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**SYMPOSIUM ISSUE:** PRESENTED BY LATINA/O CRITICAL LEGAL THEORY, INC.: CONNECTING PLACE, IDENTITY, & POLITICS: An **Outline of a Global Political Subject:** Reading Evo Morales's Election as a (Post-) Colonial Event

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**SUMMARY:**

... A first question to be raised in designing the critical text that will sustain demands for redress is whether and how humanity can inhabit an ethico-political platform that relinquishes universality and self-determination. ... My plea is then to ask political theorizing to come out of its comfortable birth grounds, the domain of man, namely universality, and consider how raciality and indigeneity (the descriptors of cultural difference that comprehend Evo Morales as a political subject) work as productive mechanisms of global subjugation. ... Evo Morales's ascension to the center of Bolivian politics has been attributed to his demotion from congress, after a deadly conflict with the police and military during one of the Zero Coca confrontations. ... MAS's ability to combine the coca leaf war with other fronts, as a unified struggle for natural resources, united two unlikely allies: first, the indigenous peoples, peasants, and workers who suffered the economic consequences of twenty years of a neoliberal program culminating in the privatization of the country's natural resources (foreign, transnational companies' control of mining, exploration of natural gas and oil) and the consequent impoverishment of the Bolivian state (which received but an insignificant amount of the profits); second, he gathered support from middle-class sectors, which tired of the disruptions caused by the blockades, marches, and bloodshed that marked the last ten years or so of violent confrontation between the state and the popular sectors (indigenous people, workers', and peasant organizations). ... Two years later, following the neoliberal determination for an inclusive democracy, the Bolivian state responded to the indigenous peoples' demands and enforced a constitutional article that establishes their right to land title. ... Because democratic politics cannot comprehend the violence of inaugural land dispossession signified by indigeneity, political theorists, like Mouffe and others, should avoid simply restaging particularity. ... Let us not forget that the theories and practices of anti-colonial struggle center on violence: from Almicar Cabral's anti-imperialist revolutionary theorizing and Frantz Fanon's accounts of the violence of colonialism (total, ontological, and psychic) to Andrea Smith's native-feminist charge that sexual violence is at the core of the subjugation of indigenous peoples. ... Second, centering raciality and indigeneity as political descriptors de-centers the ontological demand and the requisite authenticity that disavows the demands of indigenous peoples and racial subaltern subjects to address colonial and postcolonial expropriation.

**TEXT:**

**[\*25] I. AN INTRODUCTION: THE THINKING OF THE POLITICAL**

Political theory, in particular, runs a great risk of losing its distinctive value in intellectual life and even its offerings to political life, if it becomes trapped by responding to events, by the time and space of events. It runs the risk of limiting its capacity as a domain of inquiry capable of disrupting the tyranny or the givenness of the present, and expanding the range of possible futures. It runs the risk as well of substituting political positions for political thinking, thereby sacrificing its capacity to call into question the terms of the present.

-- Wendy Brown <sup>n1</sup>

Rejecting the political theorist Wendy Brown's advice to political theorists and the formulation of the political subject it presupposes, in this paper, <sup>n2</sup> I center on an event: the 2005 election of Evo Morales, an indigenous (Aymara) leader of coca growers' protest against U.S.-mandated coca eradication policy in Bolivia. <sup>n3</sup> Embracing "the identification of action with theory" and welcoming the risks it involves <sup>n4</sup>--moves Brown proclaims political theorists should

avoid--I (very briefly and superficially, I confess) use this event to guide an engagement with recent refashionings of *man*, the universal subject of freedom and equality, the one presupposed in post-Enlightenment political architectures and procedures. The election of Evo Morales and Bolivia's "democratic cultural revolution," I argue, illustrate the need for political theorizing to examine the centrality of cultural difference in the global vocabulary in a manner that considers the ethico-political possibilities opened by the recognition of the role of violence in the constitution of the present global-political scene.

[\*26] My reading of the figure of Evo Morales is a plea and an alibi for the thinking of the global present. My alibi is that Evo Morales's statements on the significance of his election and his government show that instead of historicity, globality (which I define elsewhere as a moment of representation of the human existence instituted by the tools of racial knowledge, i.e., the arsenal of raciality) should become the privileged onto-epistemological context for political theorizing.<sup>55</sup> More specifically, I read Bolivia's "democratic cultural revolution" as a global event; that is, as a signifier of the political text instituted by the global juridico-economic program or the "global contract" that characterizes neoliberal capitalism. This event--the election of an Aymara coca grower on a political platform, which centers the rejection of neoliberal economic agenda, U.S. intervention in Latin America, and the defense of indigenous "dignity and sovereignty"--guides my critique of the political centrality of cultural difference in the global present, exemplified in proliferations of juridical programs meant to realize the principles of multiculturalism and diversity.<sup>56</sup> My plea is then to ask political theorizing to come out of its comfortable birth grounds, the domain of *man*, namely universality, and consider how raciality and indigeneity (the descriptors of cultural difference that comprehend Evo Morales as a political subject) work as productive mechanisms of global subjugation. Not a mere ideological tool of neoliberal-global capitalism, I read cultural difference as a productive (political/symbolic) tool, one whose ubiquity belies the very limits of the critical arsenal the Left still deploys.

What lies ahead? In the first section, I situate my argument in this paper on a discussion of the Left political theorist Chantal Mouffe's rewriting of the political (universal) subject in response to the political ascension of cultural difference in the 1980s and beyond. My reading of the figure of Evo Morales, in the second section, outlines that which Wendy Brown's real political theorists, such as Mouffe, would envisage if they were held prisoner by the "tyranny" of the present. That is, it traces how Morales's [\*27] election reflects the operations of the apparently contradictory dimensions of the "global contract"--such as, for instance, the stipulation found in documents belonging to multilateral bodies (e.g., WTO) and international financial institutions (e.g., IMF), that mandate countries to advance projects of inclusive democracy while at the same time expand their security architectures. Finally, the concluding section identifies a few questions aimed at the ethico-political possibilities refigured in indigeneity and raciality precisely because of how these political signifiers recall the physical and symbolic mechanism of violence that marked the colonial and national global/historical moments. In short, my ambitious goal here is to consider the lines of engagement inaugurated when the critical arsenal appropriates these political concepts and reconsider how they represent the centrality of violence in the modern political text.

## II. BOLIVIA'S "DEMOCRATIC CULTURAL REVOLUTION"

I would like to say to you with much sincerity and with much humility, after seeing many comrades from the city, brothers from the city, professional, the middle class, intellectuals, and even businessmen, who joined the MAS: thank you, I am very proud of the indigenous peoples, who are the moral reserve of humanity. We can continue to remember how our ancestors struggled: Tupac Katari who fought to restore the Tahuantinsuyo, Simon Bolivar who fought for this great patria, and Che Guevara who fought for a new world with equality. This democratic cultural struggle, this democratic cultural revolution, is the continuation of Tupac Katari's struggle; this struggle and its results are the continuation of Che Guevara. We are here, brothers and sisters of Bolivia and Latin America; we will continue until we achieve equality in our country. These policies have to change with democracy. It is not possible that some continue to try to rob, exploit, and marginalize. We want to live well. Of course, some have the right to live better: they have all the right to live better but without exploitation, without robbery, without humiliation, and without enslavement of others. This has to change, brothers and sisters.

[\*28] -- Evo Morales<sup>57</sup>

At the opening of his Inauguration Speech, Evo Morales asks for a moment of silence to honor those who died "defending the dignity of the Andean people and mine workers, the martyrs of liberation struggles."<sup>58</sup> In a conversational tone, he proceeds by thanking God and Pachamama (mother earth) and the Bolivian people, acknowledging the indigenous movement and the indigenous peoples (comprising 62.2 percent of the Bolivian population--Aymara, Quechuas,

Mojenos, Chipayas, and Guaranis) and expressing gratitude to many others. <sup>n9</sup> "These peoples," he states, "we have been historically marginalized, humiliated, hated, condemned to extinction. This is our history; these people have never been recognized as human beings, they who are the absolute owners of this noble land, and its natural resources." <sup>n10</sup> The speech is long. He acknowledges the support of Bolivian intellectuals, Bolivian middle class, and foreign leaders. He denounces the media campaign against him during the race. Finally, he recalls heroes of indigenous and Bolivian history--Tupac Katari, Simon Bolivar, and Che Guevara--during the five hundred years indigenous Bolivians struggled against the architectures and procedures of dispossession; that is, the colonial, national, and now global economic, juridical, and symbolic mechanisms designed to facilitate the expropriation of their lands, labor, and resources. <sup>n11</sup>

In between stories, recollections, and acknowledgements, Morales also reminds those present of what that ceremony represents. It is a celebration of a victory:

Threatened, condemned to extermination we are here, we are present. I want to tell you that even if the enemies of the indigenous people doubt, we want to live in equality of conditions with them, and for that reason we are here to change our history, this indigenous movement is no one's concession; no one gave it to us, it is the consciousness of my people, of our people.

[\*29] Articulating signifiers circulating in the global glossary, he highlights that this event, the victory of the Movement to Socialism (MAS), also has an ethico-political significance. He recalls that this "democratic cultural revolution" is based on the principle of "peace with social justice, the so-called unity in diversity" and its goal is to reconstitute the dignity and sovereignty of the Bolivian people. This is achieved through a political reconfiguration of the Bolivian nation-state, which demands recognition and protection of indigenous peoples' cultural and territorial autonomy and the return of control over the country's natural resources to the state.

How do we make sense of Morales's seemingly contradictory traits? In Evo Morales's inauguration speech, then, I find a rehearsal of a global/historical political figure, at once an indigenous and a racial subaltern subject. He speaks as a leader forged in the struggle against the many forms of economic expropriation and political domination that mark Bolivia's colonial and national history. He is an *indigenous* political subject: an Aymara, a small coca farmer, a leader of a resistance movement, and a revolutionary leader who shares the vision of Fidel Castro and Hugo Chavez. He is a *racial* subaltern subject: the leader of small coca farmers' (peasants) struggles against global mechanisms of subjugation, the leader of the series of protests of the 1990s and early 2000s that Bolivian social movements unleashed against government policies financed by the U.S. "war on drugs," and a leader of the movement for the re-nationalization of natural resources (namely, the struggle for water) and indigenous peoples' land title.

Evo Morales's ascension to the center of Bolivian politics has been attributed to his demotion from congress, after a deadly conflict with the police and military during one of the Zero Coca confrontations. His election has also been attributed to his party. MAS's ability to combine the coca leaf war with other fronts, as a unified struggle for natural resources, united two unlikely allies: first, the indigenous peoples, peasants, and workers who suffered the economic consequences of twenty years of a neoliberal [\*30] program culminating in the privatization of the country's natural resources (foreign, transnational companies' control of mining, exploration of natural gas and oil) and the consequent impoverishment of the Bolivian state (which received but an insignificant amount of the profits); second, he gathered support from middle-class sectors, which tired of the disruptions caused by the blockades, marches, and bloodshed that marked the last ten years or so of violent confrontation between the state and the popular sectors (indigenous people, workers', and peasant organizations). These unlikely allies are yet another example of how Morales is a contradictory political figure for the modern political theorist.

How does one make sense of the markers of this global/historical figure, namely, an anti-imperialism/neoliberalism, indigenous/peasant activist? How does one comprehend the unlikely radical political event his election signifies, the "democratic cultural revolution," which captured international media attention? In this section, I address these questions by engaging Chantal Mouffe's refashioning of the concept of the political in response to the ascension of cultural difference in the past twenty years or so. What I show is how her reformulation of the political, which recuperates the centrality of violence while it recognizes the significance of gender/sexuality, race, and ethnicity, dilutes the radical potential announced by these same social categories. More specifically, I suggest that the acknowledgement of these newly emerged political entities--the ones that place identity and better recognition at the top of their list of demands--requires a radical reformulation of political theorizing. A move that recognizes the racial and ethnic collectives' demands for recognition of the particular modalities of subjugation signified by their "identities" reflects the operations of colonial and national modalities of power--signified by indigeneity and raciality--in the global political text. Nevertheless, Left political theorizing (here used as a generously inclusive category) misses such operations be-

cause, I argue, it cannot imagine the political subject [\*31] without the distinguishing traits of *man*; namely, universality and self-determination.

### III. BEYOND "ANTAGONISM"

A crucial rearranging of the political saloon occurred when, in the 1980s, "identity-based" social movements demanded entry into the public sphere. When theorizing this shift, Chantal Mouffe provides a reformulation of the concept of the political which fails to grasp how these "identity-based" movements have reconfigured the global political scene. In *The Return of the Political*, Chantal Mouffe implicitly acknowledges that universality still guides contemporary Left political theorizing when she calls us to accept the inexorable form of the political known as antagonism. That is, she reminds us that antagonism is "a dimension . . . that is inherent to every human society and that determines our very ontological condition."<sup>12</sup> Her intentions are, as is generally the case with contemporary political theory, good. First, secured by the statement that "identity is relational," she argues that because they do not acknowledge this centrality of the political and they trust the universalizing powers of reason, liberal theorists dismiss the 'antagonisms'--ethnic, religious, i.e., identity-based conflicts--that followed the collapse of communism as the return of the "archaic" or the eruption of the irrational. So she recognizes the importance of the so-called antagonisms, but fails to see them in a new light.

Second, she introduces the notion of "agonistic pluralism" to rescue the pluralist democratic project corrected by her and the political theorist Ernesto Laclau's notion of radical democracy.<sup>13</sup> Antagonism is here to stay, she concedes. Because this idea of the friend/enemy pair describes our condition of existence,<sup>14</sup> as testified by the we/them form of the "identity-based," post-1989 struggles, only a pluralistic democratic order, Mouffe states, can save democracy. This model, she argues, will displace the enemy construct, transforming it into the adversary: "within the context of the political community, the opponent should be considered not as an enemy, [\*32] but as an adversary whose existence is legitimate and must be tolerated."<sup>15</sup> That is, radical pluralist democracy will be able to "apprehend the multiplicity of forms of subordination that exist in social relations and to provide a framework for the articulation of different democratic struggles around gender, race, class, sexuality, environment and others." Acknowledging these struggles, she proceeds, is not a "rejection of any idea of rationality, individuality or universality, but affirms that they are necessarily plural, discursively constructed, and entangled with power relations."<sup>16</sup>

In Mouffe and Laclau's rewriting of the universal as an inclusive pluralist democratic scene, I find a reaction to the politics of difference (cultural politics or politics of recognition) that foregrounds an element shared by leftist and neo-liberal approaches to cultural difference.<sup>17</sup> Because she sees the conflicts marking cultural politics as enactments of the defining violent divide (us/them, friend/enemy) that distinguishes the political, she acknowledges it is at odds with democracy. Mouffe argues that a pluralistic radical democratic order is needed to keep these conflicts in check, if only for the time being.<sup>18</sup> Nevertheless, she seems to assume that these subjugated identities emerge as "antagonistic parts" in accordance with the liberal logic. That is, because she sees them as an effect of exclusions (from universality) based on their racial, ethnic, and gender/sexual attributes, Mouffe never raises the question of how such exclusions have been ethically sustained in social configurations ruled by the principle of universality. I think this question is preempted because Mouffe, like many other political theorists, has not yet undertaken the rather laborious task of examining that which they take as a given in the political present. What I find in Mouffe's text is a dismissal of the political significance of cultural difference, in a defense of universality, which fails to address how this modern political signifier emerges in the global context already delineated by colonial structures of dispossession, namely, conquest, and slavery. That is, this refashioning of the political subject as a universal (as opposed to [\*33] social/cultural) figure has been presented as an "enlightened" alternative to the hegemony of cultural difference (in the form of claims for identity) in the global market-capitalism political scene.

This paper targets the incommensurability of democracy and its attendant descriptors, namely, universality and self-determination, and the cultural difference presupposed in arguments advanced by Mouffe, Laclau, and other contemporary, Left political theorists. This critical stance is distinguished by the global political scene, which recognizes the pervasiveness of violence and acknowledges the symbolic and total violent acts that assured European expropriation of land and labor resources belonging to the original inhabitants of the Americas, Asia and Pacific, and Africa. Much like Evo Morales's election, I think that my reading will open questions--such as how dispossession functions as the political operator in the colonial, national, and global contexts. This analysis, however, can only tease out the basic building blocks of a possible answer, and force us (I hope) to rub the limits of our critical imagination.

### IV. FUTURE (IM)POSSIBILITIES: A PLEA FOR THE (GLOBAL) EVENTS

For a colonized people the most essential value, because the most concrete, is first and foremost the land: the land which will bring them bread and, above all, dignity. But this dignity has nothing to do with the dignity of the human individual, for that human individual has never heard tell of it. As that the native has seen in his country is that they can freely arrest him, beat him, starve him: and no professor of ethics, no priest has never come to be beaten in his place, not to share their bread with him.

-- Frantz Fanon <sup>n19</sup>

Bolivia's democratic cultural revolution aims to reinstitute Bolivian dignity (an attribute of the universal ethical figure, namely humanity), and sovereignty (the political referent of self-determination) by dismantling the neoliberal economic framework that has ruled since the mid-1980s. That being the case, one may ask: How then to comprehend Evo Morales's [\*34] cultural democratic revolution without rewriting him as a universal (liberal/political subject) indigenous/peasant leader who encapsulates the history of anti-colonial resistance, and is indicative of Mouffe's radical pluralist democratic politics? Or, without seeing Morales as a particular (postmodern/cultural) subject: the indigenous/peasant leader whose ethnic particularity (i.e. identity) overshadows his economic positioning and is refiguring the consolidation of the neoliberal capitalist (ideological) program? I doubt he will not be represented as either, for our imagining of the political seems to remain prisoner to the universal/particular theme. Mouffe's text indicates this theme by comparing 'democratic' to 'identity politics.' 'Democratic' is consistently identified by political theorists as the sole descriptor of the proper political subject and as the ethico-juridical figure that thrives on universality and self-determination.

This section returns to Bolivia's democratic cultural revolution and reads the present global political scene within the colonial and national signifiers of indigeneity and raciality. Reading it as a productive political context (juridical, economic, symbolic) marked by violence, shows how global subjects, like Evo Morales, collapse the borders of social categories (the particulars they institute), while undermining attempts to reinscribe the formal (universal) political subject dressed in racial or ethnic garb.

I begin with a description of the global political scene to situate the emergence of Morales as a political subject. Then, I describe the particular changes in the Bolivian juridico-economic landscape within which Morales emerges as a national political figure. Finally, I read Evo Morales as an exemplar of the radical political subject; that is, as a leader who refigures the violence that marks the trajectory of people of color in various moments (colonial, national, global).

## V. UNDERSTANDING THE 'GLOBAL CONTRACT'

Overcoming this dichotomous view of Morales as either the universal or the particular requires immersion into the juridico-economic context of [\*35] emergence exemplified by the radical political subject Evo Morales. Michael Hardt and Antonio Negri argue in their book, *Empire*, that the global present marks the ascension of a supranational force. This force is fundamentally a juridical figure <sup>n20</sup> that possesses two main traits: the centrality of rights and an ethical order of a "just war," under which the sovereign power acts as a policing force. This formulation has several problems, including a shaky conceptualization of the subjugated subject (the multitude), a shaky conceptualization of the possibilities and means of resistance, and the very idea that there is a sovereign global political figure. Nevertheless, Hardt and Negri's basic outline suggests the need to examine the global present as a political scene in which the socio-logic of exclusion (which up to now constituted the privileged descriptor of social injustice) has become part of the prevailing political/symbolic apparatus of global subjugation.

A cursory examination of the juridical documents framing neoliberal capitalism reveals that, in the past twenty years or so, nation-states have been called to weave three types of interlinked juridico-economic reforms into a 'global contract.' <sup>n21</sup> First, this global contract would facilitate expansion and consolidation of global market capitalism (free trade), restrict labor laws, and cut social rights--all of which negatively affect economically dispossessed populations. Second, it would institute a pluralist (inclusive) democracy, based on multiculturalism and diversity, which demands institutional inclusion of groups that have been legally discriminated against for their gender/sexual, racial, and/or ethnic difference, and demands the protection of human rights that were recognized in the neoliberal agenda, including cultural and political rights. Finally, it would promote deployment of the police and the military to curb non-state armed group activities involved in drug trafficking in the urban and rural spaces where the economically dispossessed populations live and die (internal security). From the Andean edges of this global configuration, Evo Morales's election invites us to rethink the figures of the peasant (the [\*36] mestizo) and the indigenous beyond and before their writing as 'particulars,' although they do not quite fit liberal and historical-materialist representations of the proper (universal) political subject.

## VI. BOLIVIA'S NEOLIBERAL CAPITALIST REFORMS AND MORALES'S RISE TO POWER

In this section, I review Bolivia's responses to the determinations of the 'global contract.' Beginning in 1985, Bolivia, like other Latin American countries during the Lost Decade, followed the determinations of international financial institutions (IMF, the World Bank, and the Inter-American Development Bank) and implemented a radical structural adjustment agenda--privatization, elimination of workers' safety nets, and the dismantling of social rights.<sup>n22</sup> The economic reforms stipulated by the global juridico-economic program were complemented by legislation meant to reconfigure the national political scene as an inclusive democracy. In 1994, constitutional reforms re-described Bolivia as a multiethnic and pluri-cultural state. Two years later, following the neoliberal determination for an inclusive democracy, the Bolivian state responded to the indigenous peoples' demands and enforced a constitutional article that establishes their right to land title. The legal document consolidating this demand, Law 1715/1996 (Law on the National Agrarian Reform Institute), establishes the following in its third article:

A guarantee of the rights of the indigenous peoples and communities to their original, communitarian lands, taking into account its economic, social, and cultural implications, and the sustainable use of the renewable natural resources, according to Article 171 of the State Political Constitution. Besides community land titles, this law also establishes that these lands are inalienable, and that their distribution and redistribution will obey community rules.<sup>n23</sup>

Although this law was in place, it was rarely realized during the ten years preceding Evo Morales's election. The National Agrarian Reform Institute [\*37] was responsible for implementing the law through regularizing property rights and distributing public lands; however, all possible strategies were used to deny indigenous peoples' land title. Indigenous rights were denied by government functionaries, judges, and politicians through legal measures (although incomprehensible, contradictory, and unreasonable) and blatantly illegal means, such as accepting illegally obtained third-party titles. However, this was not the first legal experiment in land restitution. The function of Law 1715 was to regularize land titling, which had been attempted in the 1950s by the 1953 Agrarian Reform.

During the same period, the Sanchez de Lozada and Banzer/Quiroga governments passed several laws that followed the inclusive democracy mandate: an educational reform that "opened the door to a bilingual education intercultural approach," and the "Law on Popular Participation." Bolivian workers, indigenous peoples, and progressive social movements did not ignore these juridical-restructurings. These twenty years or so were marked by clashes between the economically dispossessed, the police, and the military in the form of protests, marches, and blockades, often ending with a number of deaths.

The success story of the "Bolivian experience" would be troubled by the third demand of this juridical program--the promotion of internal security. Sustained by law enforcement, this demand produced and targeted the racial subaltern as criminal, instead of controlling and preventing illegal activities.

In Bolivia there is an internal legal market for the coca leaf, consisting of the rural and urban indigenous populations. For most of the second half of the twentieth century, coca leaf consumption in Bolivia seemed unaffected by the criminalization of coca, caused by a 1950 United Nations document that linked coca to poverty, malnutrition, and poor worker performance.<sup>n24</sup> The situation has changed in the past twenty years or so because of the 'global contract' requirement that the Bolivian state stop coca leaf production. Bolivia responded in the mid-1990s with the "Zero Option" or "Zero Coca" campaigns. The Sanchez administration militarized the [\*38] Cochabamba tropics in order to destroy coca production, a policy that was continued by Banzer's 1998 *Plan Dignidad*. In this struggle against the militarization of the anti-drug wars, Evo Morales emerged as the leader of the Six Federations of the Cochabamba Tropics. Organized against the Zero Option policy, the "March for Life, Coca and National Sovereignty" and the "March for Territory" from El Chapare to La Paz claimed coca as a sacred indigenous plant. In the following years, Morales moved from the streets to the institutional political scene. In 1997, Morales was elected to Parliament with almost 62 percent of the votes. His entry into the traditional institutional scene did not stop the protest against Zero Coca, and the government continued to unleash the military to fight coca growers. This was a political mistake and the government's decree closing the Sacaba's market in 2002 was met with an uprising that resulted in six deaths (four soldiers and two coca growers). Such a mistake was not helped by the U.S. government's construction of Morales as a drug terrorist, linking him to drug trafficking and guerrilla groups in Peru and Colombia. Thus, Morales emerged as a national figure in Bolivia's political landscape, one instituted by the apparently contradictory determinations of the 'global contract.'

## VII. MORALES AS A RADICAL POLITICAL SUBJECT

How can we understand the figure of Evo Morales? As an indigenous, racial, peasant (small farmer) subject, I think he refigures past and present deployments of physical and symbolic violence that now configure the globe as a political space. That is, he exemplifies the radical political subject and the global subaltern (indigenous/racial) entity, which have been assembled by the threads of previous global/historical (colonial, national) moments.

When Morales states in his Inauguration Speech that his election signifies a 'democratic' revolution because it happened without bloodshed, one cannot but think of the thousands of mine workers and indigenous peoples who either died in confrontation with the Spanish colonizer and the [\*39] postcolonial Bolivian state or from dire economic conditions. When he states that it is a 'cultural' revolution that will reinstitute the dignity and sovereignty of indigenous peoples in Bolivia and everywhere, by returning to them the land and resources, we cannot but think about why colonial subjugation was almost un-problematically replaced by national subjugation in the postcolonial politics of the Americas. When he states that Zero Coca meant Zero Aymaras, Zero Quechuas, he recalls the threads of colonial and national subjugation, which never lacked a juridical apparatus to ensure the dispossession of land and labor; threads that also included a political/symbolic apparatus and the mechanisms of disavowal that consistently wrote "the Indian" as vanished in the burial grounds upon which American nation-states were built. He links these threads to the global juridical, economic, and symbolic apparatus which re-writes the 'Indian' as a criminal (drug trafficker or terrorist), while at the same time demanding a legal framework that acknowledges his/her existence as a political subject of cultural difference.

As the subject of a radical global event, and the figuring of a democratic cultural revolution, Evo Morales embodies contradiction. Neither can universality comprehend an indigenous, racially political subject, nor can self-determination be extended to a thus named political being. For its distinguishing feature, cultural particularity which, when refigured by the tools of raciality cannot but signify an effect of scientific signification, namely outer-determination. Because democratic politics cannot comprehend the violence of inaugural land dispossession signified by indigeneity, political theorists, like Mouffe and others, should avoid simply restaging particularity. Sustaining the notion of particularity they deploy is an ontological demand for authenticity, which compartmentalizes the global subaltern into so many un-resolvable social categories (namely, ethnicity, race, gender, class) reduces an emerging radical subject into an already precarious 'minor' version ('antagonistic part') of the formal (universal and self-determined) political thing.

#### [\*40] VIII. CONCLUDING QUESTIONS

We are in these times of change, and when I see the front, saying 'thanks comrade Evo for the nationalization of hydrocarbon, for the return of our dignity.' Which federation, which central put this letter in the front, at the bottom is, and further in the bottom says, brother Fidel Castro, the Chapare is with you? ....Who writes this? These are the comrades, the unions, the *colonias* which write these messages to encourage and unite us, comrades. I am touched by this triumph, by your struggle brothers and sisters....If there is Coca Zero, there are no Quechuas, Aymaras, and Guaranies. But remember. What did we say? With the Coca Zero policy, zero with the neoliberal parties[.] Now I realize we were not wrong. I believe we are in this change, in this process to truly change our Bolivia, and the struggle, the defense of the coca leaf. Regionally, nationally we awoke the struggle for the defense of natural resources; we have created more conscienciousness at the national and international level. . . .Why do I say federation? Because the more humiliated, the more repressed people, throughout Bolivia, the vilified throughout our history, we are triumphing and we are changing, comrades.

-- Evo Morales <sup>n25</sup>

How else may one represent the figure of Evo Morales? A promising starting point may be to ask, what is the foundational colonial gesture? Which subject was instituted with the European colonizer when the "first encounter" occurred? I am convinced that indigeneity interrupts any impulse to write the figure of Evo Morales as either a Latin American version of the radical democratic subject (along the lines one could represent Brazil's Luis Ignacio Lula da Silva) or an indigenous apparition of a thought-to-be-gone socialist leader, a Fidel Castro of sorts, who replaces the military fatigue with the traditional Aymara garb. What difference does indigeneity make? I will conclude by pursuing these questions with an eye to ethico-political possibilities refigured in indigeneity and raciality.

What is consistent throughout the global/historical trajectory of indigenous peoples, the ones which have become so important in the [\*41] colonial text? *Dispossession* is a name for the political relationship instituted at the "first encounter," the inaugural moment, and the beginning of the Europeans' expropriation of land, labor, and resources. Dispossession refers to the outcomes of the relationship between dislocation, destitution, and decimation; that is, removal from territory (death, reservations, boarding schools), appropriation of resources, and subjugation to another (colonial or

national) political entity. Not much conceptual work is required to see that these three terms refer back to one crucial signifier--violence.

Let us not forget that the theories and practices of anti-colonial struggle center on violence: from Almirar Cabral's anti-imperialist revolutionary theorizing and Frantz Fanon's accounts of the violence of colonialism (total, ontological, and psychic) to Andrea Smith's native-feminist charge that sexual violence is at the core of the subjugation of indigenous peoples.<sup>26</sup> What is the critical (theoretical) value of violence if it is such an obvious, ubiquitous operator in the relationships marked by expropriation/ dispossession that constituted the colonial context? Where do the indigenous ("the native"), the slave, the indentured laborer, and the colonizer emerge as political subjects? What difference does focusing on indigeneity make?

I have three initial responses to this question. In a political text, a radical critique that de-centers historicity, and its formal ethical signifier, humanity, may consider globality as an ontological context. First, the tools of raciality (the signifiers of racial and cultural difference) can never reduce indigeneity to another "food group" to be included in the multicultural or pluralist potluck organized by neoliberal (inclusive democracy) reforms. Second, centering raciality and indigeneity as political descriptors de-centers the ontological demand and the requisite authenticity that disavows the demands of indigenous peoples and racial subaltern subjects to address colonial and postcolonial expropriation. Third, attention to violence would unravel the political text that requires the global (indigenous and/or racial) subaltern subject to rewrite itself as a universal/self-determined thing so its [\*42] demands for justice become legible. My plea is a call to rewrite the political text, a critical program that, instead of immediately dismissing cultural difference as a mere ideological tool of neoliberal capitalism, unpacks this global signifier and considers how raciality and indigeneity govern the global political scene. Because raciality and indigeneity describe two simultaneously operating political/symbolic mechanisms, together they can unravel the fabric of global subjugation, revealing the intersections where a radical (global/historical) subject--a product of historical and scientific signifiers, such as Evo Morales--contends with the very power configurations enabling its entry in the global political scene.

What are my precarious responses? Here I will discuss some recommendations for rewriting the political text. From the start, a radical critique of modern political architecture and procedures of subjugation that centers on violence would have to abandon the promises of historicity and humanity. That is, it would reject the liberal story, which refuses to acknowledge how, in the post-Enlightenment ethico-juridical program, universality (as a juridical requirement) would rest on privileging interiority and temporality as descriptors of the properly human thing. For example, the Hegelian version of the transparent subject as a self-realizing figure, one which the "other" only affects in the confines of its rational mind, would have to be bracketed.

When one rejects the liberal theory, a critical analysis would have to begin with an account of how, in modern philosophical texts, the Cartesian subject as a self-determined entity could only persist through signifying moves that disavowed (displaced, negated, and engulfed) its exterior (bodily and geographic) conditions. If the modern European subject were written as an effect of exteriority, something that derives its particularity from the productive fissures between it and co-existing modern (indigenous or racial) others, self-determination could not remain its distinctive attribute.

#### [\*43] *A. Regarding Humanity*

In order to overcome the way in which humanity as a formal ethical figure ignores race and culture as descriptors of humanity, one must abandon the Kantian formulation of humanity as a transcendental (formal) category, which still guides our conceptions of justice. Granted that humanity, as an ethical figure, enables claims for the realization of true liberal values--the rearrangement of our juridical and economic structures in such a way that they would finally realize the thesis of human equality, (i.e., universality--as it displaces the utilitarian formulation which places the selfish individual at the center of the juridical and economic field). Nevertheless, as long as humanity remains a formal (transcendental) ethical figure, its deployment in texts dedicated to the realization of global justice conveniently hides the ways in which, since the nineteenth century, scientific accounts of human existence--deploying the concepts of the racial and the cultural to describe various, coexisting modes of being human--have also demarcated the border of the ethico-juridical locale where humanity constitutes the proper descriptor of the ethico-juridical thing. Conversely, privileging globality demands that we open the global archive. Privileging globality as an analytical context asks for the recognition that our conditions of existence, as modern political subjects--as Marx, Engels, Fanon, and other historical materialist thinkers have said before--unfold in exteriority. That is, violence is not something that precedes the political, but it--as Nietzsche, Schmitt, Fanon, Derrida and other (also dangerously attractive) post-Enlightenment thinkers have ventured to say, and also Darwin (a safe and beloved one)--produces the scene of existence. What I am trying to say is that we may have to compound our thinking of the political.

[\*44] *B. When Globality Becomes the Privileged Ontological Context for Political Theorizing*

What happens then when globality becomes the privileged ontological context? First, it forces us to remember colonialism and indigenous land expropriation. It forces the critic to remember how, in the colonial context, the Judeo-Christian religious text instituted soulless "savages" or innocent "natives" who had yet to know of their divine creator in the lands which European colonial empires claimed as their divine inheritance. That is, in early colonial dispossession, the (im)possibility of conversion as a political/ symbolic strategy accompanied the juridico-economic architectures--namely, conquest, slavery, and indentured labor--that ensured the simultaneous expropriation of land, labor, and resources belonging to peoples inhabiting regions of global space occupied by European empires of yesteryear. As a political signifier, indigeneity necessarily refers us back to the centrality of the territory--the claims of ownership and sovereignty over the land to be exploited--in the very design of the modern state and law, including lands overseas which European empires claimed in the name of the divine author and producer.

Second, it will be difficult to ignore how, in the post-Enlightenment period, or precisely when slavery and settlement seemed no longer the most desirable modes of dispossessing labor and land, respectively. The science of man directs the analysis of the human condition to the body and territory. When the scientific text replaced religion as the domain of truth production and the Hegelian subject firmly located universality and self-determination in the confines of post-Enlightenment Europe, a scientific apparatus--the methods, concepts, and procedures devised to capture how universal reason designed the human thing--produced the *racial* and *cultural* as descriptors of being human, whose fissures would not bridge in the temporal self-unfolding of historicity. These signifiers of human difference, the tools of raciality, instituted globality as an ontological context, where formal humanity cannot operate as the ruling ethical principle precisely because the [\*45] difference they signify belongs to the moment of existence, the immanent (exterior and substantive) domain within which human relationships unfold.<sup>n27</sup> While the arsenal of raciality institutes an unresolved difference between the European and the subaltern colonial subject (natives, slaves, indentured laborers), it has not dissipated indigeneity's effects on power. For one thing, as noted above and found in every history book covering the last two hundred years or so, by the late nineteenth-century, expropriation of land, resources, and labor did not require sovereignty over the productive lands (conquest) and bodies (enslavement). Why this was the case lies outside the scope of this paper. Here I am only interested in highlighting the fact that dispossession/expropriation continued to mark the trajectory of global subaltern subjects in the national and colonial juridico-economic architectures and procedures instituted or consolidated at that global/historical moment.

*C. What Ethico-Political Possibilities Are Open by a Privileging of Globality?*

In an analysis of how indigeneity and raciality guide a radical political project, how does one explore the ethico-political possibilities opened up by the ontological privileging of globality? First, we must acknowledge violence and understand how it refigures exteriority. When dispossession/expropriation becomes the main theme of the political scene, the analysis must begin with violence. Unlike Hobbes and Locke, the foremost liberal thinkers, the radical critic will not have the luxury of placing it in an allegorical in the moment before the emergence of the political. Beginning with violence will necessarily force an engagement with indigeneity that locates it at the center and limits our thinking--the field, if you will. That is, it will force us to recognize that before the scene of representation, the stage of interiority (temporality), the guiding signifier that has sustained Enlightenment and post-Enlightenment thinking, lies another ontological moment, exteriority (spatiality), the one Anibal Quijano [\*46] comprehends with the notion of "coloniality of power," Enrique Dussel names the "irrational side of modernity," and which, for Emmanuel Levinas, should constitute the basis for any ontological/ethical project.<sup>n28</sup>

Second, once we acknowledge violence, as a proper descriptor of the political scene, instead of writing humanity as a subject-effect of law, form, or spirit, the critic will have to consider its analytical purchase both in regard to its potentials as a critical tool but also to its productivity as a guide for the formulation of global justice projects. A first question to be raised in designing the critical text that will sustain demands for redress is whether and how humanity can inhabit an ethico-political platform that relinquishes universality and self-determination.

My hope is that acknowledging violence will keep our ontological considerations, attempts to design the proper ethico-political subject, the subject of justice, in the moment of existence. This gesture would finally displace the ontological demand to name a racial or indigenous subaltern collective before describing it as a political entity. It will force us to privilege its context of emergence, the various global/historical moments in which the global subaltern, as an indigenous or racial other, co-exists with other collectives in contention. The global subaltern must be defined not only as a subject of actual and possible, total and symbolic violence, but also as political entities in ethical existence. By that, I

mean, an ethical figure, unlike the subject of universality and self-determination, has to respond to "Others'" demands for existence. Along with it, when faced with the difference signified in indigeneity, this ethical figure will have to respond to and on behalf of the deadly effects of colonial and national subjugation (economic expropriation and juridical domination), the past and present, and the economic, juridical, and symbolic violence marking the relationship this category announces.

By now it is obvious that I could not be further away from the kind of political theorizing that Wendy Brown defends. My reading of the figure of Evo Morales announces a thinking of the political as always already [\*47] marked, from an immanent position which forces the theorist to respond (and not merely react) to the challenges of the global/historical present. Power is not, as poststructuralist thinkers such as Michel Foucault and Jacques Derrida<sup>n29</sup> have helped us to think, merely a thing some have and others lack. In modernity, this signifier of the political par excellence, the one that refers the political to the stage of violence, operates also *before*; that is, in the political/symbolic moment that operates along with the other mechanisms of dispossession/expropriation (dislocation, displacement, destitution).

In short, the move is to challenge our imagination, to think without the *particular substances* of historicity, without the *universal forms* of humanity, to find power operating before the encounter (in a rather anti-Hegelian move). Today's critical task is to find in the fissures of the global present the radical deployments of cultural difference, such as Bolivia's democratic cultural revolution, which reveal how indigeneity and raciality do their work of power in the moment of justification of total violence. For what the multiculturalist and pluralist deployments of cultural difference cannot obliterate is their own political-symbolic context of emergence, namely post-Enlightenment representation. They can never prevent articulations of indigeneity and raciality, which Evo Morales's inauguration speech exemplifies, from reminding us that global subjugation always refers to the naming of the subject to be expropriated. In the accounts of the proper ethico-political (human) subject, the "Other" consistently emerges in that unsaid, which indigeneity and raciality never fail to signify: I have always owned your existence because your historical destiny is death.

### Legal Topics:

For related research and practice materials, see the following legal topics:  
 Criminal Law & Procedure  
 Defenses  
 Alibi  
 Energy & Utilities Law  
 Exploration, Discovery & Recovery  
 General Overview  
 Energy & Utilities Law  
 Oil Industry  
 General Overview

### FOOTNOTES:

n1 Wendy Brown, *The Time of the Political*, 1 THEORY & EVENT P 5 (1997).

n2 *Id.* at P 3. Brown cautions political theorists not to be so eager to respond to contemporary events. "This domination of contemporary left and liberal political discourse by events," she argues, "suggests among other things an absence of other political formations to which such discourse might respond." If political theorists want to avoid "becoming simply another hubristic pundit," she cautions, they should aim further because "understanding what the conditions of certain events means for political possibilities may entail precisely decentering the event, working around it, treating it as contingency or symptom."

n3 Note that this paper is not an examination of Bolivia's history or even present political circumstances. Everything included and excluded here has been more thoroughly examined in texts by historians, anthropologists, sociologists, or political scientists specialized in this country, the Andean, or the Amazon region.

n4 Brown, *supra* note 1, at P 5.

n5 *See* DENISE FERREIRA DA SILVA, TOWARD A GLOBAL IDEA OF RACE (2007).

n6 *See* ALAIN BADIOU, SAINT PAUL: THE FOUNDATION OF UNIVERSALISM (Stanford Univ. Press 2003) (1997); ALAIN BADIOU, BEING & EVENT (Oliver Feltham trans., Continuum 2005) (1988); SLAVOJ ZIZEK, THE FRAGILE ABSOLUTE OR, WHY IS THE CHRISTIAN LEGACY WORTH FIGHTING FOR? (2000) (providing Left political theorists's critiques of the political import of cultural difference).

n7 My translation. Full original Spanish text of the Inauguration Speech (Jan.22, 2006) *available at* [http://www.tempopresente.org/index2.php?option=com\\_content&do\\_pdf=1&id=300](http://www.tempopresente.org/index2.php?option=com_content&do_pdf=1&id=300) (last visited Oct. 2009).

n8 *Id.*

n9 *Id.*

n10 *Id.*

n11 *Id.*

n12 CHANTAL MOUFFE, THE RETURN OF THE POLITICAL 3 (Verso 2005) (1993).

n13 *See generally* ERNESTO LACLAU & CHANTAL MOUFFE, HEGEMONY AND SOCIALIST STRATEGIES (1985).

n14 *See* CARL SCHMITT, THE CONCEPT OF THE POLITICAL (1996).

n15 *See* MOUFFE, *supra* note 12, at 4.

n16 *Id.* at 7.

n17 See *supra* Part I (arguing that Mouffe and Laclau's radical democratic project fails to examine the conditions of emergence of the non-essentialist/relational identities that should enter the democratic scene).

n18 At the same time, and consistently, they are also an effect of the hegemonic process itself which creates its own moments (internal to the discursive field) or antagonistic parts (external). See generally ERNESTO LACLAU & CHANTAL MOUFFE, *HEGEMONY AND SOCIALIST STRATEGY: TOWARDS A RADICAL DEMOCRATIC POLITICS* (2nd ed. 2001).

n19 FRANTZ FANON, *THE WRETCHED OF THE EARTH* 36 (Richard Philcox trans., Grove Press 2004).

n20 See generally MICHAEL HARDT & ANTONIO NEGRI, *EMPIRE* 9-10 (2000). In their theorizing of the global political scene, Hardt and Negri "accord special attention to the juridical figures of the constitution of Empire [because] they provide a good index of the processes of imperial constitution." Further, they argue that "New Juridical figures reveal a first view of the tendency toward the centralized and unitary regulation of world market and global power relations, with all the difficulties presented by such a project. Juridical transformations effectively point toward changes in the material constitution of world power and order."

n21 See generally Denise Ferreira da Silva, *No-Bodies: Raciality, Violence, and Law*, in *GRIFFITH LAW REVIEW* 2 (2009), where I provide a more elaborated discussion of the "global contract."

n22 See International Work Group for Indigenous Affairs, *THE INDIGENOUS WORLD* (2005, 2006, 2007) available at <http://www.iwgia.org/sw162.asp>; see also Susana Rivero Guzman, *The Struggle for Natural Resources for the Right of Indigenous Peoples*, *INDIGENOUS AFFAIRS*, Jan.--Feb. 2007 at 24-35 (explaining that among the most devastating of these legal reforms was the Law on Capitalization No. 1554 (21/03/1994), which sold state-owned oil, gas fields, and pipelines to transnational corporations; Law on Hydrocarbons No. 1689 (30/04/1996), which "ended state control of the upstream stage of oil and gas production, these culminated with the Banzer Suarez/Quiroga government privatization of downstream activities, thus completing the break up of state control of the whole oil and gas section.").

n23 The full text of the law is available at <http://siteresources.worldbank.org/BOLIVIA/Resources/LeyINRA.pdf>.

n24 This document renders coca as a matter of international law, by including the coca leaf in Schedule 1 of Prohibited Substances of the 1961 UN Single Convention of Narcotic Drugs.

n25 Evo Morales's statements in Sinahota, 27 May 2006. See full text at [http://www.presidencia.gob.bo/prensa/Noticias\\_prd.asp?id=200605272&p=4](http://www.presidencia.gob.bo/prensa/Noticias_prd.asp?id=200605272&p=4) (last visited Oct. 2009). The original Spanish is "*compañeros y compañeras*." I have chosen to use the English comrades, instead of "brother and sisters," because Morales uses the latter form, and I would like to retain the political meaning of the phrase.

n26 See AMILCAR CABRAL, *UNITY AND STRUGGLE* (1979); FRANTZ FANON, *THE WRETCHED OF THE EARTH AND BLACK SKIN, WHITE MASK* (1967); ANDREA SMITH, *CONQUEST: SEXUAL VIOLENCE AND AMERICAN INDIAN GENOCIDE* (2005).

n27 See SILVA, *supra* note 5.

n28 See EMMANUEL LEVINAS, *BASIC PHILOSOPHICAL WRITINGS* (Indiana Univ. Press 1996); Anibal Quijano, *Coloniality of Power and Eurocentrism in Latin America*, 15 *INTERNATIONAL SOCIOLOGY* 215 (2000); Enrique Dussel, *World-System and 'Trans-Modernity'*, 3 *NEPANTLA*, 221, 221-24 (2003).

n29 See MICHEL FOUCAULT, *HISTORY OF SEXUALITY, VOLUME 1: AN INTRODUCTION* (Vintage Books 1990), JACQUES DERRIDA, *OF GRAMMATOLOGY* (Gayatri Chakravorty Spivak trans., Johns Hopkins Univ. Press 1998).