

AUGUST SIT SYMPOSIUM

ABSTRACT

FROM: Fernando García, Associate Academic Dean

TITLE: THE BOLIVIAN STATE IN TRANSITION

This paper will look into some structural features of the Bolivian state-society complex, highlighting the changes now taking place under the government of Evo Morales. Particular attention will be paid to the degree to which the older Liberal-Prebendary state form is actually being replaced by a new state form. Utilizing a framework that looks at long-term historical and structural changes, the author will explore the actual content and current course of the Bolivian transition toward a “socialist horizon”, as Vicepresident Alvaro García Linera recently announced. While still preliminary, the results of this macro-analysis of Bolivian reality will serve as a basis for further research.

THE BOLIVIAN STATE IN TRANSITION

(Work in Progress)

By Fernando García Argañarás

PART I: FROM THE OLD TO THE NEW

While this paper concerns the Bolivian state-society complex, it is ultimately framed within the critical paradigm raised by international political economy.^{1/} That is, it examines in the Bolivian case the ways in which political forces (governments, institutions, individual actors) shape the structures through which economic relations and interactions are expressed, and conversely, the effects that economic forces (including the power of collective markets and individuals acting both within and outside them) have upon political structures and outcomes.

Thus, I will look into some structural features of the Bolivian state-society complex, highlighting the changes now taking place under the government of Evo Morales. Particular attention will be paid to the degree to which the older Prebendary-Corporatist state form is actually being replaced by a new state form. Utilizing a framework that looks at long-term historical and structural changes, I will explore the actual content and current course of the Bolivian transition toward a “socialist horizon”, as Vicepresident Alvaro García Linera recently announced. While still preliminary, the results of this macro-historical analysis of Bolivian reality will serve as a basis for further research.

FROM ACTOR-BEHAVIOR TO SOCIAL FORCES APPROACHES

In recent years, mainstream scholarship has emphasized the importance of social actors in leading political and economic change according to rational motivations and objectives (see Cohen, 1985: 663; Offe, 1990: 233; Escobar and Alvarez, 1992: 1-2, 4; and Eckstein, 2001: 356). Yet, these have proved insufficient to account for the scope of recent mobilizations in countries like Ecuador, Bolivia and Venezuela and more so, in terms of explaining the structural changes attempted by their present governments. Thus, actor-centered scholarship split into adherents to the rational-actor approach and a new identity-based paradigm emerging in continental Europe and Latin America. Adherents to the latter perspective argue that one cannot apply rational-actor models to the new forms of collective action. From this standpoint, contemporary movements are not strategic responses to structural or economic inequalities, but self-manifestations in a struggle to broaden social and political recognition. These movements often take place in a local, not in the national arena (Cohen and Arato, 1992: 498, 510-11; Escobar and Alvarez, 1992: 5; Kitschelt, 1993: 14-15; Melucci and Lyyra, 1998: 203). The latter paradigm's emphasis on social actors constituting "collective identities as a means to create democratic spaces for more autonomous action" moved research and analysis in a more holistic direction and has become known as the New Social Movement (NSM) approach.

Nevertheless, the study of NSMs is generally post-Marxist and post-structuralist and often even informed by a post-modern understanding of social dynamics. It rejects Marxist notions of class struggles, and centers on individual group dynamics, arguing that generalizations obscure actual events because every organization is unique (Tarrow, 1988: 423-4; Escobar and Alvarez, 1992: 5). The methodological and epistemological individualism of both approaches is evident.

In the mid- to late 1980s and early 1990s, there was a shift in the Latin American NSM literature. Alvarez, Dagnino, and Escobar (1998), for example, argued that the state should not be ignored in studies of social movements. Nevertheless, even these more comprehensive approaches to New Social Movement research do not go so far as to study the interrelation between social movements and the state, much less the state in its relationship with the economic structure. To explain why and how the state often becomes crucial to effect overarching policy changes requires an approach that is both synchronic and diachronic.

Based in part on Gramscian thinking about hegemony, Robert W. Cox opened the way to a historical and structural analysis of the interrelationships between social forces, states and world orders. In this vein, I start with the theoretical premise that structural transformations entail, by definition, modifications in the distribution of power within political, social and economic structures. Applying these concepts to the Bolivian case, I recognize that Bolivia's social formation, in varying degrees, has gone through three major reconfigurations of power structures and relations: first, independence; second, the National Revolution of 1952; and third, the implementation of neoliberalism since 1985. Each of these periods has been characterized by the supremacy of a given social group. 2/ We can further say that the state and society that characterized Bolivia since 1985 until recently, reflected both the attempts of the world order of the *Pax Americana* to extend its supremacy within Bolivia, and the social split and confrontation that neoliberal policies provoked internally, as certain social forces aligned themselves with the US and others resisted the implementation and consolidation of neoliberal transformations. As US leadership was challenged in civil society, but accommodating forces controlled the apparatus of the state and government, neither outright force nor full consent, was to be found in the political and social arena. Between force and consent there stood accommodation, punctuated by conflict.

THE OLD ORDER OF THE *PAX AMERICANA*

Let's say that that the supremacy of the United States in the bipolar era coincided with a Bolivian state form whose structure and reproduction was marked by the productive organization and labor relations envisioned by the MNR-led revolution of 1952. The political economy of such structure has been traditionally defined as "state capitalism" or more specifically, "peripheral state capitalism". I have analyzed the power relations of this period in terms of "prebendary-corporatism" (1993). The political and ideological leadership of the MNR was undiminished by the turn away from state-centered policies

under the presidency of Gonzalo Sánchez de Lozada in the mid-1980s and his last government in 2003. Indeed, one can argue that his government was the (almost) successful culmination of the MNR's long-term vision of entrepreneurial class formation. The explosive social climax of October 2003 unraveled the threads that had joined state and civil society, both under the state-centered (1952-1984) and the neoliberal (1985-2003) stages of Bolivia's process of entrepreneurial class formation. Broadly speaking, the ideas, institutions and social forces that had sustained either accommodation or resistance within the Bolivian social formation came to a point of antagonism such as was to redefine the links between the state and the socio-economic and cultural foundations that give form to political representation and legitimacy.

In summary fashion, one can say that the older Prebendary-Corporatist state form was characterized by a centralist state, run by the middle class. This state, on the one hand, maintained social cohesion through a network of power pyramids for the exchange of favors and jobs, while, on the other hand, it strengthened its political cohesion by incorporating in its decision-making labor organizations such as the COB, FSTMB y CSUTCB. In terms that are no longer fashionable, we are talking about an alliance among the middle class, the peasantry and the working class (mostly the mineworkers); together, more or less united behind a discourse of nation-building. The political and institutional arrangements of co-government, the peasant-military pact and the increasing "professionalization" of the armed forces, as well as the Cold War alignment, bear witness to this class alliance.

No doubt, we are referring here to the dominant configuration of social and economic forces, all of which stretched across and thorough the western geography of Bolivia. It is well known that this configuration of ideas, institutions and social forces stemmed from and were dependent upon the tin-mining economy. Its *raison d'être* was, among other things, the creation of an entrepreneurial class; one that, someday, would pull Bolivia along the path of modernization, or, at least, industrialization. 3/ In western Bolivia a counter-configuration took slowly shape as well, centered around the radicalized Marxist factions of the working class and petty bourgeoisie.

A NEW HISTORICAL MOMENT

In the 1990s, the expansion of the market, the transnationalization of the economy, the expansion of the great Eastern landed estates, the development of agro-industries, the unsatisfied needs of large social sectors, and the increasing social unrest, all pointed in the direction of structural change a new configuration of forces rooted in eastern Bolivia. While the earlier "nationalist" period had been characterized by union-led collective action, Gonzalo Sánchez de Lozada and subsequent neoliberal governments had to contend for a time with a weakened labor movement, as the rank-and-file searched for and tried out alternative forms of social protest, economic development and political expression. The 1990s, therefore, witnessed the consolidation of democratic rule, which, although limited by the constraints entailed by the US-promoted Drug War and the continued

macroeconomic “surveillance” of the *Pax Americana*, allowed for the emergence of a party system that came to be gradually recognized as a complementary form of political participation and representation (and not merely as vehicle for personal leadership).

Widespread dissatisfaction with the economic and social consequences of neoliberalism brought to the fore anew ethnic and social cleavages, the reorganization of the labor movement and continued rejection of privatization policies. Neoliberalism and the Drug War, symbolized by Decree 21060 and Law 1008, therefore, accelerated the crisis of the state, which was underlined by new social mobilizations and punctuated by repression.

While the old order cohered around the sphere of work and personal and family relations protected by the state, the emerging one converged around territory and culture, though without displacing family ties and personal bonds which often continued being essential to survive in an economy lacking stability and opportunities. The emergence of the Chapare coca growers, the “*chola bourgeoisie*”, the regional civic committees, the small Valley producers and the *camba* entrepreneurs, were all symptomatic of this change in Bolivian civil society. Step by step, the state itself ceased to be the main reference point, the privileged actor for the resolution of conflicts stemming from the existing power relations. New spaces opened up for political struggle and social action, as well as for production and accumulation: the municipality, the *prefectura*, the OTBs (*Organizaciones Territoriales de Bases*), the neighborhood committees (*Juntas Vecinales*), NGOs, the political parties themselves. El Alto’s COR (*Central Obrera Regional*), Cochabamba’s Water Coordinator and the six federations of coca producers, displaced the COB and FSTMB in Western Bolivia; and CAINCO, CAO and the *Comité Pro Santa Cruz* led in Eastern Bolivia. There arose the entrepreneurial, indigenist and neopopulist discourses, “land, power and territory”, the October Agenda.

Hence, the crisis of the Prebendary-Corporatist state entailed the unraveling of the class alliance that had sustained the “national-revolutionary” developmental vision. Such unraveling took place along two axes: one, strongly national-popular; the other, conservative --both with a significant presence across all Bolivian regions.

NEOCONSERVATISM VERSUS NATIONAL-POPULISM

In the realm of ideas, neoliberalism proved ephemeral, at least in Bolivia. Its evident failure and unpopularity (other than in certain recalcitrant enclaves), however, did not lead to new ideas of proposals on the part of entrepreneurs and landowners, much less to an alternative horizon for the country. On the contrary, the economically dominant sectors have retreated to pre-liberal standpoints sustained on semi-feudal practices and values. Such were evident in the reactions of landowners in Alto Parapetí, in certain elements of the autonomic statutes initially drafted by Santa Cruz and Beni, as well as the corporate pressures exerted by the CEPB until the most recent presidential elections. One must remember that it was the coca growers’ “invasion” of the well-to-do neighborhoods of Cochabamba’s *zona norte*, during a march in support of the government in January 2007

which detonated violent clashes with middle-class youth, all too ready to “expel” the outsiders from their territory. This type of self-interested bias, is not absent in the pro-government camp, where “social movements” (which is to say, corporate unions) project themselves as pillars of the emerging state form. Notwithstanding, they are consistently reluctant to consider federalism as a national option or refuse to acknowledge that autonomic demands go well beyond the reach of the *camba* oligarchy. The results of the 2009 elections proved sobering to both the pro-government and opposition forces, as it became clear that autonomous demands had been accepted once again by the government leadership, and that autonomous leaders, who won in only three departments (Santa Cruz, Beni and Pando), did so by relatively small margins. 4/

Since the establishment of the October Agenda as the bottom line for structural reforms in Bolivia, the successive electoral victories of MAS candidates has begun to break the bounds of long-standing critiques of the neoliberal model. To the degree that state policies have been more responsive than ever to rank-and-file demands of organized civil society, a new articulation of social forces takes shape. Rural citizens, the urban middle and working classes, both *mestizo* and “whitish”, increasingly throw their weight behind the process of change. It seems that at long last, Bolivia is coming up with a “national project” along uncharted development lines.

A CONSTITUTION FOR CHANGE ROOTED IN TRADITION

Simply put, a Constitution is a body of rules that implicitly or explicitly describes the form of government and ways of functioning of a State. Since ancient Athens, constitutional theory and practice has also incorporated a series of elements that limit the power of government over its citizens. Historically, Western constitutionalism has come to be precisely defined by the development of mechanisms that limit the power of the State and place it under a higher law. 5/ In this manner, the modern state, of liberal origins, counts among its main elements a written or unwritten constitution, bicameralism, the separation of powers and judicial review. This means that the Magna Charta of a modern state is, simultaneously, law of laws and subject to checks and balances as well as revision. In the case of a democracy, sovereignty is thus unfolded, with the constitution reflecting the full rights of the people, as well as exerting over the people the full extent of its reach. 6/

The new Bolivian constitution includes all the key elements mentioned above, but has generated a debate among purists who question and highlight either its “pro indigenous bias” or the “concessions” that right-wing opposition sectors wrested from the mostly leftist Constituent Assembly. Within this framework, let’s direct our attention to those elements of the pluri-national constitution now being implemented in Bolivia, so that we can ascertain the degree to which it contains either a liberal philosophic and political foundation or one grounded on indigenous customary Andean cosmology. It will be seen that what prevails is the liberal tradition, though accompanied no doubt by elements rooted in European socialism and selective aspects of the Andean worldview. At least on paper, all these components broaden the democratic and plural foundation of the state.

DOMINIUM POLITICUM AND REPUBLICANISM

It is good to acknowledge at the start, that Bolivia's Constituent Assembly –and the very constitution drafted by it –, as such, have their historical roots, unambiguously, in the English parliamentary and republican assembly tradition. That is, insofar as both are mechanisms and forms devised to give shape to and allow for the functioning of the state according to certain procedures and rules. It was at the time of Oliver Cromwell, when James Harrington and Sir Henry Vane, from different standpoints, anticipate in their writings and advocated, the broadening of the political power of the emerging bourgeoisie; much the same way the Bolivian parliamentary left advocated the broadening political power of the emerging indigenous peasantry. In both cases, it was a matter of consolidating the parliamentary presence of the emerging classes and their parliamentary supremacy before the feudal aristocracy, in the English case, and the capitalist "oligarchy", in the case of Bolivia. In England, even the restored monarchy, which was consolidated after 1660, did not henceforth dare tamper with such supremacy. It remains to be seen whether the current parliamentary supremacy of the Bolivian popular classes will survive beyond the present regime.

Indeed, Bolivia's constitution carries out an analogous transfer of power: it enables the political displacement of the whitish republican oligarchy, which is nevertheless still entrenched socially and economically across the country. The ethnic and social composition of the new Plurinational Assembly – and especially, of the ruling party –, bear witness to this: mostly indigenous-peasant and *mestizo*-petty bourgeois. As in XVII century England, the main bone of contention now is land ownership.^{7/} It is not surprising then, that Article 398 outlaws the great landed estates, or that Article 394 guarantees community-owned landed property. It is not a coincidence either, that Bolivia is preserving (though broadening its representative nature) that quintessential parliamentary institution, whose need Harrington was adamant to defend: the senate.

By the same token, the current concept of the separation of powers has evolved in interesting ways. During the English Civil War, only two powers were recognized: the executive and the legislative (which then included judicial functions). This lasted until the mid XVIII century. Subsequently, by the end of the XVIII century, distinctions emerge between the legislative, executive and judicial powers, starting with Montesquieu and some American constitutions (those of Virginia, Maryland, North Carolina, Georgia, Massachusetts and New Hampshire). Following this tradition, in the Bolivian case, Article 12, paragraph I, of the new constitution establishes the "independence, separation, coordination and cooperation" among the organs of the state. All this, in order to guarantee the Civil and Political rights (Articles 21 to 32) of Bolivians before the state. Furthermore, an innovation is introduced here, as a fourth power of the state is established, the so-called Electoral Organ (Art. 12).

Confirming the liberal roots of much of Bolivia's constitution, there is an explicit guarantee for private property, whether individually or collectively owned, as well as for the rights of inheritance. Both things well entrenched in England by the republican tradition (Harrington

had said that the law was upheld more by interest than by will) and carried over in Bolivia by its republican constitutions as well. Not to mention that the English feudal aristocracy and its organic intellectuals supported these rights, whether coming from the liberal or conservative wings. 8/ Yet, the right to private property left to itself would leave us accepting the doctrine that government, and even current society, exist to protect it and not to regulate it. Instead, the new Bolivian constitution, rejecting such doctrine, enshrines the concept of “social function”.

THE ECLECTICISM OF PLURINATIONAL LAW

The Preamble of the Bolivian constitution inverts traditional arguments and holds that the system of laws exists *a posteriori* to the explicit social pact of the community of citizens; a community that furthermore attempts to collectively rebuild the state upon new foundations. As we know, every inversion maintains the structural limits of the original form, and, in this sense, it would appear that plurinational Right in the “Unitary Social State” can hardly be qualitatively distinguished from either English possessive individualism 9/, or Bolivian republicanism. But this is a half-truth: The introduction of the “social function” of property (Art. 56) to the juridical and political equation provokes a curious result: it redefines civil power as the right to make laws, subject to sanction, in order to regulate power (economic, social and political) and no longer in order to preserve property. Hence the fit between a vision of acquired (and conditional) property rights, on the one hand, and the innovation of Social Control (Article 241), on the other. This means that the Bolivian constitution preserves elements of classic political liberalism and republicanism, but introduces *sui generis* variants of seemingly socialist roots.

Why “socialist”? Because it is the mode and relations of production of capitalism which generate that peculiar conceptual and some would say, ontological, division between “civil society”, the “state” and “economy”. They also produce political and ideological orientations accommodating or resisting the unfettered private accumulation of capital or its regulation by the state. It is no secret that socialist ideas emerge in the XIX century precisely to limit or bring to an end that right created by and for the emerging European bourgeoisie.

The powers of the Plurinational State are derived, given that the people have the supreme power to modify the legislative organ; and the executive is constitutionally limited, both vis-a-vis the legislative as for reason that its prerogatives are restricted by the juridical framework. At any rate, the constitution regulates and limits the powers of the state itself as well as those that exist under the state’s economic and social jurisdictions. The checks and balances do not refer only to the prohibition to fuse the public powers under a single organ, or to the delegation of powers among each other (Art. 12, paragraph III), but also refer to the inviolability of rights established in the constitution, and that “the state has the duty to promote, respect and uphold”. (Art. 13.) Title IV, Chapters First, Second and Third account in detail for the jurisdictional safeguards and courses of defense open to citizens in this regard.

Furthermore, the constitution takes up from Rousseau and the Greek tradition the idea that the community is the principal instrument for moral education, and that political power is essentially an ethical issue. Most certainly, this vision is also implicit in the even broader cosmo-vision of Andean cultures, and is expressly enshrined in Article 8, Paragraphs I and II. But here it is not a matter of integrating Andean and Amazonian philosophy into Western democracy; it is not an issue of opposites that complement each other either. Rather, it is a question of a very pragmatic parceling out of constitutional principles and values which in addition reflect the multiple attempts to come to terms with opposition factions and their views.

On the whole, what prevail in the Bolivian constitution are the republican and liberal traditions. Yet, Andean custom and tradition is to be found well entrenched in the articles that deal with Indigenous Peasant Jurisdiction (Articles 190-192); in those that refer to Indigenous Peasant Autonomy (Articles 289-296); in those that determine the powers of Indigenous Peasant Autonomies (Articles 303-304); and in the statements about the need to respect the plural economic model devised for “improving the quality of life and promoting good living” (Art. 306). One could add other articles referring to Land and Territory, but a good part of Chapter Nine is framed within an economic paradigm dealing with the regulation of land markets. This is to say, the regulation of the capitalist market according to social criteria.

We must not ignore, much less underestimate, the fact that the constitution is much more than the sum of its parts. Conflictive, prolonged and spasmodic as was the process of its elaboration, approval, adjustment and eventual promulgation, the Political Constitution of the Plurinational State of Bolivia is a synthesis of struggles encompassing its ancient, republican and liberal past. Imperfect and variegated, it embodies the aspirations of a whole people.

NOTES:

1. IPE scholars are at the center of the debate and research surrounding globalization, both in the popular and academic spheres. Other topics that command substantial attention among IPE scholars are international trade (with particular attention to the politics surrounding trade deals, but also significant work examining the results of trade agreements), development, the relationship between democracy and markets, international finance, global markets, multi-state cooperation in solving trans-border economic problems, and the structural balance of power between and among states and institutions. Unlike conventional international relations, power is understood to be both economic and political, which are interrelated in a complex manner.
2. We owe to Antonio Gramsci the criterion that “the supremacy of a social group manifests itself in two ways, as ‘domination’ and as ‘intellectual and moral leadership’” (1980: 57).

3. It's easy to forget that the initial "statism" (1952-1985) of the nationalist regime was a necessity and did not entail an issue of principle: simply put, there was no entrepreneurial class at hand to lead the nation-state. Within this framework, the indigenous character of the peasant masses took a back seat, as land reform and distribution and the preservation of the ancient *ayllus* in western Bolivia apparently did not threaten their ethnic identity but reinforced it. Insofar as the "Indian" masses accepted the nominal integration under the new state, and also, proved unable to pose their own alternative options for national development, they did not become a source of antagonism for the urban classes. Their *de facto* productive and geographic limitations (which did not extend to economic exchange), reinforced this perception. Ethnic and racial prejudices could now be disguised in terms of the universally accepted notions of "education", "profession" or "trade", if not so much now of family origin. This gave way to either paternalism or indifference. Progress would eventually assimilate them, and, if that were not the case, it would at least keep them at bay (García, 1993).
4. The effects of the 2010 elections for regional governors are similar. As Miguel Centellas points out, "The 2009 Constitution formally recognizes "autonomous" regions and grants them significant jurisdictional powers. True, Morales' Movement Towards Socialism (MAS) party expanded its support in these departments (even winning a majority in gas-rich Tarija). But after the April 2010 regional and municipal elections, Morales will no longer face popularly elected prefects backed by murky "civic committees." He will face governors (the name change is not insignificant) backed by popularly elected, legitimate regional legislatures. In the December elections, voters in Bolivia's highland departments also backed autonomy (by 70 percent or more), as did voters in Tarija's easternmost Gran Chaco province in their own "regional" autonomy referendum. In both cases, MAS threw its weight behind autonomy—reversing its stance in a similar 2005 referendum. (*Americas Quarterly*, "The Second-Term Challenges for Bolivia's Evo Morales", N/D).
5. Alexander Hamilton in *The Federalist*: "In framing a government which is to be administered by men over men, the greatest difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on government; but experience has taught mankind the necessity of auxiliary precautions."
6. The first Word on the doctrine of sovereignty is in Jean Bodin, *Seis Libros de la República*, where he argues that Law is the sovereign's will, and sovereignty is the capacity to make laws by an act of will.

7. According to John Adams, admirer of Harrington, “el poder va detrás de la propiedad”. As a matter of fact, Harrington believes that those who have an “over-balance” of lands in their favor, in the long run, will control government.
8. After all, it was Locke, who, without venturing as much as subsequent more democratic theories would, held that the legislative power is fiduciary and delegated (as the majority acts in the name of the community).
9. In Locke, the right to private property is derived from natural law, which is to say, is an innate and inviolable right. As a result, his political theory is as individualist as that of Thomas Hobbes. See, Macpherson. C.B. (1962). *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Oxford University Press.