

COLOMBIA --LAW AND SOCIETY ACTIVITIES

César A. Rodríguez-Garavito

University of The Andes (Colombia) and University of Wisconsin-Madison

(Entry prepared for the *Encyclopedia of Law and Society: American and Global Perspectives*, edited by David Clark. Thousand Oaks: Sage, 2006)

Law and society activities took off in the 1980s and have experienced a boom since the 1990s. They involve numerous university research centers, think tanks and NGOs, and cover such topics as the administration of justice, the legal profession, law and political violence, human rights, and legal pluralism.

Three developments converged to spur the growth of empirically grounded, interdisciplinary studies of law since the 1980s—which hitherto had been slowed down by the grip that legal formalism and abstract theorizing have traditionally had over legal education and practice. First, in the late 1970s and early 1980s alternative legal services organizations—notably the Instituto Latinoamericano de Servicios Legales Alternativos (ILSA)—were established that combined advocacy and sociolegal research. Second, as elsewhere in Latin America, the first wave of law and development programs promoted diagnostic sociolegal studies as a preliminary step towards the reform of legal institutions (Rodríguez-Garavito 2001). Participants in the law and development and the alternative legal services initiatives collaborated closely and produced some of the pioneering sociolegal studies of the legal profession (Lynch 1981), popular legal services (Rojas 1988) and labor law (Moncayo and Rojas 1978). Third, the rise of an anti-formalist

movement within legal academia in the early 1990s –the so-called nuevo derecho (new law)— and the concomitant adoption of a new constitution in 1991 that was heavily influenced by such a movement, created the requisite intellectual and political conditions for law and society activities to take off (García-Villegas 1993).

The turning point in the consolidation of sociolegal research and the insertion of Colombia in international networks of law and society activities was an ambitious study on the multifarious forms in which justice is administered in the country, directed by Santos and García-Villegas (2001). Drawing on international law and society literature, the study documented both official mechanisms of dispute resolution like civil and labor courts (Rodríguez-Garavito, Uprimny and García-Villegas 2003) and nonofficial ones like those used by indigenous communities (Sánchez 2001) and by guerrilla groups in the territories they control (Aguilera 2001).

Today, the leading actors in the sociolegal field include pioneers like ILSA and newer research centers like the Centro de Estudios de Derecho, Justicia y Sociedad (DJS), as well as the Nacional, Los Andes and Externado universities. Given the insertion of these and similar organizations in international sociolegal networks, the topics at the cutting-edge of the research agenda today have affinities with those that are salient elsewhere. For instance, the debate between law and economics (Kalmanovitz 2001) and sociolegal (Rodríguez-Garavito and Uprimny 2003) approaches to the study of institutions has become pointed and will figure prominently in the future. Together with the continuing study of classic sociolegal topics like the legal profession (Silva 2001) and of issues that are specific to the Colombian social and political context –for instance, the effects of civil war on the legal field (Aguilera 2001; García-Villegas and Rodríguez-

Garavito 2003)— such new debates will likely consolidate Colombia as one of the countries at the forefront of law and society activities in Latin America.

References

Aguilera, Mario (2001). “Justicia Guerrillera y Población Civil.” In El Caleidoscopio de las Justicias en Colombia, edited by B. Santos y M. García-Villegas, Vol. 2, 389-422.

García-Villegas, Mauricio (1993). La Eficacia Simbólica del Derecho: Examen de Situaciones Colombianas. Bogotá: Uniandes.

-----and César A. Rodríguez-Garavito (2003). “Derecho y Sociedad en América Latina: Propuesta para la Consolidación de los Estudios Jurídicos Críticos.” In Derecho y Sociedad en América Latina: Un Debate sobre los Estudios Jurídicos Críticos, edited by M. García-Villegas y C. Rodríguez-Garavito. Bogotá: ILSA and Universidad Nacional, 15-66.

Kalmanovitz, Salomón (2001). Las Instituciones y el Desarrollo Económico en Colombia. Bogotá: Norma.

Lynch, Dennis (1981). Legal Roles in Colombia. Uppsala: Scandinavian Institute of African Studies and International Center for Law in Development.

Moncayo, Víctor and Fernando Rojas (1978). Luchas Obreras y Política Laboral en Colombia. Bogotá: La Carreta.

Rodríguez-Garavito, César A. (2001). "Globalization, Judicial Reform and the Rule of Law in Latin America: The Return of Law and Development." Beyond Law 23: 13-42.

-----, Rodrigo Uprimny and Mauricio García-Villegas (2003). "Justice and Society in Colombia: A Sociolegal Analysis of Colombian Courts." In Legal Cultures in the Age of Globalization: Latin America and Latin Europe, edited by Lawrence Friedman and R. Pérez-Perdomo. Stanford: Stanford University Press, 134-183.

-----and Rodrigo Uprimny (2003). "¿Justicia para Todos o Seguridad para el Mercado?: El Neoliberalismo y la Reforma Judicial en Colombia y en América Latina." In La Falacia Neoliberal, edited by Darío Restrepo. Bogotá: Universidad Nacional, 415-452.

Rojas, Fernando (1988) "A Comparison of Change-Oriented Legal Services in Latin America with Legal Services in North America and Europe." International Journal of the Sociology of Law 16: 226-288.

Sánchez, Esther (2001). "Aproximación desde la Antropología Jurídica a la Justicia de los Pueblos Indígenas." In El Caleidoscopio de las Justicias en Colombia, edited by B. Santos y M. García-Villegas, Vol. 2, 159-200.

Santos, Boaventura and Mauricio García-Villegas, eds. (2001) El Caleidoscopio de las Justicias en Colombia. Bogotá: Uniandes and Siglo del Hombre.

Silva, Germán (2001). El Mundo Real de los Abogados y la Justicia. Bogotá: ILSA and Universidad Externado de Colombia.

WORD COUNT: 501

CONTACT INFO:

César A. Rodríguez-Garavito

University of Wisconsin-Madison

Department of Sociology

8128 Social Science Building

1180 Observatory Drive

Madison, WI 53706

Tel: (608) 244-4086

Email: crodrigu@ssc.wisc.edu

