



On Monday, October 3, 2011, Catalina Smulovitz, a political scientist and professor at the Universidad Torcuato Di Tella in Argentina, spoke at the Rapoport Center's Human Rights Happy Hour Speaker Series. The talk, entitled "The Unequal Distribution of Legal Rights and Domestic Violence: Who Gets What and Where in Argentinean Provinces?", examined the disparities in the level of legal protection afforded to victims of domestic violence throughout different provinces in Argentina. The piece challenged the general understanding in Argentina that inequality should be attributed to class.

Smulovitz's study involved analyzing both the federal domestic violence law and the local domestic violence laws of each Argentinean province. What she discovered is that in some provinces, individuals are afforded ample protection while in others the protection was quite lacking. Using domestic violence laws in Argentina as an example, Smulovitz argued that the greater amount of autonomy given to sub-national authorities-- to define legal norms, allocate resources for enforcement and control judicial interpretation, the greater the likelihood of inequality in rights protection.

Her analysis of domestic violence laws is part of a larger project to examine the effects of federalism in procuring and protecting the rights of individuals in Argentina as well as other federalist states such as the United States, Brazil and Mexico. Smulovitz argues that federalism is not only a forgotten dimension of legal inequality and access to justice, but also demonstrates how politicians can use rights as a tool for distribution and the administration of symbolic goods at the local level. As a result, despite their potential pitfalls, local legal promises do matter and should be made.

After Smulovitz's talk, Professor Ariel Dulitzky of the University Texas School of Law gave an official response. Speaking as a lawyer, Dulitzky, an Argentinean native as well, was largely in agreement with Smulovitz's analysis. What he wondered, however, was what should be done: "What should we do about these differences?" he asked. "Do we raise the minimum floor of rights? Do we get rid of federalism?". His questions provoked a heated discussion amongst Smulovitz, Dulitzky and those in attendance.