RPOS 425Z:
JUSTICE REFORM IN LATIN AMERICA (Fall 2018)

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

Location: BB 014
Time: MWF 12:30-1:25
Office Hours (in HU 016):
MW 2:00-3:30 or by appointment

Course Description.
This course examines the patterns, causes, and consequences of justice reforms in Latin America since the 1980s. The course is divided in three sections. 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) high or persistent criminality, including organized crime, that gives rise to public demands for more effective 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. Second, we will address the ways in which regional, national, and subnational reform projects have sought to improve these justice institutions in four specific areas – prosecutors, police, courts, and criminal procedure – in order to better understand the patterns and sources of these reform efforts. Lastly, we will assess how and why various reform projects have failed or succeeded.

Throughout, the course emphasizes the connections among law, development, and democracy. The main course requirement is a research paper that will develop through several stages of instructor and peer-based feedback, with students frequently working in groups to help each other improve written work. Several course sessions focus on writing and editing activities.

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:


Used and new copies of these books are available at campus 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. I will also post updates regarding course on Blackboard. If there is a change to this syllabus, I will announce this in class or via email and post the updated syllabus to Blackboard. To log on to Blackboard, go to https://blackboard.ualbany.edu/ and follow the login instructions. **IMPORTANT: You will need to use Blackboard. Be sure your email address in the Blackboard system is configured to reach you.**

**Requirements**

**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 you should strive to build sound, methodical, reasonable arguments on evidence that can be evaluated fairly by others, not purely on subjective belief or opinion. That said, this is an academic environment, we are all learning, and we all make mistakes, so please be constructive and compassionate when you disagree with someone.

Since participation is a big component of this course, including group activities as part of the peer writing groups (see below), your preparation for class (e.g., reading), attendance, and active engagement during class are important. I do not take attendance every day, but I reserve the right to take attendance at random. If you are missing class, I will notice and this will affect your participation grade. If you are missing class, you will also likely miss any random quizzes (see below), which will also affect your participation grade since you are absent.

**Quizzes**

There will be three scheduled quizzes. In addition, there will be up to a total of three unscheduled quizzes that will take place at random with no prior notice, determined by the
toss of a coin. 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. There is the possibility that the coin toss never results in heads, in which case there will be no random quizzes. If there is a random quiz, it will be very short, consisting of 1-3 quick questions based on reading or materials for that day. If you have done the reading for that day, you should not have any trouble with the quiz. I will collect all unscheduled quizzes within the first 10 minutes of class.

Each unscheduled quiz is worth 3% of your final grade and this percentage will be drawn from other grading areas, primarily from participation. 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. No late quizzes will be accepted. Either you are present to take the quiz or you are not.

**Paper.** A research paper of 12-15 pages is required for this class. The paper is actually an assignment in six parts. Except for presentation, 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 3 ideas for a paper on [see class schedule below for date]. These ideas should be discussed in three, separate, short paragraphs (3-5 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 of a paper on this idea 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. **Part3 (draft):** building on the outline above, you must submit a draft of your paper. This draft should be a full draft of your paper, reflecting your best effort towards a final paper at that stage. Please submit three (3) copies of this document – one is for me and the other two are for each of your peer-editing colleagues. I will distribute the extra copies in class the same day. **Part4 (peer comments):** you must comment on three 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 on each draft; these comments should speak to the 5 areas of the paper instructions and I will provide a rubric for this process (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 so that I can receive one copy for grading and each of your classmates can receive a copy of their own. **Part5 (presentation):** you must provide an oral, in-class presentation of your paper towards the end of the semester [see class schedule below]. At that stage, you will have spent substantial time developing your paper and will have lots of feedback on it, so the paper should be in fairly polished form. Your presentation should reflect your best effort to present the finished, revised contents of your paper to the rest of the class. **Part6 (final**
paper, optional): if you are happy with your grade on the draft, you can keep that grade for your final paper; if you want to revise your paper you need to document how you are responsive to the comments you received on your draft in the form of a “revision memo” that will accompany your final paper and that explains the changes your made in response to comments from me and your peer writing group on your draft and any comments received after your presentation; if you choose to do this, the final paper is due in last week of class [see class schedule below]. If you are done working on your paper, you can also deliver your final paper on the day you do your presentation.

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 rewrite. 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 2 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, 12-point, 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 two (2) of your colleagues’ work. Your comments should offer constructive feedback that will help strengthen their paper, just as you expect to receive 2 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? Is it clear how topic is being researched, including why
country, institution, or actor was selected? Further detail on this assignment will be covered in class.

**Summary of Grading:**
- Participation: 30%
- Quizzes: 15%
- Research Paper Assignment (55% total)
  1. Paper Brainstorm: 5%
  2. Paper Outline: 5%
  3. Paper Draft: 15%
  4. Peer Comments: 10%
  5. Presentation: 10%
  6. Paper (final): 10%

**Grade Distribution**

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**CLASS POLICIES**

**Classroom conduct.** You are expected to promote a classroom environment that makes it easy for you and 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 electronic devices off during class. Texting and any other kind of messaging or emailing during class is unacceptable. Laptop use is allowed for taking notes and other activities relevant to class, but sending emails, messaging, checking social media, or watching videos online is unacceptable. If you engage in any of these activities, or otherwise use technology inappropriately in the classroom, you will be asked to leave for the day. If you are asked to leave, please do so promptly and without disrupting the class further; if you would like to discuss why you were asked to leave, we can communicate after class and discuss what happened at a later time. If this happens a second time, you will receive a zero (0) for your participation grade for the semester. Again, if you are asked to leave twice, the highest grade you can obtain is a “B” (85%). If you have extraordinary circumstances that justify keeping your phone on during class (e.g., family or medical urgency), please let me know ahead of time, before class starts that day.

**Course website.** If you are enrolled in this course, you should be automatically enrolled in the Blackboard site for the course. All readings that are not in the assigned books (see
above) will be posted on this site. Also, quizzes may be administered through this site. You should be familiar with this site.

**Email.** I expect you to check your email on a regular basis. You are responsible for material sent by email.

**Late Work and Missed Assignments.** Quizzes and any other written work must be turned in at the beginning of class (i.e., first 10 minutes) – no exceptions. No late exams will be given. If you have a legitimate reason for missing class (e.g., medical or family emergency), this explanation must be documented. Without a legitimate and documented explanation, late work will be penalized 10% (i.e., one letter grade) for each day it is late, up to a maximum deduction of 50%, and it is considered late if turned in beyond the time limits above (i.e., after the first 10 minutes of class, or after 5pm on days there is no class unless a specific due date/time is stated; this includes weekends and holidays).

**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](http://www.albany.edu/undergraduate_bulletin/regulations.html).

The most common violation of academic integrity is plagiarism or cheating. My advice is simple: don’t do it. Don’t even think about doing it. Plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing him or her. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument or shaping your research, you must provide a citation that explicitly acknowledges the source of those ideas. In short, don’t take credit for other people’s words, work, or ideas. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. Plagiarism or cheating will result, at a minimum, in a failing grade for the assignment and the submission of your name to the Office of Conflict Resolution. Ignorance of this policy will not provide a defense to the application of this policy.

**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.

**Counseling and Psychological Services (CAPS).** If you are going through a difficult time (e.g., stress, anxiety, depression, relationship issues, traumatic experience), there are resources on campus to help you. The office on campus that houses these resources is Counseling and Psychological Services (CAPS). Services are free during the academic year, and confidential. Phone: 518-442-5800. Email: consultation@albany.edu. Web: [http://www.albany.edu/counseling_center/](http://www.albany.edu/counseling_center/)

**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.

**Changes to Syllabus.** I will modify and update this syllabus throughout the semester. I will announce these updates, and the current version of the syllabus will always be on Blackboard.
CLASS SCHEDULE

WEEK 1
Aug 27       Introductions; review syllabus

Aug 29, 31   NO CLASS: APSA ANNUAL CONFERENCE IN BOSTON
* Note: in place of class, please watch film “Presumed Guilty” before Sep 5; film is available online here (Spanish with English subtitles): https://www.youtube.com/watch?v=f5NP8uw6D5k

WEEK 2   Challenges 1: Human rights violations and transitional justice
Sep 3       NO CLASS: LABOR DAY HOLIDAY

Sep 5
• Hayner, ch1-3
• International Center for Transitional Justice
  o Case studies in Argentina, Brazil, Colombia, Guatemala, and Peru
  o On Blackboard and also here: http://ictj.org/our-work/regions-and-countries

Sep 7

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   Challenges 2: Disorder, Democracy, and Development
* set up peer writing groups this week

Sep 10      NO CLASS: Rosh Hashanah

Sep 12, 14
Reading:
• Leiby, Michelle. 2009. “Wartime Sexual Violence in Guatemala and Peru”
• Arias, Enrique, and Daniel Goldstein, “Violent Pluralism”

WEEK 4   Methods: Concepts, Measures, and Case Selection
Sep 17, 21
Sep 19      NO CLASS: Yom Kippur
Readings for this week:

Ingram_JRLA_F2018_rev2018-Aug-27     8 of 12
• Kleinfeld, Rachel. 2006. “Competing Definitions of the Rule of Law”
• WJP piece on conceptualizing and measuring “rule of law” (skim appendices)
• Data familiarity:
  o Democracy: V-Dem; Polity; Freedom House
  o Rule of Law: World Justice Project; Freedom House; Cignarelli and Richards

Recommended:

WEEK 5  Transitional Justice
Sep 24
Reading: Hayner, first half of book
  • Review Ch. 1-3
  • Read Ch. 4-10 (pp. 27-144)
    o For first session of week: read at least through 74 (skim cases in Ch. 5 that are not from Latin America); we will continue next week

Sep 26, 28  NO CLASS: CONFERENCE AT MEXICAN SUPREME COURT

WEEK 6  Transitional Justice, cont.
Oct 1, 3, 5
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
    o For Monday: read at least through p181

WEEK 7  From Transitional Justice to Prosecutorial Reform
Oct 8, 10, 12
Reading
    o Focus on Ch. 1-5; read Ch.1-3 for first session of week

Recommended:
WEEK 8  Police Reform
Oct 15, 17, 19
* Note: mid-semester point is Oct 16
Readings:
  • Bailey and Dammert
Recommended:
  • Diane Davis
  • Dan Sabet

WEEK 9  Police Reform, cont.
Oct 22, 24, 26
Readings:
  • Bailey and Dammert (finish)

WEEK 10  Court Reform
Oct 29, 31, Nov 2
Reading
  • Ingram: Ch 1,2, and the divide Ch 4-5 and Ch 6-7 into groups
Recommended:

WEEK 11  Court Reform, cont.
Nov 5, 7, 9
Readings:

Recommended Readings:
• 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

*** Brainstorm due (Paper Part 1)

WEEK 12: Criminal Procedure Reform
Nov 12, 14, 16
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

*** Outline due (Paper Part 2)

WEEK 13: Criminal Procedure, cont.
Nov 19

* Note: NO CLASS Nov 21, 23: THANKSGIVING BREAK

*** Draft due (Paper Part 3)

WEEK 14: Trajectories of Reform: From “Law and Development” to “Rule of Law” and “Governance”
Nov 26, 28, 30
Reading:
• Domingo and Sieder

*** Peer Comments due (Paper Part 4)

WEEK 15: PRESENTATIONS (Paper part 5)
Dec 3, 5, 7

WEEK 16: FINISH PRESENTATIONS
Dec 10 is last day of class
Other topics:
Theoretical reflection: are reforms aimed at right targets?
Causes of Lawlessness: Why Offend, Protest, Rebel?
Readings:
- Ingram, M. “The Local Educational and Regional Economic Foundations of Violence” (draft)

*** Final papers due by XXXX, at 5PM (Paper Part 6) ***
*** ATTENTION: Drafts and final papers must be submitted to Blackboard via SafeAssign ***

Additional Resources:

(1) Latin American Studies Association (LASA)
   - [http://lasa.international.pitt.edu/](http://lasa.international.pitt.edu/)
(2) Brazilian Studies Association (BRASA)
   - [http://www.brasa.org/](http://www.brasa.org/)
(3) New England Council on Latin American Studies (NECLAS)
   - [http://www.neclas.org/](http://www.neclas.org/)
(4) Mid-Atlantic Council on Latin American Studies (MACLAS)
   - [http://www.maclas.org/](http://www.maclas.org/)
(5) Southeastern Council of Latin American Studies (SECOLAS)
   - [http://www.mtsu.edu/secolas/about.php](http://www.mtsu.edu/secolas/about.php)
(6) Rocky Mountain Council on Latin American Studies (RMCLAS)
(7) Southwest Council on Latin American Studies (SCOLAS)
   - [http://www.modlang.txstate.edu/scolas/About-SCOLAS.html](http://www.modlang.txstate.edu/scolas/About-SCOLAS.html)
(8) Pacific Coast Council on Latin American Studies (PCCLAS)
(9) Latin American Network Information Center (LANIC)
   - [http://lanic.utexas.edu/](http://lanic.utexas.edu/)
(10) Political Database of the Americas (PDBA, at Georgetown University)
    - [http://pdba.georgetown.edu/CLAS%20RESEARCH/PDBA.html#site-title](http://pdba.georgetown.edu/CLAS%20RESEARCH/PDBA.html#site-title)
(11) North American Congress on Latin America (NACLA)
    - [http://www.nacla.org/](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)