

Dr. Sara Schatz  
International Studies Course  
Central Classroom 358  
T/TR 12:30-2:18

## **“Incomplete Democracies, the Rule and (Un)Rule of Law in Latin America”**

This course explores recent trends to forge robust rule of law in Mexico and to combat various forms of political violence including electoral violence and political assassination, organized crime, police brutality, death squads, state-sanctioned violence against political opponents and other human rights abuses. Examples of successes and failures from other Latin American nations in combating organized crime, reducing state-sanctioned violence and armed conflicts against the state are closely examined. The interdisciplinary readings for the course are drawn from political science, political sociology, criminology and legal studies and were selected to analyze the social and legal underpinnings of political violence in the transition from authoritarianism to electoral democracy. We will pay particular attention to the transition in Mexico since 1988, although the course is designed to investigate in-depth the specific theme of political violence, not to investigate closely the politics of a particular country. Relevant documentary films and guest speakers on the issues of state crime are incorporated into the course curriculum to add an empirical grounding to our knowledge, to facilitate class discussion and to supplement our understanding the Latin American region.

*Required Reader.* A reader will be available with selected articles and chapters from the following books:  
--The (Un)Rule of Law and the Underprivileged in Latin America, Medenz, Juan E., Guillermo O'Donnell, and Paulo Sergio Pinheiro, ed. 1999.  
--Courting Democracy in Mexico: Party Strategies and Electoral Institutions. Cambridge: Cambridge University Press, 2004, Todd Eisenstadt.  
--Varieties of State Crime and its Control, Jeffrey Ian Ross, NY: Criminal Justice Press, 2000.  
--Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence, edited by Martha K. Huggins, New York: Praeger, 1991.  
-- Organized Crime and Democratic Governability, Mexico and the US-Mexican Borderlands, edited by John Bailey and Roy Godson, Pittsburg: University of Pittsburg Press, 2000.

*Learning Objectives:* Our aim is to study in-depth problems associated with the consolidation of both electoral democracy and the rule of law in Latin America. We will do this in three ways; first, by studying the theoretical literature on crime, social inequality and gaps in the implementation of the rule of law in Latin America; second; through student presentation of academic challenge materials and third, through the midterm and preparation of a major research paper on one of the course topics in one Latin American nation.

*Course Requirements. No pre-requisites.*

1. Participation, Presentations. The most basic requirement is to do the required reading and to think about it prior to coming to class. In addition to this, students will present 1 short 30 minute

presentation on an article(s) located in the challenge section of the course packet CD. Students will also present a 45 minute presentation on their own research paper topic which will then become the basis for their research paper. We will want to assign these presentation and challenge topics very early on in the class so please think about the topics that most interest you. **There are detailed instructions located on the CD detailing guidelines for the Challenge Presentation and the Research Presentation.**

2. Written Exam. There will be a graded multiple-choice, take-home, mid-term exam.

3. Research Paper. Students will write a 13 page research paper that involves additional research on one of the themes we will be discussing throughout the quarter. Essentially the research paper offers students an opportunity to explore in greater depth a single topic, to read additional material on the subject and to write an analytic paper on the subject. The final paper is due electronically the last day of class. On your CD/Rom, I provide you with examples successful previous papers, along with detailed bibliographic material for each research paper topic addressed by the course. In addition, I will be talking with each student continually throughout the quarter to help you refine your topic, and compile adequate research material for your paper. In addition, I will also ask for an outline of your paper topic after the mid-term and will provide your written feedback at that time.

### **Grading**

Your grade will be based on the following:

Mid-Term 10%

Research Paper 35% (45%)

Total Attendance & In-Class Presentations

Attendance is 5% of your grade but 2 un-excused absences lowers you 1 letter grade 5% (from an "A" to a "B" grade)

Challenge Presentation 15%

Research Presentation 35% (55%)

### **Challenge Material**

I will assign a academic article from the literature to each student over the quarter to read from the challenge section of the CD. The student will read the article and summarize it for the class, then pose and direct a set of questions for student debate. This assignment is meant to challenge students and generate greater class participation and should not exceed 30 minutes.

### **Academic Misconduct**

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term "academic misconduct" includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct ([http://studentaffairs.osu.edu/info\\_for\\_students/csc.asp](http://studentaffairs.osu.edu/info_for_students/csc.asp)).

### **Students with Disabilities**

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated, and should inform the instructor as soon as possible of their needs. The Office for

Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; <http://www.ods.ohio-state.edu/>.

### **Speaker Information**

**Mexico, Electoral Crimes:** Dr. Todd Eisenstadt, Assistant Professor, Political Science Department, American University. Between 2000 and 2005, Eisenstadt directed the United States Agency for International Development's Mexico Elections Project, of academic research and the training of hundreds of observers of local elections and other government processes in Mexico. Formerly an award-winning print journalist, Eisenstadt frequently consults for the government and private sector. He is also a recipient of Fulbright and National Security Education Program Boren fellowships, he has been a visiting scholar at the El Colegio de México in Mexico City, Harvard University's David Rockefeller Center for Latin American Studies, the Japan Institute for International Affairs in Tokyo, and the University of California, San Diego's Center for US-Mexican Studies.

**Colombia, DEA:** Andrew Eissman, Group Supervisor, US DEA (US Gov't. Drug Enforcement Agency), supervising agent, Colombia, early 1990s; Bolivia; James Allen, Assistant Special Agent in Charge, Pakistan, Afghanistan. These speakers will speak on how the DEA fights organized crime in Latin America (how the DEA tries to conduct operations abroad and work with foreign governments; how the organization tries to dismantle criminal organizations; extradition issues; security issues for agents and their families). Eissman was the supervisor in charge of the DEA in Colombia when drug-pin Pablo Escobar was taken down in Colombia (1993) and James Allen has extensive experience working in the Middle East.

**Guatemala, Human Rights:** Wilkinson will evaluate the efforts of the Fox administration to deal with past human rights abuses by appointing a Special Prosecutor for Political and Social Movements of the Past to investigate past abuses of those killed in the so-called "dirty war." He will discuss both the progress of the special prosecutor as well as the continuing obstacles facing the office including insufficient material and human resources, the lack of access to declassified military documents, and the resistance of military judges to cede jurisdiction to civilian courts for the prosecution of military personnel. Wilkinson will also discuss various problems and achievements in this first-hand participation with the UN-sponsored Truth Commission in Guatemala.

### **Course Schedule**

#### **Week 1. Introduction to Double Transitions to Democracy, to the Rule and (Un)Rule of Law in Latin America.**

Day #1 (Introduction to Course) and Day #2:

Required Readings:

--O'Donnell, Guillermo. "Polyarchies and the (Un)Rule of Law in Latin America," in *The (Un)Rule of Law and the Underprivileged in Latin America*, pp. 303-338.

--Pinheiro, Paulo Sérgio. "The Rule of Law and the Underprivileged in Latin America: Introduction," in *The (Un)Rule of Law*, pp. 1-18.

--Ross, Jeffrey Ian. "Introduction: Protecting Democracy by Controlling State Crime in Advanced Industrialized Countries," In *Varieties of State Crime and its Control*, Jeffrey Ian Poss, NY: Criminal Justice Press, 2000; pp. 1-9.

---Chappell Lawson, "Fox's Mexico's At Midterm," *Journal of Democracy*, 15,1 January 2004.

In-Class Brief Film: “*El Tunel*”–Short documentary on problems in the Mexican criminal justice system, Proderecho.

## **Week 2: The Complexity of Crime and Corruption in Latin America**

Day #1:

Required Readings:

--Rose Ackerman, *Corruption & Government: Causes, Consequences and Reform*, Cambridge: Cambridge University Press, 1999. Introduction, pp. 1-7; Chapter 2: The Economic Impact of Corruption; pp. 9-25.

--Lipset, Seymour Martin & Gabriel Salmas Lenz. *Corruption, Culture and Markets*, in *Culture Matters: How Values Shape Human Progress*, edited by Lawrence E. Harrison and Samuel P. Huntington, Basic Books, 2000, pp. 112-125.

Day #2:

Required Readings:

--Smelser, N. J. 1971. *Stability, Instability, and the Analysis of Political Corruption*. In: B. Barber & A. Inkeles (Eds), *Stability and Social Change* (pp. 9-12, p. 27). Boston: Little Brown.

Challenge Reading/Material: Jong-Sung, You; Khagram, Sanjeev. “A Comparative Study of Inequality and Corruption,” *American Sociological Review*, Feb., 2005, Vol. 70 Issue 1, pp. 136-140; 153-155.

## **Week 3. State Violence and the (Un)Rule of Law, I.**

Day #1:

Required Readings:

---Chevigny, Paul. “Defining the Role of the Police in Latin America,” in *The (Un)Rule of Law*, pp. 49-70.

--Rodley, Nigel S. “Torture and Conditions of Detention in Latin America”, in *The (Un)Rule of Law*, pp.25-41.

--Vargas, Portillo Ernesto. “The Police in Mexico: Political Functions and Needed Reforms,” in *Transnational Crime and Public Security*, edited by John Bailey and Jorge Chabat, La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego, 2002. pp. 108-114.

Challenge Reading/Material: *Public Administration and Institutions in Latin America: Solution Paper*, Susan Rose-Ackerman, Yale University, CCLAC; Porta, Donatella and Vannucci, Alberto. 2000. *Controlling State Crime in Italy: The Corruption of a Democracy, The Role of Political Competition and Public Opinion* in *Varieties of State Crime and Its Control*, Jeffrey Ian Ross, NY:Criminal Justice Press, 2000, pp. 170-172.

Day #2:

Required Readings:

Pinheiro, Paulo S. “Police and Political Crisis: The Case of the Military Police (Brazil),” in *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*, edited by Martha K. Huggins, New York: Praeger, 1991, pp. 167-188.

Challenge Reading/Material. Ferreria, Fischer Rosa-Maria and Benevides, Maria-Victoria. *Popular Responses and Urban Violence: Lynching in Brazil*, in *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*, edited by Martha K. Huggins, New York: Praeger, 1991, pp. 33-46.

–Presentation (1)–Police Violence in Latin America.

## **Week 4: Electorally-Related Violence and the (Un)Rule of Law, II.**

Day #1:

Required Readings:

--Schroeder, Michael J. "To Induce a Sense of Terror: Caudillo Politics and Political Violence in Northern Nicaragua, 1926-34 and 1981--95," in *Death Squads in Global Perspective: Murder with Deniability*, pp. 27-56.

--Ben-Yehuda, Nachman. "Political Assassination Events as a Cross-Cultural Form of Alternative Justice," in *Lives in the Balance: Perspectives on Global Injustice and Inequality*, 1997, pp. 25-47.

--Schatz, Sara. "Authorizing State Crime in Mexico: The Importance of a Destructive Social Milieu," *Law, Crime and Social Change*, 2006.

–Presentation (2)–Controlling Police/Political Violence in Latin America.

Day #2

Speaker 1: Dr. Todd Eisenstadt

Required Readings:

---Schatz, Sara, & Concha, Hugo. 2006. "Historical Continuity and Democratizing Change: Mexico's Legal Institutions in Perspective", in *Law Enforcement and Social Participation in the Administration of Justice in Mexico*, University of California Press/Notre Dame Press, with Dr. Hugo Concha, Instituto de Investigaciones Jurídicas, UNAM.

---Cornelius, Wayne. 2004. "Mobilized Voting in the 2000 Elections: The Changing Efficacy of Vote Buying and Coercion in Mexican Electoral Politics," in *Mexico's Pivotal Democratic Elections*, Stanford:Stanford University Press, pp. 47-66.

---Todd Eisenstadt. 2004. "Mexico's National Electoral Justice Success: From Oxymoron to Legal Norm in Just Over a Decade," in *Courting Democracy in Mexico: Party Strategies and Electoral Institutions*. Cambridge:Cambridge University Press.

–Presentations (3)–Choice: Controlling Electoral Violence & Fraud in South America; or Violence against Street Children in Brazil.

**Week 5. Organized Crime and the State**

Day #1: (Mexico & the Caribbean)

Required Readings.

---Pimentel, Stanley A. 2000. "The Nexus of Organized Crime and Politics in Mexico," in *Organized Crime and Democratic Governability, Mexico and the US-Mexican Borderlands*, edited by John Bailey and Roy Godson, Pittsburg: University of Pittsburg Press.

--Maingot, Anthony P. Internationalized Crime and the Vulnerability of Small States in the Caribbean, in *Crime and Violence in Latin America*, Woodrow Wilson Center for Latin America. pp. 233-265.

---Collier, Michael W. Money Laundering Corruption, 2005. in *Political Corruption in the Caribbean Basin: Constructing a Theory to Combat Corruption*, Routledge Press, pp. 117-120.

Day #2: (South America)

Required Readings:

--Oppenheimer, Andres. *Bordering on Chaos*. Boston: Little Brown, 1996, pp. 83-96; 106-110 ("The Banquet"); pp. 298-305 ("The Police Connection").

Challenge Readings/Material: Jack A. Blum, Offshore Money, in *Transnational Crime in the Americas*, edited by Tom Farer, New York & London:Routledge, 1999, pp. 57-98

–Presentation (4)–Organized Crime and the State in South America--Colombia..

Brief In-Class Film: *Inside the Cartel*, Frontline PBS Documentary.

## **Week 6: Can State Crimes be Reduced Through Institutional Efforts & Reforms?**

Day #1:

(Colombia). Speaker(s) #2. (Live). Andrew Eissman, Group Supervisor, US DEA (US Gov't. Drug Enforcement Agency), supervising agent, Colombia, early 1990s; Bolivia; James Allen, Assistant Special Agent in Charge, Pakistan, Afghanistan.

Required Readings.

---Lupsha, Peter A. 1996. "Transnational Organized Crime Versus the Nation-State," in *Transnational Organized Crime*, 2, pp. 21-48.

---"The Godfather of Cocaine (Pablo Escobar)," & "Interview with the Ochoa Brothers", Frontline Series: *The Drug Wars*.

Day #2:

Required Reading:

---Zepeda, Guillermo Lecuona. 2002. "Inefficiency at the Service of Impunity: Criminal Justice Organizations in Mexico," in *Transnational Crime and Public Security*, edited by John Bailey and Jorge Chabat, La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego, pp. 71-108.

--Sutil, Correa, Jorge. "Judicial Reform: Good News for the Poor,?" from *The (Un)Rule of Law and the Underprivileged in Latin America*, 1999.

Challenge Material: Zepeda, Guillermo Lecuona, 4 Myths of Pretrial Detention; Evans, Peter & Rauch, E. James. 1999. Meritocratic Recruitment & Long-Term Career Rewards in Reducing Corruption in Bureaucracy & Growth: A Cross-National Analysis of the Effects of Weberian State Structures on Economic Growth, *American Sociological Review*, 64, October, pp. 751-752;

## **Week 7: ExtraLegal (State) Violence I: Paramilitaries & Death Squads**

Day #1: Mid-Term.

Day #2:

Required Readings:

---Campbell, Bruce B. 2000. "Death Squads: Definition, Problems, and Historical Context," in *Death Squads in Global Perspective: Murder with Deniability*, pp. 1-26 and Appendix.

---Solomon, Joel. *Implausible Deniability: State Responsibility for Rural Violence in Mexico*. 1997. New York, NY:Human Rights Watch, pp. 4-8; 33-38; 43-45.

Presentations (5)--Deaths Squads in South America (Peru).

Brief In-Class Film: *Alonso's Dream* by Danièle Lacourse and Yvan Patry. Film analyzes paramilitary activity against both civilians and EZLN suspects in Chiapas, 2001 Award of Merit in Film, Latin American Studies Association.

## **Week 8: ExtraLegal (State) Violence II: Dirty Wars**

Day #1: Guatemala

**Print out and Bring to Class: The Plan de Sánchez Massacre (7 pages).**

Required Reading:

---Ibarra, Carlos Figueroa. 1991. "Guatemala: The Recourse of Fear," in *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence*, edited by Martha K. Huggins, New York: Praeger, pp. 73-76.

---Wilkinson, Daniel. *Silence on the Mountain: Stories of Betrayal, and Forgetting in Guatemala*, Boston: Houghton Mifflin, 2002, pp. 116-17, 126-27, 158-160, 208-213, 308-09, 311, 316-324, 350-353.

---The Kaibiles, the Dos Erres Massacre.

Challenge Reading/Material: Challenge Material: Vinuales, Jorge E. "Impunity: Elements for an Empirical Concept, Law & Inequality", Vol 25, 142, 2007, pp. 115-142;

Presentations (6)--Deaths Squads in Central America (El Salvador or Nicaragua).

Day #2: Argentina

Required Readings:

-Suarez-Orozco, Marcelo M. 1989. "The Treatment of Children in the "Dirty War": Ideology, State Terrorism and the Abuse of Children in Argentina," in *Child Survival: Anthropological Perspectives on the Treatment and Maltreatment of Children*. Edited by Nancy Scheper-Hughes, Berkeley: University of California, pp. 227-246.

--"Mexico's Children Suffer in 'Little Jails'; Abuse Is Common at Detention Centers," *The Washington Post*, November 4, 2002.

Presentations--(7). The Case of Argentina.

### **Week 9: Current and Past Accountability: How are Incomplete Democracies Viewed Today and How Have Past State Crimes Been Prosecuted?**

Day #1:

Required Readings:

---Cohen, Stanley. 2001. "Digging up Graves, Opening Wounds: Acknowledging the Past (Modes of Acknowledgment)", pp. 224-240 in *States of Denial: Knowing About Atrocities and Suffering*, Cambridge: Polity Press.

---Poniatowska, Elena. 2003. "Massacre in Mexico," in *Women Writing Resistance*, ed. J. Browdy de Hernandez, Cambridge, MA: South End Press, pp. 139-145.

Challenge Material/Readings: Bruce Cronin. "International Legal Consensus and the Control of Excess State Violence".

Presentations--(8). Can Dirty Wars be Prosecuted?: The Case of Guatemala.

Day #2:

Speaker #3 (Video): Daniel Wilkinson, Human Rights Watch, Mexico Researcher, Washington DC.

Required Readings:

--Wilkinson, Daniel. "*Justice in Jeopardy: Why Mexico's First Real Effort to Address Past Abuses Risks Becoming its Latest Failure*", New York, NY: Human Rights Watch, 2003, pp. 1-30

--Wilkinson, Daniel. 2006. "*Lost In Transition: Bold Ambitions, Limited Results for Human Rights Under Fox*", Chapter IV: Accountability: Ongoing Impunity for Past Atrocities, pp. 1-29.

Challenge Reading/Material: Richard Rose and Doh Chull Shin. Democratization Backward: The Problem of Third-Wave Democracies in Latin America, *British Journal of Political Science*, 31, pp. 331-354; Maria Lagos, Between Stability and Crisis: How People View Democracy in Latin America, *Journal of Democracy*, 12, 1, January 2001.

### **Week 10: Research Papers**

Tues.. 5/27 (Voluntary) Office Visits to assist with Research Paper Preparation.

Th.. 5/29. Turn in Research Papers Electronically as PDF files to: [schatz.12@osu.edu](mailto:schatz.12@osu.edu) by 11:59pm (midnight).