

Bolivian Community Justice

Recently, Bolivia has begun to reshape its judicial system with increased flexibility and autonomy given to its highly diversified indigenous community, forming a significant break in the current style of state-indigenous relations. In Bolivia's recently approved constitution, a new amendment has legalized a form of judicial process most commonly called community justice, but more correctly called original rural indigenous justice. Community justice places cases outside of the traditional judicial system, allowing communities to moderate conflicts within their territory and select consequences for any guilty parties according to historical tradition. This legalization contributes to a state program to extend autonomy to the heterogeneous indigenous populations in order to create a nation that represents its peoples' different ethnic and historical roots.

This legalization carries implications for Bolivian state formation as well as indigenous-governmental relations. Community justice champions itself as an advanced form of governmental relations and a system that promotes social restitution in place of punishment. However, the name has also become attached to the justification of lynching and mob trials, which creates concern among global human rights entities. This thesis will attempt to address how community justice impacts the relationship between the Bolivian state and its diverse indigenous communities. While attempting to answer this primary question, other related matters will arise, such as: from where the precedent for community justice can be derived, whether community justice weakens or fortifies the existing state structure, and whether the existence of lynch mobs can be tied to the rural practice of community justice.

I hope to address these questions drawing from information I gathered during a six week research program in Bolivia. Amongst the resources I was able to develop are interviews with

representatives of Bolivian organizations tasked with the monitoring community justice as well as representatives from the government. I also hope to use the existing literature addressing community justice to determine the role of community justice in Bolivian statecraft and to draw from the opinions and theories of academics who have considered the issues of community justice, alongside government produced literature. In my research, I have noticed several issues that have continually reemerged in discussion such as human rights violations, communal dynamics, and state development among others. From these commonly discussed facets, I chose to focus on the implications of community justice as an extension of identity both indigenous and communal, a system of community management that reflects the community-state relationship, and a “mosaic” of structures and processes that serve similar functions in widely different traditions.

Bolivia’s example serves as an important test model for a state structure that supports rather than suppresses racial and cultural diversity, a model drastically different than the segregation-style reservations within the United States. Ultimately, Bolivian community justice will testify as to whether a collection of vastly varied traditions and races can remain unified as one state or whether these steps towards autonomy will only dissolve the concept of a collective Bolivian identity and allegiance.