



Vol. 7, No. 3, Spring 2010, 547-555

www.ncsu.edu/project/acontracorriente

Review/Reseña

Mark Goodale, *Dilemmas of Modernity: Bolivian Encounters with Law and Liberalism*. Stanford: Stanford University Press, 2009.

Conceptualizing the Bolivian Modern Experience: Liberalism as Pattern of Intention

Doc M. Billingsley

Washington University

In *Dilemmas of Modernity*, Mark Goodale offers a historically detailed and theoretically rich treatment of the impact of human rights discourses on daily life and legal practices in a rural Bolivian province. The centerpiece of Goodale's argument is that liberalism, in both its local vernacular forms and as a broader dialectic struggle, has been the organizing principle of virtually every significant social or legal reform in the history of the Bolivian republic. Goodale hopes to reveal the contours of

this pattern of intention by exploring liberalism on two levels: the empirical description of day-to-day legal practices and discourses of modernity, or what we may identify as an ethnography of the local, and at an “intermediating conceptual level” that makes sense of such practices according to a broader, trans-historical and trans-national narrative of liberalism. Goodale’s attention toward tracing these broader narratives tends to eclipse the description of their concrete local manifestations. *Dilemmas of Modernity* raises tantalizing questions about Bolivia’s historical trajectory and the role of law in liberal subject-making, but passes over opportunities to provide greater ethnographic details about these processes on the ground.

Goodale’s investigation is methodologically based in observations, interviews, and archival research at several key legal spaces in the province of Alonso de Ibañez, in the department of Potosí in highland Bolivia. These spaces and their corresponding actors are gradually fleshed out in some detail through the course of the text, as Goodale builds a counter-narrative to the conventional depictions of Bolivian legal authority as spreading outward from the cities in concentric rings. Contrary to the idea expressed by some urban interlocutors that the region he was visiting was “barbarous” and beyond the reach of the state’s liberal legal framework, Goodale demonstrates how the law in Potosí extends even beyond the strictly legal to encapsulate various social categories; consequently, the law in the *norte de Potosí* exerts an even stronger, more constitutive effect on people’s identities than is the case in more cosmopolitan centers (24).

Goodale describes a trio of dilemmas associated with an investigation of modernity in the *norte de Potosí*. First, he explores throughout the book the complex dilemma of polyvalent interpretations of modernity by critical intellectuals like himself, on the one hand, who tend to be highly skeptical of the modern project; and on the other hand, optimistic local actors who are eager to gain the perceived benefits of liberal enlightenment. The stakes are professionally and personally high for anthropologists, as we face the risk that our discipline may be rendered irrelevant as the attitudes and outlooks of our research subjects shift ever more closely to align with the discourses espoused by other, neoliberal

actors (NGOs, development teams, technocratic politicians, etc.). This is a dilemma that will also be acutely familiar to anthropologists who have ever asked themselves—or been asked, pointedly, by research subjects—what *we* have to offer, often arriving alongside or behind the representatives of development who come “bearing the fruits of modernity’s triumphs” (16).

The second dilemma recognized by Goodale is the internal contradiction of recent methods of subaltern resistance through demands for particularist, indigenous rights that are ultimately based on universalist frameworks. As he evocatively expresses: “At the same time in 1991 that a massive coalition of indigenous and *campesino* organizations was marching from Trinidad in the Beni to La Paz under the banner of ‘human rights for all Bolivians,’ the gathered multitudes were also, with each passing kilometer, (re-)constituting themselves as rights-bearing modern subjects in the way liberal Bolivia had always envisioned” (19). He teases apart the actual legal bases of customary law in 1990s-era reforms, arguing that they are more symbolic measures than substantive changes. The consequence is that discursive, political, and legal spaces for demanding more profound changes are curtailed as protesters settle for lesser reforms. In later chapters, Goodale draws on de Certeau’s idea of “tactics” to show that these limitations are actually mediated to some extent by the alternative meanings of laws generated by subaltern subjects engaging with institutions in unforeseen ways, a process he refers to as “a kind of low-level guerilla warfare” (74). This perspective on the inherent limitations of legal reforms during the neoliberal period also serves as one basis for Goodale’s argument about Bolivian legal history unfolding according to patterns of intention defined primarily around the liberal ideal of rights-bearing citizen-subjects.

The third and final dilemma of modernity is Goodale’s realization that many of his research subjects are themselves self-aware, modern subjects-cum-social theorists who are critically attentive to the implications of their actions and discourses—in other words, that they too are intellectuals—which gives rise to a crisis of authority for anthropological knowledge. This dilemma, which has become practically a *de rigueur* point of critical reflection for ethnographers, leads Goodale to seek a new practice

of social theory that takes into account subjects' own understandings of ideas and practices. Goodale succinctly posits that "one inhabits the modern as much by theorizing its meanings as by enacting them in the routine of social practice" (21). This approach, as well as several other points made throughout the text, borrows from Michel de Certeau's ideas about the importance of studying the practices of everyday life. Goodale's deployment of these ideas for studying the quotidian *legal practices* of the Bolivian everyman (and everywoman, particularly in chapter four) constitutes one of the book's most theoretically productive applications.

After introducing these dilemmas in the introductory prologue, *Dilemmas of Modernity* is divided into 5 chapters that present Goodale's theoretical framework for understanding multiple meanings of the "law" in Bolivia (chapter 2); the legal spaces at work in the primary local setting of Sacaca, in Alonso de Ibañeza, Potosí (chapter 3); "traditional" gender roles and power dynamics under the rising star of human rights (chapter 4); the local empirical and conceptual impacts of a specific legal institution for women's legal services (chapter 5); and the presentation of an "ethnography of grandeur" as a new means of moving beyond critiques of development and modernity (chapter 6). Finally, the book ends with a concluding section that re-articulates many of the broader points in a more concise form while taking on the pressing question for many readers: how might we interpret the more recent shifts in Bolivia—and the new constitutional process—through the framework that Goodale provides?

Goodale begins his second chapter at the moment of Bolivia's formal birth as an idea, as a national project that reflected certain political wills. This crucial historical moment serves as Goodale's point of departure for arguing that pre-existing scholarship has not sufficiently recognized the central, lasting impact of Bolivia's liberal legal-ideological framework on the subsequent history of ideas and subjectivity in the country. Goodale outlines his approach to the study of law as both a social practice, open to flexible interpretations, as well as a formal system with jurisprudential fixedness, a necessary reflection for explaining law's ability to be used by subalterns to their advantage. This expanded vision of the "legal" allows Goodale to conclude that "to study law is, in part, to study the constitution

of the modern subject” (39), and that Bolivia “emerg[ed] as a nation *through* law” (44). More specifically, in the Bolivian case liberalism has been the “*only* enduring legal-ideological framework [...] even when it only served as a utopian mirror” during times of dictatorship or upheaval (46). By treating liberalism as the “negative key” to understanding Bolivia’s modern experience, Goodale is able to invert the conventional view of *breaks* in Bolivia’s political history, arguing instead that these events were the realization of the principle liberal ideas that underlie the nation’s legal-ideological framework. At each historical juncture, the changes in law expanded the citizenry without fundamentally transforming citizenship.

The third chapter locates Goodale’s research sites within broader networks, both conceptually and empirically. He describes the different legal options available to local actors in Sacaca, from various levels of formal state courts to local union and *ayllu* legal authorities. While physical distance and formal jurisdiction appear to be the primary criteria for deciding which authority to appeal to for a resolution, Goodale’s interlocutors hint that there are hierarchies of perceived fairness or competence for different matters. Goodale offers a few brief descriptions of cases brought before different authorities, which help to more concretely illustrate the processes by which claims are generated, legal knowledge is produced, and actors reach (or fail to reach) a resolution. There is ample room for more intimate details about everyday legal practices here, such as following up one of the anecdotal cases in order to review what enforcement, if any, is available, or to gather the participants’ ideas about their cases and the authorities’ decisions. The paucity of ethnographic description of the concrete cases argued in local legal settings is the most frustrating absence of the book.

In the fourth chapter, Goodale re-inserts himself in the described space by describing his intervention to prevent a man from hitting his wife. This act of violence, and its multiple meanings for different participants, provides a point of reflection on the polyvalence of ideas about rights, power, and gender. Embedded in this polyvalence is a conflict between two systems of gender ideals: “the complementary unity of traditional highland culture, and the essential sameness that is both assumed and demanded by

liberalism” (88). Goodale raises an important issue to interrogate in many research settings, not only in spaces where liberalism encounters “traditional” gender systems, but also where (post-)feminist alternatives to the classical liberal model of gender relations have purchase. For the setting at hand, Goodale illustrates the day-to-day effects of this coexistence of legal-ideological gender systems by describing women’s de facto loss of control over their share of familial land, primarily due to expectations of patrilocality and the pressing need for keeping arable land under cultivation to meet food demands. In the face of all the demands hoisted upon them in Alonso de Ibañez, women nevertheless make up over half of the legal actors in the province. Although it is unclear, for the most part, what their cases are about—in some instances relief from domestic violence, in others perhaps the reclamation of land—the arrival of transnational human rights discourses has helped to empower women to make use of the law to meet their demands.

In the fifth chapter, Goodale returns to analyzing the conceptual level of encounters with liberalism in the *norte de Potosí* by examining the impact of a center for legal services that briefly served women around Sacaca during the late 1990s. Turning to the discursive context of the center’s opening—its sponsorship by influential Spanish priests, its legal basis through national laws dealing with discrimination against women, and the technocratic knowledge that organized associated workshops—Goodale argues that the center’s operative force depended on citizens’ acceptance of its legitimacy, a form of liberal subject-making. In addition to providing legal counsel for women and children, the center also provided the facilities for clients’ long-term stay while their cases were pending. However, as Goodale recounts, the center’s successes ultimately led to its failure: its institutional sponsors withdrew their support because the center became “a kind of moral Ockham’s razor that threatened to sever the church from what it has always most demanded—relevance” (140). Would-be clients were also turned away from the shelter of the center once it filled up, leaving them without a realistic opportunity to pursue their cases while facing demands at home and the distance of traveling to Sacaca. Nevertheless, Goodale claims that the significance of the center must be

seen as the *beginning* of a broader shift in local understandings of self and identity, including the appropriation of liberal conceptualizations of dignity and individual rights.

Goodale presents in chapter six the case for his book as an “ethnography of grandeur,” a reflection of his interlocutors’ genuinely held beliefs that the liberal discourse of human rights represents a desirable step, despite Goodale’s own critical perspective on the projects of modernity and his recognition that structural improvements in Bolivia are still slow to appear. Goodale’s approach approximates the new form of social theory he outlined earlier, borrowing from de Certeau, and offers us a path to move beyond Escobarian critiques, that is, beyond the rejection of development and the subsequent lack of a substitute. The dilemmas of modernity outlined earlier in the text reappear at the forefront here, more contextually grounded in the specific circumstances that brought them to Goodale’s attention. The surreal experiences of watching professional wrestling and transnational cartoons alongside a rural Bolivian audience lead Goodale to conclude that the more important effects of human rights discourses are in how they lead people to project a new imaginary on their social worlds, to “*imagine* themselves as social beings who live in a world in which they are entitled to human rights and miracle seeds and ‘human dignity,’” and the social consequences of these actions (157).

The concluding section of the book reads in many ways as a culmination and a bringing of Goodale’s argument to bear on the contemporary situation in Bolivia. After noting the dangers of making *any* claims about the future under such circumstances, Goodale puts forward the possibility that the seemingly profound ruptures that attended Evo Morales’ rise to power are—like the other “revolutions” that came before—best understood as realizations of the same liberal legal-ideological framework that has shaped subject-making in Bolivia throughout its postcolonial history. Goodale claims that his perspective on this conceptual level, of the patterns of intention that underlie specific, concrete events and institutions, is the key contribution of his book: “To see patterns of intention shaping the unfolding of modern Bolivia as much in places like the norte de Potosí...is ...to recognize the presence of a set of pervasive and

dilemma-ridden logics that have at each moment in Bolivian history created both constraints and possibilities for those engaged in public life” (166). To that end, Goodale notes that—despite the explicitly anti-Enlightenment rhetoric expressed in the MAS party platform—the intense interest in reforming the Bolivian constitution demonstrates a classically liberal form of revolution. As he concludes, Morales and MAS “simply demand an expansion of the categories of modern Bolivia, the universalization of the liberal subject, and a commitment to equality of rights” (179).

Throughout the book, it is evident that Goodale’s greater focus is on the broader conceptual level of the Bolivian encounter with law and liberalism. While he promises to devote the larger part of the text to describing concrete legal practices at the local level—a slice of the broader network, focused on one node—these details did not, for the most part, make the final draft. Ultimately, the object or scope of Goodale’s ethnographic gaze is simply beyond *any* local setting: it’s the entire discursive and social-legal universe centered on human rights, a universe that, as Goodale cogently argues, has as much claim to belonging in rural Potosí, Bolivia as in iconic sites and moments such as the Fourth World Conference on Women in Beijing or the cosmopolitan metropolises that serve as headquarters for various transnational human rights NGOs. Goodale himself is acutely aware of the challenge he faces, which he recognizes through his “dilemmas” of fieldwork: making sense of a globalized “universal” discourse in an anthropologically “traditional” setting speaks to the crisis of relevancy and method that anthropologists face. As he puts it, his challenge was to mediate the demands of engaging with both the conceptual and the empirical levels of his research problem, “to develop the tools to gauge local processes in ever-increasing degrees of finely-grained detail, and, at the same time, to track what appeared to be outlines of a much larger network of ideas and practices that encompassed Alonso de Ibañez in such a way that the province had become only one small node, one point of articulation” (4). Unfortunately, the presentation of local processes in “finely-grained detail” is missing from the text. Although a few individuals are introduced as key legal-social actors or

intellectual collaborators—some with greater description than others—Goodale chooses not to present their voices.

Goodale's book contributes to the scholarship on legal anthropology and social movements as a case study of the re-emergence or re-vernacularization of universal rights frameworks. In this strain, *Dilemmas of Modernity* complements other recent works on legal reforms in the Americas, notably Shannon Speed's *Rights in Rebellion* (2008). Goodale's writing is clear and straightforward for the most part, though some sections of the book—including, perhaps most unfortunately, the opening pages of the prologue—are more densely layered with theoretical and historical allusions than their context supports. The book offers a suitable introduction to Bolivian legal traditions, though it may be off-putting for readers who are not already well-acquainted with Bolivian history and cultures. Goodale's efforts here may be most appreciated by scholars who are interested in contextualizing Bolivia's recent constitutional reforms within the broader history of liberal reforms in the republic.