"'The Master's Tools': Bolivia's Landless Peasant Movement, the International Legal Turn, and the Possibilities and Perils of Law-Based Resistance to Neoliberalism"

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Abstract

A perennial question amongst social movement strategists is to what extent movements can use the tools of the system they are struggling against in their efforts to change that system. Whilst this debate traditionally distinguishes between two camps – radical and reformist approaches – this thesis investigates one movement that breaks this mould. The thesis uses the example of Bolivia's Landless Peasants' Movement (MST) to intervene into renewed theoretical discussion about the possibilities and perils for such movements of using the legal system in the pursuit of systemic social change. Through its tactic of land occupation, the MST breaks the law by occupying unused land on large estates, whilst also invoking other laws stipulating that unused land must be redistributed to those who will work it. The thesis situates the MST's approach to law in the context of an intensified process of juridification in the neoliberal period, through which the logic and language of law increasingly have come to structure political debate and dissent, creating particular pressures for radical movements to engage with the law. Yet it also suggests that movements like the MST have developed subversive ways of engaging the law in response. By examining the MST's tactic as it interacts with this broader context of intensified juridification, the thesis clarifies and nuances the theoretical discussion by identifying how the particular conditions of political mobilisation in the neoliberal period bear on this theoretical debate. Moreover, by examining specifically how this movement's approach to law is differentiated from traditional radical and reformist approaches, and from other attempts to combine the two, the thesis reveals further potential options for radical movements seeking to engage the law. The thesis ultimately suggests that the transformative potential of law may not lie in employing the content of individual laws but in strategic manipulations of the contradictions inherent in the liberal legal form.

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