



## Editors' Note

This Special Edition of *Latin American Legal Studies* gathers some of the presentations made at the Second Summer Course “Critical Theory of Law and Social Justice in the Americas” (February 27-28, 2023)<sup>1</sup> and at the International Congress “Promoting Critical Theories and Practices in the Legal Cultures of the Americas: South-North Exchange on Theory, Culture and Law” (March 2-3, 2023),<sup>2</sup> both held in Montevideo, on the campus of the Universidad Católica of Uruguay.

The *South North Exchange on Theory, Culture and Law* (SNX) is an initiative that was created more than 20 years ago by academics and researchers participating in the Latina and Latino Critical Legal Theory Inc. movement (LatCrit), with the aim of approaching law critically and building a new law from an anti-subordination perspective.<sup>3</sup> LatCrit Critical Theory is a critical legal current formulated from the margins, which emerged in the U.S. legal academy in the mid-1990s as a response to the invisible perspectives of Latino communities in the critical analysis of law. It is a movement that draws on the contributions of critical legal studies, feminist and queer legal theories, *Critical Race Theory*, decolonial perspectives and other progressive approaches. Over the years LatCrit has developed a critical, activist and interdisciplinary discourse on law and politics, both in the Latin American context and in Latino communities in the United States. It has also formulated theories that are accessible to agents of social and legal change.

The overall objective of this volume is to critically reflect on the relationships between law, justice and society in Latin America, based on complex and contingent phenomena. For this reason, a group of critical theorists from various regions of the hemisphere met to discuss practical problems in applying socio-legal theories to some of the main current social problems and public policy issues. This provided a space for debate focused on South-North relations, and on issues that affect or constitute South-North polarities, in order to strengthen critical theory and praxis in hemispheric terms.

The two meetings in Montevideo were characterized for being free, inclusive, intergenerational, transnational, participatory, interdisciplinary and with gender parity. University students, teachers, researchers and the general public were also able to participate in a hybrid modality, which allowed people from other countries to join in the conversations. This gave continuity to the first version of the Summer Course, held at the Universidad Alberto Hurtado in Santiago, Chile, in January 2022,<sup>4</sup> whose presentations will soon be published as a collective book by Ediciones Universidad Alberto Hurtado, and the next version was announced, to be held at the Universidad de La Salle, Bogotá, on June 10-12, 2024.<sup>5</sup> The participants in both events reflected on various contemporary critical theories that offer new perspectives on issues such as the rights of indigenous peoples, the

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<sup>1</sup> More background on the Summer Course “Critical Legal Theory and Social Justice in the Americas” at: <https://derecho.uahurtado.cl/web2021/wp-content/uploads/2023/02/brochurefinalc.pdf>

<sup>2</sup> More background on the International Congress “Promoting Critical Theories and Practices in the Legal Cultures of the Americas: South-North Exchange on Theory, Culture and Law” at: <https://derecho.uahurtado.cl/web2021/wp-content/uploads/2023/01/brochurec.pdf>.

<sup>3</sup> Francisco Valdes and Steven W. Bender: *LatCrit. From Critical Legal Theory to Academic Activism* (New York: New York University Press, 2021).

<sup>4</sup> *Vid.* <https://derecho.uahurtado.cl/noticias/curso-teoria-critica-del-derecho-y-justicia-social-en-las-americas/>.

<sup>5</sup> The announcement is available at <https://derecho.uahurtado.cl/noticias/convocatoria-congreso-de-teoria-critica-del-derecho-y-justicia-social-en-las-americas-bogota-2024/>.

rights of migrants, feminist legal theory, human rights and transitional justice, the rights of sexual minorities, etc. The backdrop is the promotion of interdisciplinarity, and especially the complementarity between legal dogmatics and sociology of law.

In this opportunity we promote critical theories and *praxis* that contribute to questioning and transforming current law and its epistemologies. The articles gathered in this volume not only offer critical perspectives, but also propose that, through the law, it is possible to improve the quality of life of the least advantaged social sectors or collectives and thus achieve greater levels of social justice and social equity in the different regions of our continent. The articles included in this volume remind us that law, in addition to its normative and value dimensions, is a social fact, which implies looking at law from the sidewalk of interdisciplinarity.

We are pleased to invite you to review the eight articles -written by eight female and two male authors- that make up this Special Edition of *Latin American Legal Studies*: 1° Lieta Vivaldi (Universidad Alberto Hurtado), Camila Troncoso (Universidad de Valencia) and Andrea Salazar (Universidad Austral de Chile) are the authors of “Care from feminist paradigms: social reproduction and ethics in regulations and public policies. 2° Noémie Boivin (Université de Sherbrooke) of “Refugee application and migratory regularization in the southern border of Mexico: legal ethnography based on the experiences of foreign women in Tapachula”. 3° Rafael Blanco (Universidad Alberto Hurtado) on “The role of the *Juez de Garantías* in the investigation phase of the criminal procedural systems of Chile, Uruguay and Argentina Federal”. 4° Silvia Gagliardi (Universitetet i Oslo) et al for “The influence of popular conceptions of national and constitutional identity on the position of marginalized or minority groups within a nation state. A legal, empirical, and comparative analysis of four jurisdictions through the prism of gender”. 5° Jules Lobel (University of Pittsburgh) of “Critical Human Rights Lawyering in Latin America and the United States: The Latin American Roots of Participatory Impact Lawyering”. 6° Rosario Paz Acevedo (Pontificia Universidad Católica de Chile) of “Towards a Constitution of Care: Lessons from the Chilean Constituent Process of 2021-2022”. 7° María Paula Garat (Catholic University of Uruguay) on “The right to social security in human rights case law, standards and challenges for its protection”, and 8° Sarah Dávila (University of Illinois) on “Rights of present and future generations to a healthy environment: a comparative law analysis intergenerational equity and solidarity”.

These and other activities that we are carrying out to reflect on critical theory of law and social justice in the Americas have been possible thanks to the sponsorship of a group of institutions that at the moment is formed by: Universidad Católica del Uruguay, Universidad Alberto Hurtado, University of Pittsburgh, Latina and Latino Critical Legal Theory (LatCrit), Instituto Milenio para la Investigación en Violencia y Democracia (Instituto VioDemos), Cornell University, University of Miami, Universidad Interamericana de Puerto Rico, University of Florida, Universidad Nacional de Tucumán, Seattle University, Universidad Iberoamericana de República Dominicana, Institute of Latina/o, Caribbean, and Latin American Studies of the University of Connecticut and Facultad Latinoamericana de Ciencias Sociales (FLACSO-Chile).

The indexing of *Latin American Legal Studies* in Scopus was coincidentally announced during the conference in Montevideo,<sup>6</sup> which is especially meritorious for a journal that in less than seven years since its creation has ensured high academic standards. We would

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<sup>6</sup> Vid. <https://noticias.uai.cl/revista-latin-american-legal-studies-es-indexada-en-scopus/>.

like to take this opportunity to thank the authors who submitted their articles to arbitration in this volume of *Latin American Legal Studies*, trusting in the work of the editorial team and in charge of the translation tasks, as well as the group of teachers and researchers who anonymously, timely and with dedication evaluated the quality and originality of each of the texts that are now available to the interested public.

### Guest editors

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