justice

Reading: Hayner, first half of book

- Review Ch. 1-3
- Read Ch. 4-10 (pp. 27-144)
 - For first session of week: read at least through 74 (skim cases in Ch. 5 that are not from Latin America)

WEEK 6: Feb 24, 26

*** Prof. Ingram at UCLA on Thursday**

*** Since Prof. Ingram is gone last day of month, Reading Reflection due next Tuesday**

Transitional Justice, cont.

Reading: Hayner, second half of book

- Ch. 11-16 (pp. 145-237); skim Appendix I (pp. 237-254) for cases from Latin America: Bolivia, Uruguay 1 and 2, Ecuador 1, Panama
 - For Monday: at least through p181

WEEK 7: Mar 3, 5

Transitional Justice, cont.

*** Reading Reflection due on Tuesday this week, covering readings through that day**

- Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. W.W. Norton.
 - Focus on Ch. 1-5; read Ch.1-3 for first session of week

Recommended:

- Sikkink, Kathryn, and Carrie Booth Walling. 2007. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research* 44(4): 427-445.
- Lutz, Ellen, and Kathryn Sikkink. 2001. "The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America." *Chicago Journal of International Law*.
- Gonzalez-Ocantos, Ezequiel. 2014. "Persuade Them or Oust Them? Crafting Judicial Change and Transitional Justice in Argentina." *Comparative Politics*.

WEEK 8: Mar 10, 12

Trajectories of Reform: From "Law and Development" to "Rule of Law" and "Governance"

Reading:

- Domingo and Sieder
- Langer 2007: First half of article (good intro to film, "Presumed Guilty")

WEEK 9: Mar 17, 19

*** NO CLASS: SPRING BREAK**

WEEK 10: Mar 24, 26

*** Prof. Ingram at workshop in Australia**

- **Film: “Presumed Guilty”**

WEEK 11: Mar 31, Apr 2

Police Reform

*** Reading Reflection due on Tuesday this week, covering readings for that day**

Readings:

- Bailey and Dammert

Recommended:

- Diane Davis
- Dan Sabet

***** Thur, Apr. 2: Brainstorm due (Paper Part 1)**

WEEK 12: Apr 7, 9

Police Reform, cont.

Readings:

- Bailey and Dammert (finish)
- Nicole E. Haas, Maarten Van Craen, Wesley G. Skogan, and Diego M. Fleitas. 2015. “Explaining officer compliance: The importance of procedural justice and trust inside a police organization.” *Criminology and Criminal Justice* (advance online access, January 20, 2015) doi:10.1177/1748895814566288

WEEK 13: Apr 14, 16

Court Reform

Readings:

- Finkel, Jodi. 2005. “Judicial Reform as Insurance: Mexico in the 1990s.” *Latin American Politics and Society*.
- Dakolias, Maria. 1996. “The Judicial Sector in Latin American and the Caribbean: Elements of Reform.” World Bank Technical Paper No. 319: only pp. 1-32
- Laver, Roberto. 2012. “The World Bank and Judicial Reform: Overcoming ‘Blind Spots’ in the Approach for Judicial Independence.” *Duke Journal of Comparative and International Law* 22: 183-203.
- Mendez, O’Donnell, and Pinheiro (1999): Part III

***** Thur., Apr. 16: Outline due (Paper Part 2)**

WEEK 14: Apr. 21, 23

Court Reform, cont.

Readings:

- Ruibal, Alba. 2009. “Self-Restraint in Search of Legitimacy: The Reform of the Argentine Supreme Court.” *Latin American Politics and Society*.
- Basabe-Serrano, Santiago. 2012. “Judges without Robes and Judicial Voting in Contexts of Institutional Instability: The Case of Ecuador’s Constitutional Court, 1999–2007.” *Journal of Latin American Studies*

- Ingram, Matthew C. 2012. “Crafting Courts in New Democracies: Ideology and Judicial Council Reform in Three Mexican States.” *Comparative Politics* 44(4)

Recommended Readings:

- Hammergren, Linn. 2008. “Twenty-Five Years of Latin American Judicial Reforms: Achievements, Disappointments, and Emerging Issues.” *Whitehead Journal of Diplomacy and International Affairs* (Winter/Spring).
- Rowat, Malik, and Dakolias, Judicial Reform in Latin America (World Bank): 202-259; Latin American and Caribbean Cases
- Rowat, Malik, and Dakolias, Judicial Reform in Latin America (World Bank): 260-280: Background Paper
- Rios-Figueroa, Julio, and Jeffrey K. Staton. [2014]. “An Evaluation of Cross-National Measures of Judicial Independence.” *Journal of Law, Economics, and Organization* (advance access online Oct. 24, 2012: doi:10.1093/jleo/ews029).

***** Thur., Apr. 23: Draft due (Paper Part 3)**

WEEK 15: Apr. 28, 30

Criminal Procedure Reform

* Reading Reflection due on last day of this week, covering week’s readings

Readings:

- Langer, Maximo. 2007. “Revolution in Latin American Criminal Procedure: Diffusion of Legal Ideas from the Periphery.” *American Journal of Comparative Law*; review first half and finish second half of article
- Ingram, Matthew C. 2013. “Criminal Procedure Reform in Mexico: Where Things Stand Now.” Wilson Center Report (Jan.)

***** Thur., Apr. 30: Peer Comments due (Paper Part 4)**

WEEK 16: May 5

* Last class day is Tuesday, May 5

Criminal Procedure, finish

Theoretical reflection: are reforms aimed at right targets?

Causes of Lawlessness: Why Offend, Protest, Rebel?

Readings:

- Mendez, O’Donnell, and Pinheiro: Part I
- Ingram, M. “The Local Educational and Regional Economic Foundations of Violence” (draft)

***** Final papers due by Thur., May 7, at 5PM (Paper Part 5) *****

***** ATTENTION: Final papers must be submitted to Blackboard via SafeAssign *****

Additional Resources:

- (1) Latin American Studies Association (LASA)
 - <http://lasa.international.pitt.edu/>

- (2) Brazilian Studies Association (BRASA)
 - <http://www.brasa.org/>
- (3) New England Council on Latin American Studies (NECLAS)
 - <http://www.neclas.org/>
- (4) Mid-Atlantic Council on Latin American Studies (MACLAS)
 - <http://www.maclas.org/>
- (5) Southeastern Council of Latin American Studies (SECOLAS)
 - <http://www.mtsu.edu/secolas/about.php>
- (6) Rocky Mountain Council on Latin American Studies (RMCLAS)
 - <http://www.rmclas.org/>
- (7) Southwest Council on Latin American Studies (SCOLAS)
 - <http://www.modlang.txstate.edu/scolas/About-SCOLAS.html>
- (8) Pacific Coast Council on Latin American Studies (PCCLAS)
 - <http://www.isanet.org/blog/2010/07/cfp-conference-of-the-pacific-coast-council-on-latin-american-studies.html>
- (9) Latin American Network Information Center (LANIC)
 - <http://lanic.utexas.edu/>
- (10) Political Database of the Americas (PDBA, at Georgetown University)
 - <http://pdba.georgetown.edu/CLAS%20RESEARCH/PDBA.html#site-title>
- (11) North American Congress on Latin America (NACLA)
 - <http://www.nacla.org/>
- (12) Peer-Reviewed Academic Journals
 - Latin American Research Review (LARR)
 - Latin American Politics and Society (LAPS)
 - Journal of Latin American Studies (JLAS)
 - Journal of Politics in Latin America (JPLA)
 - Latin American Perspectives (LAP)