**DISCIPLINA:** HISTORY OF LAW AND SOCIETY IN LATIN AMERICA  
**CÓDIGO:**  
**PROFESSOR:** PEDRO CANTISANO  
**CARGA HORÁRIA:** 30h  

**EMENTA**
We can only understand present legal institutions, practices, and concepts through their social and political history. Differently from what traditional law schools preach, current law is not an advanced stage of a potentially universal and abstract legal thought. It is historic, constructed, and contingent to space and time. Based on these premises, we are going to look at how Latin American law shaped and was shaped by colonization, patriarchy, slavery, revolutions, urbanization, industrialization, dictatorships, and democratic transitions. We will read historical documents, such as court records, constitutions and political speeches, in order to grasp and criticize the role of law in the region.

PS: The course’s working language is English, but students may choose to write their papers in Portuguese. If you have any questions, contact me at pedro.cantisano@fgv.br.

**OBJETIVOS GERAIS**
The general objectives are to familiarize students with the history of law in Latin American societies, and with the analysis of historical documents.

**OBJETIVOS ESPECÍFICOS**
Specific objectives include, but are not restricted to understanding:

- The role of legal ideas, institutions, and practices in the colonization of the New World, in the control of socially excluded groups, and in political violence
- How these same ideas, institutions, and practices opened space for social movements and individuals who claimed independence, freedom, political and social rights, and democracy
- What is the role of law in the construction of ideologies, identities, and in the daily experiences of economic, racial, gender and sexuality exclusions
- The socio-legal history of Latin America in its ruptures and continuities, and in its homogeneity and heterogeneity across national, regional, and social lines

**METODOLOGIA**
The course is a seminar based on in-class discussions of previously read materials – both bibliography and historical documents. Students will be assigned to conduct discussions two times throughout the semester, and are required to participate to the best of their ability.

**PROGRAMA**

**Week 1:** Law and the Conquest of the New World
**Week 2:** Law and Patriarchy: Adultery and Murder in Colonial Societies
**Week 3:** The Law of the Conquered: Indians and the Courts
**Week 4:** Religious Justice: Inquisitions and Tolerance
**Week 5:** Law, Revolts, and Revolutions: Boundaries of Law and Social Change
**Week 6:** Popular Liberalism: How Peasants Learned how to Play the Game
**Week 7:** Law in-between Slavery and Freedom: Property, Racial Violence and Resistance
| Week 8 | Law and Social Control: Police and Democracy |
| Week 9 | Property Law and Urban Space: Urbanization and Segregation |
| Week 10 | Labor Law and Nationalist Regimes: The New Citizen-Worker |
| Week 11 | Courts, Constitutions, and Military Dictatorships: Law and Political Violence |
| Week 12 | Law, Memory, and Transitions to Democracy: The Unfinished Task of Latin America |
| Week 13 | Contemporary Human Rights Struggles: Shadows of the Past |

**CRITÉRIOS DE AVALIAÇÃO**
Conduction of two class discussions: 25%
Two one-page response papers (English or Portuguese): 25%
General participation: 25%
Short final paper - one-page analysis of a historical document (English or Portuguese): 25%

**BIBLIOGRAFIA OBRIGATÓRIA**

**BIBLIOGRAFIA COMPLEMENTAR**