

# Comparing the legal culture from the perspective of the right to cultural identity in Brazil and Chile

Faundes, J.J.  
Le Bonniec, F.

## Abstract

This work examines the transformations and conflicts related to the recognition of the cultural identity of indigenous peoples and other vulnerable groups, in the legal cultures of Chile and Brazil. We argue that the comparison of legal orders demands not only a study of their statutory law, but also an understanding of the legal culture of each country. Based in this conception, we compare transformations and conflicts related to the legal culture and to cultural identity in Brazil and Chile and simultaneously develop a specific methodology to carry out this comparative research of legal cultures. With this purpose, the paper: i) describes some basic concepts about legal culture; ii) briefly explains the scope of the right to cultural identity, as defined by the Inter-American Court of Human Rights; iii) proposes a methodological approach for comparing legal cultures in the Chilean and Brazilian legal fields; iv) presents a comparison of the legal cultures of these countries. The conclusion summarizes the main findings of the research.

## Author keywords

Brazil  
Chile  
Comparison  
Legal culture  
Right to cultural identity