

Redefining the Concept of Democracy in the New Latin American Constitutionalism: Legal Pluralism and Communitarian Systems

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Abstract

Responding to a growing social inequality and a political crisis taking place in traditional governmental institutions, this article explores the impact of popular revolutions and resistance struggles that have emerged in Latin America. In Bolivia and Brazil, for instance, resistance movements forced constitutional change by introducing into the political system practical theories of legal pluralism and community-type constitutional democracy. This article explores such changes, by articulating a political/socio-legal perspective and focusing in on the restructuring of the Bolivian Constitution in 2009. Bolivia's constitutional experience demonstrates that the concept of democracy can be redefined and reflect a particular legal/political pluralism anchored in the traditional notions of the indigenous autonomic communal systems. Bolivia's constitutional tradition was developed by the political and economic elite, which ignored the needs of a majority of the population and sought to oppress the existing cultural diversity; aiming at an Eurocentric liberal project of nation. In the first decades of the 21st century, however, the indigenous struggles in the Andean region and localized resistance movements created a "new political power", legitimizing a communitarian vision of nation building, political culture, and constitutional democracy. Specifically, a constitutional recognition of a variety of political cultures and values, including indigenous political culture, has allowed for the development of political systems that co-exist within the same state structure; since the constitutional framework allows for cooperation and coordination with the plurality of jurisdictions (indigenous and ordinary), thus allowing for a wider project of decolonization to remove the old European elitist political structures.

Keywords: Democracy, Latin American Constitutionalism, Legal Pluralism, Communitarian Systems.