

AN INTRODUCTION AND INVITATION

The South-North Exchange on Law, Theory and Culture

The South-North Exchange is a joint project of LatCrit, Inc and the Universidad Inter-Americana de Puerto Rico, Facultad de Derecho.



WWW.LATCRIT.ORG

LATCRIT@LAW.MIAMI.EDU

Beyond Formal Democracy: Re-conceiving Self Determination

SAN JUAN, PUERTO RICO * DECEMBER 11-13, 2003

The South-North Exchange on Law, Theory and Culture is designed to foster and sustain a trans-national, cross-disciplinary and inter-cultural dialogue on current issues in law, theory and culture that are of common interest across the Americas. This Exchange consists of two parts: an annual encounter in Puerto Rico and, afterward, a scholarly publication based on the live proceedings. Both the "live" and published versions of the Exchange aim to bring to bear on a contemporary issue or topic the combined specialties of the Exchange participants. Ideally, this annual Exchange will help to build networks of knowledge that, over time, will help to foster social justice awareness and activism, and help to inform public discourse and policymaking nationally, hemispherically and globally. To do so, each year the Exchange examines a topical general theme, and participants "exchange" views, ideas, experiences and work through a series of four interactive plenary sessions spanning three days. We invite you to make advance plans *NOW* to join us in the Caribbean this December for the inauguration of this new project! To follow up, please timely complete and return the attached "Participation Form" by October 20, 2003.

This year's Exchange theme, *:Beyond Formal Democracy: Re-conceiving Self Determination*, is designed to query, for example: (1) whether and how existing models of formal democracy, usually from the North, may serve to guide or misguide "transitions" to democracy taking place across the southern portions of hemisphere; (2) the substantive meaning of popular self determination as the ultimate aim of such transitions; (3) the very meaning of a transition to democracy in which indigenous and other traditionally subordinated groups remain poor and marginal in the political as well socioeconomic life of the nation-state; and (4) the effects of the new 'wars' in the North, and the dramatic socio-legal changes they have enabled, on the prospects for democratic self determination nationally, hemispherically and globally. Exchange participants are invited to engage these and similar questions during the Exchange sessions, organized as follows:

Thursday, December 11, 2003 (beginning at 3 PM)

- Session 1: "Democracy" and "Self Determination": South-North Accounts and Perspectives.

Friday, December 12, 2003

- Session 2: Current Developments and Issues: Views from the South; Reactions from the North.
- Session 3: Current Developments and Issues: Views from the North; Reactions from the South.

Saturday, December 13, 2003 (concluding by NOON)

- Session 4: Beyond the Exchange: Mapping the Lines of Inquiry

Please accept this invitation to join us as a participant in the program of this inaugural Exchange... please review, complete and return the attached "Participation Guidelines and Form" with your Abstract as soon as possible, and no later than Monday, October 20, 2003, so that we can follow up with you afterward ... we hope to see you in Puerto Rico in December! For more information on this event, or to view prior LatCrit programs and projects, please visit www.latcrit.org or contact LatCrit directly at latcrit@law.miami.edu. Mil Gracias!

South-North Exchange: Participation Guidelines and Form

After reviewing the Guidelines below, please FAX your completed Form and Abstract to Professor Frank Valdes at 305-284-1588 or email your response to latcrit-a.:law.miami.edu as soon as possible, *and no later than Monday, October 20, 2003*, so that we can follow up appropriately in advance of the South-North Exchange in San Juan. Mil gracias for your timely response ... Abrazos!!

GUIDELINES: *Each session of the Exchange will feature three presentations (20 minutes each) based on the timely responses to this Form, and will be facilitated to ensure interactive dialogue. To participate in the Exchange, please complete and return this Form by October 20th with an Abstract (1-3 paragraphs) of your proposed presentation/remarks/contribution. Presentations may consist of or be based on (a) recent or ongoing research projects relating to the Exchange topic; (b) a thought piece responsive to the Exchange topic; or (c) an analysis of current affairs in a particular locality or community as they relate to the Exchange topic. To facilitate interactive discussion at the Exchange, all participants are requested and urged to submit a short (2-3 pages) advance draft or outline of their remarks by November 30, 2003 for circulation among Exchange participants. All participants are invited to submit a short essay (10-15 pages) based on their Exchange participation/experience by February 20, 2004 for publication as part of a law review symposium. Thanks for your cooperation in meeting these Guidelines ... see ya soon in Puerto Rico!!*

1. NAME: _____ EMAIL: _____

!. SCHOOL: _____

PHON

4. Yes, I am interested in participating in the inaugural South-North Exchange this December 10th in Puerto Rico, AND would like to present a paper/essay there on (please provide title and brief description of your presentation below or attach a separate sheet if necessary):

5. Yes, I will be able to submit a rough draft of my remarks/essay (10-15 pages) via email or otherwise by November 30, 2003 for circulation to other Exchange participants.

6. Yes, after the Exchange in San Juan I will be able to finalize and submit my paper (10-15 pages) by February 20, 2004 for publication as an essay in a law review symposium based on this event.

The South-North Exchange on Law, Theory and Culture

The South-North Exchange is a joint project of LatCrit, Inc and the Universidad Inter-Americana de Puerto Rico, Facultad de Derecho

WWW.LATCRIT.ORG

LATCRIT@LAW.MIAMLEDU



PROGRAM AND SCHEDULE

Beyond Formal Democracy: Re-conceiving Self Determination

DECEMBER 11-13, 2003

INTER-AMERICAN UNIVERSITY SCHOOL OF LAW

SAN JUAN, PUERTO RICO

Sponsored by:

Facultad de Derecho, Universidad Inter-Americana de Puerto Rico

Center for Hispanic and Caribbean Legal Studies, University of Miami School of Law

Presented by:

LatCrit, Inc.

(Latina and Latino Critical Legal Theory, Inc.)

The South-North Exchange: Introduction, Welcome and Overview

Saludos, Amigas/os! Welcome to the inaugural South-North Exchange on Law, Theory and Culture, which will be held December 11-13, 2003 at the Inter-American University School of Law in San Juan, Puerto Rico. This new scholarly initiative is designed to foster and sustain a transnational, cross-disciplinary and inter-cultural dialogue on current issues in law, theory and culture that are of common interest across the Americas. To do so, this new project will examine topical general themes as participants "exchange" views, ideas, experiences and work through a series of interactive plenary Sessions formatted as interactive roundtable discussions. Ideally, this South-North Exchange will help to build enduring networks of critical knowledge that, over time, will help to foster social justice awareness and activism, and help to inform public discourse and policymaking nationally, hemispherically and globally. Travel and lodging information follow below, after the introductory and overview notes.

This new project consists of two parts: a three-day encounter in Puerto Rico consisting of interactive plenary Sessions and, afterward, a scholarly publication based on the live proceedings. Each Session is timed to last one hour and 45 minutes and is formatted to lead up to interactive discussion akin to a roundtable but including the audience as well. The Exchange Sessions open with a 5-minute Substantive Introduction by that Session's Moderator, followed by three or four 15-minute presentations and a 10-minute Commentary to provide a bridge toward 30 minutes of interactive discussion among the participants as well as between the participants and the audience. In addition, all participants and attendees at the live Exchange are invited to submit short essays (of no more than 15 pages each) by February 20, 2004 for publication as a law review symposium based on the proceedings: final details for symposium submissions will be provided on site. Both the "live" and published versions of the South-North Exchange aim to bring to bear on a contemporary topic the combined specialties of multiply diverse scholars.

The inaugural Exchange theme, ***Beyond formal Democracy Be-conceiving Self Determination***, is designed to query fundamental questions of current relevance to populations from the South to the North poles, for example: (1) whether and how existing models of formal democracy, usually from the North, may serve to guide or misguide "transitions" to democracy taking place chiefly across the southern portions of hemisphere; (2) the substantive meaning of popular self determination as the ultimate aim of such transitions; (3) the very meaning of a transition to democracy in which indigenous and other traditionally subordinated groups remain poor and marginal in the political as well socioeconomic life of the neocolonial nation-state; and (4) the effects of the new 'wars' in the North, and the dramatic socio-legal changes they have enabled, on the prospects for democratic self determination nationally, hemispherically and globally. This inaugural South-North Exchange therefore interweaves, and brings to bear on this topical theme, an extraordinarily rich range of scholarly perspectives defined variously by location, culture, discipline, methodology and theoretic.

Each of the Exchange participants, in their contributions during the four Sessions that comprise this year's three-day program, show that "Democracy" and "Self Determination" represent variegated human experiences as well as enduring multidimensional aspirations of peoples around the globe. Neither project is completed. Instead, the Exchange papers and participants show that interrogation and renovation of these twin constructs continue to necessitate the kinds of multidimensional analyses reflected in the papers that constitute this year's Program. With these introductory thoughts in mind, we invite and welcome you to the inauguration of the South-North Exchange on Law, Theory and Culture.

Due to the generous sponsorship of the Inter-American University and the University of Miami, no registration fee applies to this inaugural event. To attend, simply: (1) send us a reply email to latcrit@law.miami.edu with your name and institutional affiliation; (2) arrange your travel plans to arrive in San Juan in time to join us at the campus of the Inter-American University School of Law by 3 PM on Thursday, December 11, and; (3) make your hotel reservation directly with the Regency Hotel in San Juan ASAP (our special discounted double-occupancy rate of \$119.70 daily includes all taxes and daily breakfast). Daily complimentary shuttles will provide transportation to and from the Hotel and Campus (each way is about 10-15 minutes). Please call the Regency Hotel at 787-121-0505 and specify that you are part of the group with the "InterAmerican University School of Law" (and if you have any difficulty please ask to speak with Nayda Colon, Liza Jimenez, or Carmen Sanchez). Departures from San Juan should be planned for no earlier than Sunday, December 14, 2003. For more information about this or other LatCrit *programs and projects*, please contact us via email (atcrit@iaw.miami.edn) **or** visit our website (www.idtwfl.org).

Day 1:

THURSDAY, December 11, 2003

All scheduled events take place at the law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

3:00 - 3:30 PM: Registration and Welcome Reception

3:30 - 4:00 PM: Opening and Welcome Remarks

Luis Mariano Negrón, Dean, Facultad de Derecho, Universidad Inter Americana de Puerto Rico

4:00 - 5:45 PM: Session 1: Voicing Democracy: Beyond the Formalities

This opening Session begins the exchange program with a focus on visions and efforts striving to articulate aspirations toward self determination that transcend the limits of formal democracies. Merely formal democracy fails to satisfy contemporary demands for broader societal participation in local, national and international governance, while globalization and the routinization of electoral politics have come to stifle numerous voices arrayed across the political spectrum. This Session therefore begins the program with an exploration of the ways in which those on the margin develop new modes of political contestation, revamp old ones, and challenge purely formal democratic processes. This Session also will explore the social construction of politics as produced by existing institutions, as well the limits on self-governance imposed by liberal democracies. The underlying query is whether the rituals and trappings of "democracy" as we know it can produce the social and legal conditions that enable popular self determination, or instead, serve more often to limit deeper political participation while at the same time offered as the fullest expression of human emancipation achievable. This first Session thereby sets the stage for the follow-up discussions that will further interrogate the relationship of democracy to self determination in local, national and global terms.

Introduction and Facilitation:

Jorge Esquirol, Florida International University, Law, USA

Presenters:

Fred Evans, Duquense University, Philosophy, USA

Philosophical Nuances on Rushdie's Midnight's Children

Becky L. Jacobs, University of Tennessee, Law, USA

Dominion, Democracy, and Self-Determination: How the MST is Transforming Brazil's Landscape

Alvaro Santos, Harvard University, Law, USA

Reconsidering the Influence of International Economic Law on Domestic Labor Law Regimes: NAFTA and Mexico's Labor Relations

Angel Rodríguez-Rivera, Universidad de Puerto Rico, Social Sciences

Democracy, the State and the Subaltern Subject: The Case of Puerto Rico

Commentator:

Belkys Torres, University of Miami, Literature, USA

On-Campus Reception

6:00 - 7:00 PM:

8:30 - 10:00 PM: Group Dinner

DAY 2:**FRIDAY, December 12, 2003 (morning)**

All scheduled events take place at law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

8:45 - 9:45 AM: Coffees and Sweet Things

10:00 - 11:45 AM: Session 2: Colonization, Globalization, Integration: NeoColonial Constraints on Self-Determination

A common theme of both globalization and colonization is the forced "integration" of peoples and areas that are constructed as marginal into the elite centers of power that have orchestrated both of these historical macro-enterprises. But these integrative efforts are assimilative as well: in the view of many critical thinkers, globalization, like colonization, seeks and serves to subdue and subordinate masses of undomesticated peoples and regions into the cultural imperatives and economic empires of elite-identified conquerors from the North and West. To many critical observers, corporate globalization is the latest iteration of colonial conquest. This second Session therefore explores the ways in which the processes and effects of corporate globalization reify the processes and effects of colonialism in political, social, cultural and economic terms. This panel queries whether the processes of globalization, like those of colonization, are antithetical to substantive renditions of democracy and of national policies in the popular pursuit of self determination unbounded by the strictures preferred and imposed by the North and West.

Introduction and Facilitation:

Francisco Valdes, University of Miami, Law, USA

Presenters:

Dominique Legros, Concordia University, Anthropology, Canada
Enforcing Indigenous Laws in the Canadian Liberal Democratic Context or How Liberal Democracy is itself Culturally Bounded

Jean- Francois Cote, University of Quebec, Sociology, Canada
New Forms of Cosmopolitanism in the Americas: Literature, Law, History

Carmen Gonzales, Seattle University, Law, USA
Trade, Environment and Self-Determination

Charles Venator Santiago, Ithaca College, Politics, USA
Coloniality of Power and the Problem of Law

Commentator:

Steve Bender, University of Oregon, Law, USA

On-Campus Luncheon and Keynote

12:00 - 1:15 PM:

Speaker:

Guy Alexandre, Ambassador of Haiti to the Dominican Republic
Racial Revolution and National Self-Determination: The Forgotten Lessons of Haiti's Revolution

DAY 2:

FRIDAY, December 12, 2003 (afternoon)

1:30 - 3:15 PM:

Session 3: Criminalization and Cultural Politics: Imperial Strategies

Throughout human history, ruling classes repeatedly have deployed the criminal law to gain and retain their grip on legal and economic power. Time and again, the wholesale criminalization of ideas, people, groups, activities and dreams has been used as a powerful tool of those in control of the State not only to paralyze but also to demonize dissent and opposition to dominant social arrangements and legal hierarchies - usually, though not necessarily, arrangements and hierarchies that are neocolonial in character and bias, and that perpetuate imperial injustices. To explore this historical phenomenon in contemporary terms, this third Session studies several current or recent examples of this phenomenon that illustrate how criminalization operates as an imperial strategy in the construction of cultural politics and the distribution of social goods. This Session examines and critiques how Law is used, perhaps abused, to manufacture crime and criminality among particular groups and identities in ways that serve to sustain historic privileges as well as current injustices in various national and institutional settings.

Introduction and Facilitation:

Robert Westley, Tulane University, Law, USA

Participants:

Yanira Reyes Gil, Universidad Inter-Americana, Law, Puerto Rico

Responding to Struggles for Self-Determination: The Criminalization of Puerto Rican Independence Movements

Frances Olsen, UCLA, Law, USA

Gender and Criminal Justice: North and South

Lahey, George Mason University, Cultural Studies, USA

Project Colombia: Linking What is Said to What Actually Is

Commentator:

Martin Saavedra, Universidad de Buenos Aires, Law, Argentina

3:30 - 4:30 PM:

On-Campus Reception

10:00 - 12:00 PM: Fiesta! - Meet at the LatCrit Hospitality Suite

DAY 3

Saturday, December 13, 2003

All scheduled events take place at the law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

8:45 - 9:45 AM: Coffees and Sweet Things

10:00 - 11:45AM: Session 4: Social Justice Through Substantive Democracy: Critical Prescriptions

The "transitions" to capitalist democracies that have characterized recent times in this hemisphere and beyond it have been touted from on high as positive evolutionary steps, but among critical scholars they also have raised crucial questions about the actual benefits of formal democracy to the traditionally subordinated, disenfranchised and impoverished members of contemporary societies. In particular, critical thinkers ask whether these transitions have generated regimes that might be better described as a kind of authoritarian populism, even if formally elected and hence formally democratic in nature. These ongoing efforts toward popular self determination thus present fundamental questions about the theory, structure and operation of "democracy" as a viable mechanism to practice national self governance in ways capable of transcending the neocolonial legacies that impede equitable social transformation across the globe. To conclude the Exchange with a forward-looking discussion, this closing Session elucidates the possibilities of social justice through substantive democracy - that is, the possibility in any particular setting of accomplishing transformative social change through legal reforms expressed in popular choices and actions designed to dismantle the inherited skews of colonial arrogations and imperial impositions.

Introduction and Facilitation:

Celina Romany, Universidad Inter-Americana, Law, Puerto Rico

Presenters:

Greg Nielsen, Concordia University, Sociology and Anthropology, Canada
John Rawls: For and Against

Anjel R. Oquendo, University of Connecticut, Law, USA
Democracy and Pluralism

Diego Lopez Medina, Universidad de los Andes, Law, Colombia
The Impure Theory of Law

Colin Crawford, Georgia State University, Law, USA
Environmental Policy as a Key to Local Self-Determination

Commentator:

Pierre de Vos, University of Western Cape, Law, South Africa

12:00 - 1:15 PM: On-Campus Luncheon and Concluding Remarks

The South-North Exchange on Law, Theory and Culture

The South-North Exchange is a joint project of LatCrit, Inc and the Universidad Inter-Americana de Puerto Rico, Facultad de Derecho

WWW.LATCRIT.ORG

LATCRIT@LAW.MIAMI.EDU



FINAL PROGRAM AND SCHEDULE

Beyond Formal Democracy: Re-conceiving Self Determination

DECEMBER 11-13, 2003

INTER-AMERICAN UNIVERSITY SCHOOL OF LAW

SAN JUAN, PUERTO RICO

Sponsored by:

Center for Human Rights, Facultad de Derecho, Universidad Inter-Americana de Puerto Rico

REG-Justice Project

&

Center for Hispanic and Caribbean Legal Studies, University of Miami School of Law

Presented by:

LatCrit, Inc.

(Latina and Latino Critical Legal Theory, Inc.)

The South-North Exchange: Introduction, Welcome and Overview

Saludos, Amigas/os! Welcome to the inaugural South-North Exchange on Law, Theory and Culture, which will be held December 11-13, 2003 at the Inter-American University School of Law in San Juan, Puerto Rico. This new scholarly initiative is designed to foster and sustain a trans-national, cross-disciplinary and inter-cultural dialogue on current issues in law, theory and culture that are of common interest across the Americas. To do so, this new project will examine topical general themes as participants "exchange" views, ideas, experiences and work through a series of interactive plenary Sessions formatted as interactive roundtable discussions. Ideally, this South-North Exchange will help to build enduring networks of critical knowledge that, over time, will help to foster social justice awareness and activism, and help to inform public discourse and policymaking nationally, hemispherically and globally. Travel and lodging information follow below, after the introductory and overview notes.

This new project consists of two parts: a three-day encounter in Puerto Rico consisting of interactive plenary Sessions and, afterward, a scholarly publication based on the live proceedings. Each Session is timed to last one hour and 45 minutes and is formatted to lead up to interactive discussion akin to a roundtable but including the audience as well. The Exchange Sessions open with a 5-minute Substantive Introduction by that Session's Moderator, followed by three or four 15-minute presentations and a 10-minute Commentary to provide a bridge toward 30 minutes of interactive discussion among the participants as well as between the participants and the audience. In addition, all participants and attendees at the live Exchange are invited to submit short essays (of no more than 15 pages each) by February 20, 2004 for publication as a law review symposium based on the proceedings: final details for symposium submissions will be provided on site. Both the "live" and published versions of the South-North Exchange aim to bring to bear on a contemporary topic the combined specialties of multiply diverse scholars.

The inaugural Exchange theme, *Beyond Formal Democracy: Re-conceiving Self Determination*, is designed to query fundamental questions of current relevance to populations from the South to the North poles, for example: (1) whether and how existing models of formal democracy, usually from the North, may serve to guide or misguide "transitions" to democracy taking place chiefly across the southern portions of hemisphere; (2) the substantive meaning of popular self determination as the ultimate aim of such transitions; (3) the very meaning of a transition to democracy in which indigenous and other traditionally subordinated groups remain poor and marginal in the political as well socioeconomic life of the neocolonial nation-state; and (4) the effects of the new 'wars' in the North, and the dramatic socio-legal changes they have enabled, on the prospects for democratic self determination nationally, hemispherically and globally. This inaugural South-North Exchange therefore interweaves, and brings to bear on this topical theme, an extraordinarily rich range of scholarly perspectives defined variously by location, culture, discipline, methodology and theoretics.

Each of the Exchange participants, in their contributions during the four Sessions that comprise this year's three-day program, show that "Democracy" and "Self Determination" represent variegated human experiences as well as enduring multidimensional aspirations of peoples around the globe. Neither project is completed. Instead, the Exchange papers and participants show that interrogation and renovation of these twin constructs continue to necessitate the kinds of multidimensional analyses reflected in the papers that constitute this year's Program. With these introductory thoughts in mind, we invite and welcome you to the inauguration of the South-North Exchange on Law, Theory and Culture.

Due to the generous sponsorship of the Inter-American University and the University of Miami, no registration fee applies to this inaugural event. To attend, simply: (1) send us a reply email to latcrit@law.miami.edu with your name and institutional affiliation; (2) arrange your travel plans to arrive in San Juan in time to join us at the campus of the Inter-American University School of Law by 3 PM on Thursday, December 11th, and; (3) make your hotel reservation directly with the Regency Hotel in San Juan ASAP (our special discounted double-occupancy rate of \$119.70 daily includes all taxes and daily breakfast). Daily complimentary shuttles will provide transportation to and from the Hotel and Campus (each way is about 10-15 minutes). Please call the Regency Hotel at 787-721-0505 and specify that you are part of the group with the "Inter-American University School of Law" (and if you have any difficulty please ask to speak with Nayda Colon, Liza Jimenez, or Carmen Sanchez). Departures from San Juan should be planned for no earlier than Sunday, December 14, 2003. For more information about this or other LatCrit programs and projects, please contact us via email (latcrit@law.miami.edu) or visit our website (www.latcrit.org).

Hasta San Juan!!!

Day 1:

THURSDAY, December 11, 2003

All scheduled events take place at the law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

3:00 – 3:30 PM: Registration and Welcome Reception

3:30 – 4:00 PM: Opening and Welcome Remarks

Luis Mariano Negrón, Dean, Facultad de Derecho, Universidad Inter-Americana de Puerto Rico

4:00 – 5:45 PM: Session I: Voicing Democracy: Beyond the Formalities

This opening Session begins the Exchange program with a focus on visions and efforts striving to articulate aspirations toward self-determination that transcend the limits of formal democracies. Merely formal democracy fails to satisfy contemporary demands for broader societal participation in local, national and international governance, while globalization and the routinization of electoral politics have come to stifle numerous voices arrayed across the political spectrum. This Session therefore begins the program with an exploration of the ways in which those on the margin develop new modes of political contestation, revamp old ones, and challenge purely formal democratic processes. This Session also will explore the social construction of politics as produced by existing institutions, as well as the limits on self-governance imposed by liberal democracies. The underlying query is whether the rituals and trappings of “democracy” as we know it can produce the social and legal conditions that enable popular self-determination, or instead, serve more often to limit deeper political participation while at the same time offered as the fullest expression of human emancipation achievable. This first Session thereby sets the stage for the follow-up discussions that will further interrogate the relationship of democracy to self-determination in local, national and global terms.

Introduction and Facilitation:

Jorge Esquirol, Florida International University, Law, USA

Presenters:

Fred Evans, Duquesne University, Philosophy, USA
Philosophical Nuances on Rushdie's Midnight's Children

Becky L. Jacobs, University of Tennessee, Law, USA
Dominion, Democracy, and Self-Determination: How the MST is Transforming Brazil's Landscape

Alvaro Santos, Harvard University, Law, USA
Reconsidering the Influence of International Economic Law on Domestic Labor Law Regimes: NAFTA and Mexico's Labor Relations

Angel Rodríguez-Rivera, Universidad de Puerto Rico, Social Sciences
Democracy, the State and the Subaltern Subject: The Case of Puerto Rico

Commentator:

Belkys Torres, University of Miami, Literature, USA

6:00 - 7:00 PM: On-Campus Reception

8:30 – 10:00 PM: Group Dinner

DAY 2:

FRIDAY, December 12, 2003 (morning)

All scheduled events take place at law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

8:45 – 9:45 AM: Coffees and Sweet Things

10:00 - 11:45 AM: Session 2: Colonization, Globalization, Integration: NeoColonial Constraints on Self-Determination

A common theme of both globalization and colonization is the forced “integration” of peoples and areas that are constructed as marginal into the elite centers of power that have orchestrated both of these historical macro-enterprises. But these integrative efforts are assimilative as well: in the view of many critical thinkers, globalization, like colonization, seeks and serves to subdue and subordinate masses of undomesticated peoples and regions into the cultural imperatives and economic empires of elite-identified conquerors from the North and West. To many critical observers, corporate globalization is the latest iteration of colonial conquest. This second Session therefore explores the ways in which the processes and effects of corporate globalization reify the processes and effects of colonialism in political, social, cultural and economic terms. This panel queries whether the processes of globalization, like those of colonization, are antithetical to substantive renditions of democracy and of national policies in the popular pursuit of self determination unbounded by the strictures preferred and imposed by the North and West.

Introduction and Facilitation:

Francisco Valdes, University of Miami, Law, USA

Presenters:

Dominique Legros, Concordia University, Anthropology, Canada
Enforcing Indigenous Laws in the Canadian Liberal Democratic Context or How Liberal Democracy is Itself Culturally Bounded

Jean- Francois Cote, University of Quebec, Sociology, Canada
New Forms of Cosmopolitanism in the Americas: Literature, Law, History

Carmen Gonzalez, Seattle University, Law, USA
Trade, Environment and Self-Determination

Charles Venator Santiago, Ithaca College, Politics, USA
Law and the Global Public Sphere

Commentator:

Steve Bender, University of Oregon, Law, USA

12:00 – 1:15 PM: On-Campus Luncheon and Keynote

Speaker:

Guy Alexandre, Ambassador of Haiti to the Dominican Republic
Racial Revolution and National Self-Determination: The Forgotten Lessons of Haiti's Revolution

DAY 2:

FRIDAY, December 12, 2003 (afternoon)

All scheduled events take place at the law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

1:30 – 3:15 PM:

Session 3: Criminalization and Cultural Politics: Imperial Strategies

Throughout human history, ruling classes repeatedly have deployed the criminal law to gain and retain their grip on legal and economic power. Time and again, the wholesale criminalization of ideas, people, groups, activities and dreams has been used as a powerful tool of those in control of the State not only to paralyze but also to demonize dissent and opposition to dominant social arrangements and legal hierarchies – usually, though not necessarily, arrangements and hierarchies that are neocolonial in character and bias, and that perpetuate imperial injustices. To explore this historical phenomenon in contemporary terms, this third Session studies several current or recent examples of this phenomenon that illustrate how criminalization operates as an imperial strategy in the construction of cultural politics and the distribution of social goods. This Session examines and critiques how Law is used, perhaps abused, to manufacture crime and criminality among particular groups and identities in ways that serve to sustain historic privileges as well as current injustices in various national and institutional settings.

Introduction and Facilitation:

Robert Westley, Tulane University, Law, USA

Participants:

Yanira Reyes Gil, Universidad Inter-Americana, Law, Puerto Rico
Responding to Struggles for Self-Determination: The Criminalization of Puerto Rican Independence Movements

Frances Olsen, UCLA, Law, USA
Gender and Criminal Justice: North and South

Lakey , George Mason University, Cultural Studies, USA
Project Colombia: Linking What is Said to What Actually Is

Commentator:

Martin Saavedra, Universidad de Buenos Aires, Law, Argentina

3:30 – 4:30 PM: On-Campus Reception

10:00 - 12:00 PM: Fiesta! – Meet at the LatCrit Hospitality Suite

DAY 3

Saturday, December 13, 2003

All scheduled events take place at the law campus of the Inter American University of Puerto Rico School of Law unless otherwise noted.

8:45 - 9:45 AM: Coffees and Sweet Things

10:00 - 11:45AM: Session 4: Social Justice Through Substantive Democracy: Critical Prescriptions

The “transitions” to capitalist democracies that have characterized recent times in this hemisphere and beyond it have been touted from on high as positive evolutionary steps, but among critical scholars they also have raised crucial questions about the actual benefits of formal democracy to the traditionally subordinated, disenfranchised and impoverished members of contemporary societies. In particular, critical thinkers ask whether these transitions have generated regimes that might be better described as a kind of authoritarian populism, even if formally elected and hence formally democratic in nature. These ongoing efforts toward popular self determination thus present fundamental questions about the theory, structure and operation of “democracy” as a viable mechanism to practice national self governance in ways capable of transcending the neocolonial legacies that impede equitable social transformation across the globe. To conclude the Exchange with a forward-looking discussion, this closing Session elucidates the possibilities of social justice through substantive democracy – that is, the possibility in any particular setting of accomplishing transformative social change through legal reforms expressed in popular choices and actions designed to dismantle the inherited skews of colonial arrogations and imperial impositions.

Introduction and Facilitation:

Celina Romany, Universidad Inter-Americana, Law, Puerto Rico

Presenters:

Greg Nielsen, Concordia University, Sociology and Anthropology, Canada
John Rawls on Global Justice : Reading with and Against

Anqel R. Oquendo, University of Connecticut, Law, USA
Democracy and Pluralism

Diego Lopez Medina, Universidad de los Andes, Law, Colombia
The Impure Theory of Law

Colin Crawford, Georgia State University, Law, USA
Environmental Policy as a Key to Local Self-Determination

Commentator:

Pierre de Vos, University of Western Cape, Law, South Africa

12:00 – 1:15 PM: On-Campus Luncheon and Concluding Remarks