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## Justice and deliberation about the good life: The contribution of Latin American buen vivir social movements to the idea of justice

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# JUSTICE AND DELIBERATION ABOUT THE GOOD LIFE: THE CONTRIBUTION OF LATIN AMERICAN *BUEN VIVIR* SOCIAL MOVEMENTS TO THE IDEA OF JUSTICE

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*Séverine Deneulin, University of Bath*

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**June, 2012**

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Séverine Deneulin

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# Justice and deliberation about the good life: The contribution of Latin American *buen vivir* social movements to the idea of justice

Séverine Deneulin

## Abstract

Since the 1990s, Latin America has witnessed indigenous mobilization which contest the public policies implemented by their governments. They contend that public policy is not about following a linear development model of material accumulation, but about *buen vivir* or Good Living, about providing the conditions for people to live in harmony with each other and Nature. *Buen vivir* social movements aim at replacing the dominant cosmovision of humans above nature by another cosmovision of humans as part of nature. The paper discusses these *buen vivir* social movements in the context of wellbeing discourses and Sen's capability-based account of justice. It argues that *buen vivir* social movements testify that questions of justice cannot be separated from questions about the good life, and that the quality of relations people have with each other and with the environment, and the institutions which support these, is as important as capability outcomes for remedying unjust situations.

**Key words:** wellbeing, social movements, capability approach, justice, virtue ethics

## 1 Introduction

In 2007, Ecuador made international headlines when President Rafael Correa, declared that his government would not exploit the oil buried underground the Yasuní National Park in the Amazon region. Yasuní is one of the world's most bio-diverse places and hosts several indigenous communities, some of them still uncontacted (Finer et al., 2009). It is estimated that Yasuní contains about a fifth of Ecuador's overall oil reserves (Rival, 2010). In exchange for leaving the oil underground, the Ecuadorian government asked the international community monetary compensation in order to finance its social programmes. The Yasuní oil reserves have an estimated value of US\$720 million a year (Rival, 2010: 358). The UNDP and several European governments have pledged to participate in the compensation fund but, at the time of writing this paper, no money has been released. Correa has threatened to start drilling if the international community is not quicker in showing its environmental commitment.

The Yasuní story unveils some important insights for understanding policy processes which aim at improving people's lives, or in other words development policy. First, the policy decision of leaving the oil underground is the result of the interaction between local, national and international struggles. Scientists started an international campaign in 2004 to protect the mega-biodiversity of the National Park by mobilizing indigenous organizations, NGOs and others to protect the autonomy of peoples living in the territory (Finer et al., 2009; Marx, 2010). Their idea to ask oil-dependent countries for monetary compensation in exchange of Ecuador's foregoing its oil production was endorsed by the Ecuadorian government in 2007, after much political pressure.<sup>1</sup>

Second, the Yasuní policy decision is situated within a larger social, political and historical context. Ecuadorian voters approved by referendum in September 2008 a new constitution which commits the Ecuadorian government to establish an economic, social and political system oriented towards the realization of good living. This includes the guaranteeing of all economic, social, political and civil rights as well as the right of Nature. The Constitution is the result of long historical processes of indigenous mobilization to demand the recognition of their specific cosmovision and the inseparability of humans from nature, as the next section will develop in greater detail.

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<sup>1</sup> 'Yasuní Guarantee Certificates' have been issued to compensate for the revenue losses of not drilling the oil. They are calculated in terms of the price of the overall carbon emissions generated by the oil extraction (Rival, 2010: 361) and are to be traded in the European Union's market for carbon credits (Finer et al., 2009: 12).

Third, the Yasuní case illustrates that policy decisions, and the processes of improving people's lives, are fragile because of competing visions of what constitutes 'good' decisions. Submitting all economic and social policy decisions to the protection of Nature is a never fully realized aim. Policy becomes an endless process of compromise and adjustment depending on the outcome of social and political struggles of different groups competing for different understandings of what ought to be done. Since constitutionally adopting a *buen vivir* regime, President Correa has drastically changed his discourse in support of the extractive industry.<sup>2</sup> He is increasingly resorting to authoritarian practices and human rights violation to curb mobilization against mining concessions for the sake of 'national interests' (Bebbington and Bebbington-Humphreys, 2011)<sup>3</sup> – the Constitution allows the President to revoke the ban to drill the oil under Yasuní for the sake of national interests, provided Congress approval.

What has been happening in Ecuador in the last two decades, and more specifically the last five years, provides rich empirical material for critically examining justice struggles. The aim of the paper is on the one hand to conceptualize *buen vivir* social movements in the context of theories of justice, and on the other hand to construct an account of justice which better reflects the empirical reality of struggles for justice on the ground. The discussion is centred around Amartya Sen's *Idea of Justice* (Sen, 2009).

The paper starts with reviewing *buen vivir* in Latin American indigenous cosmovision and how indigenous social movements emerged. After discussing some fundamental differences between the *buen vivir* orientation of Latin American indigenous movements and wellbeing discourses in policy, the paper turns to the relationship between *buen vivir* social movements and the idea of justice. It critically discusses the Ecuadorian constitution as a new form of social contract within Rawlsian political liberalism, and examines the extent to which Sen's capability-based idea of justice provides a more adequate starting point for conceptualizing *buen vivir* social movements. It concludes by examining the implications of *buen vivir* social movements beyond Latin America.

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<sup>2</sup> See Acosta (2012) for an analysis of Correa's pronouncements in support of large-scale mining.

<sup>3</sup> An Amnesty International report released in February 2012 documents human rights abuses by the Correa government. Among these are criminalization of association of indigenous and environmental groups, entering and searching houses of activists without authorization and detention without charge. The report is available at

<http://movimientos.org/imagen/amnistia%20ecuador.pdf> [retrieved 24 Feb 2012].

## 2 *Buen vivir* social movements

*Buen vivir*, 'Good Living' or 'Living Well', is the Spanish articulation of a variety of Latin American indigenous cosmovisions (Gudynas, 2011a, b). In the Ecuadorian Constitution, it is derived from the Kichwa (Ecuadorian version of Bolivian Quechua) word 'sumak kwasay', broadly translated as a 'system of knowledge and living based on the communion of humans and nature and on the spatial-temporal-harmonious totality of existence' (Walsh, 2010: 18). In Bolivia, who also adopted a new constitution, *buen vivir* is derived from the Aymara 'suma quamaña', meaning 'living in harmony with the whole of social relations with an attitude of thanksgiving' (Albó, 2008), with social relations incorporating the natural environment.

Each Latin American indigenous language has its specific understanding of *buen vivir* but they share a set of common features (Acosta, 2010; Gudynas, 2011a). First, to live well is not a linear progression into the future but an ongoing process always in the making, done and undone. Within *buen vivir*, 'social improvement is a category in permanent construction and reproduction' (Acosta, 2010: 11). Second, Nature is recognized as a subject. To live well is to relate to nature as a subject which encompasses human life. This entails that all economic and social objectives have to be subordinated to the well functioning of ecosystems (Acosta, 2010: 18). Third, *buen vivir* is about living in harmony with other human beings and enabling them to live in dignity. It is about the fulfilment of all human rights and acting in ways which recognize the dignity of other people and Nature. *Buen vivir* emphasizes relationships of service and reciprocity towards each other and Nature. Fourth, *buen vivir* does not separate the material from the spiritual dimensions of life. To live well is to recognize a spiritual realm one cannot see and which sustains the material world one can see. A fifth characteristic of *buen vivir* is its contextuality. As Gudynas (2011a) puts it, 'manifestations of Good Living are specific to a particular culture, language, history and social, political and ecological context. [...] One cannot take the idea of sumak kawsay of Ecuadorian Kichwa and transplant it somewhere else in Latin America or the world.' Gudynas describes *buen vivir* as a space where different articulations of what to live well is, can take place. Sixth, *buen vivir* has a utopian dimension, it is 'a way of life in construction' (Acosta, 2010: 34). Contradictions and tensions will ever remain.

The adoption of a constitution oriented towards *buen vivir* has significant economic, social and political implications. Under a *buen vivir* regime, economic exchanges are submitted not to the logic of profits but to the logic of human flourishing and respect of nature. Solidarity becomes the basic value of the economic system (Acosta, 2010: 23). This means that material goods are to be produced and exchanged in view of enabling people to live in dignity and sustaining harmonious relations between people and their environment. A solidaristic economic system

supports a market economy, with a plurality of markets at the local level, but not a market society submitted to one global market (Acosta, 2010: 25).

The 2008 Constitution is the result of long historical social and political struggles of indigenous peoples. In a detailed historical account of indigenous social movements in Peru, Ecuador and Bolivia, Yashar (2005) highlights the importance of the following two factors for their emergence: the presence of political associational spaces, which she defines as the *de facto* existence of freedom of association and expression, and the presence of transcommunity networks. Both give indigenous movements the capacity and opportunity for organizing. The political space gives indigenous people the freedom to speak and associate, and transcommunity networks give indigenous leaders the space to meet, identify common problems and common action to remedy these.

Yashar (2005) situates the roots of indigenous mobilization today in the 1950s and 1960s, when states enabled people to mobilize along class lines and corporate interests. Indigenous peoples started to organize in peasant federations to represent their group interests. This led Indians to assume a dual identity: before the state, they were peasants (so as to benefit from social and economic rights), and before the community, they were Indians and continued to live their specific way of life (Yashar, 2005: 64).

In the 1980s, Latin American countries undertook drastic liberalization economic reforms. The overall share of the extractive industry in the economy grew significantly.<sup>4</sup> Indigenous people were particularly affected as they lived on resource-rich land, which agro-businesses and mining companies were coveting. It is in that context of contestation of the process of capital accumulation and its ensuing exploitation of indigenous people and dispossession of their land that social movements emerged (Bebbington, 2007, 2010).

The economic reforms were also accompanied by political reforms which put greater emphasis on individual civil and political rights and undermined the mobilization of people along corporatist or class interests. These 'neo-liberal citizenship regimes' gave the already organized peasant organizations the freedom to come together no longer as peasant but as indigenous (Yashar, 2005: 55). Hence the networks and organizations of peasants in the 1960s transformed themselves into indigenous social movements from the 1990s onwards.<sup>5</sup> One has also to add

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<sup>4</sup> Bebbington and Bebbington-Humphreys (2011: 143) note that the share of the extractive industry in Ecuador's GDP rose from an average of 13.3% between 1990 and 2007 to 23% in 2007.

<sup>5</sup> Schaefer (2009) argues that more than ethnic struggle for recognition of a specific identity, indigenous struggles in Latin America illustrate the clashes over different political projects. On the one hand, the state

here the importance of the changing international framework. The UN Declaration on Indigenous people signed in 2007, and the ILO Convention 169 signed in 1989 which legally bound signatory states to recognize customary law and to consult indigenous communities over decisions which affect their territory, provided a significant impetus for indigenous people to mobilize to demand their autonomy and respect for their specific way of life and cosmovision within a pluri-national state (Sieder, 2002).

Another significant factor in the adoption of the *buen vivir* constitution in Ecuador is the entry of indigenous social movements in electoral politics. The Confederación de Nacionalidades Indígenas de Ecuador (CONAIE) formed the political party Pachacutik which ran for elections in 1996. Subsequently, Correa and his party Alianza Pais took over the indigenous demands for a pluri-national state and recognition for autonomy over their territory (Jameson, 2011).<sup>6</sup> But the passage from social movements to party politics is fraught with compromises and the risk of co-optation and assimilation is high. For example, Correa emphasizes that the *buen vivir* constitution is the outcome of a citizen's revolution, as if indigenous people mobilized as individual citizens to secure their individual rights (Becker, 2010). The Constitution makes a grand case for *buen vivir* but it states that mining decisions are not to be subject to the consent or veto of indigenous people, they only have a consultative power (Becker, 2010: 12). The policies aimed at implementing the *buen vivir* constitution are sometimes far away from the *buen vivir* ethos articulated by indigenous peoples and endorsed by other sectors of society. The next section will return on this point in greater detail.

Latin American indigenous social movements face, what Yashar (2005: 285) calls, a 'post-liberal challenge', that is, they have created a situation where different understandings of citizenships have to co-exist with each other in a state unified by a common national identity. This seems an unsolvable challenge. Indigenous people demand to be citizens of Ecuador the indigenous way, recognizing communal ownership of land and relationship of reverence and reciprocity towards Nature, but at the same time, they cannot be such citizens without being Ecuadorian citizens first with a common citizenship. That President Correa says that those who are against mining are not good citizens (Acosta, 2012) is a clear manifestation of that challenge.

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seeks to impose its specific economic and political way of life (capitalism and liberal democracy), on the other, indigenous communities seek to protect their specific forms of economic relations and political authority.

<sup>6</sup> For a detailed analysis of the transformation of indigenous social movements in political parties in Ecuador, and Latin America, see Lee Van Cott (2005).

The indigenous struggles continue.<sup>7</sup> They are not only demanding that their lives, their health and livelihoods, be protected, or that their indigenous identity and way of life be recognized by the state, but that a new economic, moral, social and political order be established. They are demanding, as they put it, the creation of economic practices which do not 'put economic interests before life itself, environmental sustainability and cultural diversity'.<sup>8</sup> In other words, they are demanding that *buen vivir* be the horizon of all economic, social and political practices. This is why I have called them '*buen vivir* social movements' and not simply indigenous social movements. They are more than recognition or redistribution social movements, they are social movements structured by a specific vision of what is to live well, of what a good society is about, and they seek to embody that vision in a specific set of practices.<sup>9</sup> They are not so much about recognizing indigenous identity and their specific way of life and protection of their territory as they are about recovering the meaning of human life, what is to live well, how humans should relate with each other in their economic, social and political relations, and how they should relate to their environment. In that sense, the indigenous progressive articulation of *buen vivir* over the years in response to the exploitation of their land, relate to other, non-indigenous, movements structured by a similar vision of *buen vivir*.

Religious traditions too have articulated over the years, through their encounter with capitalism and exploitation, their own vision of *buen vivir*, which bear many similarities with the Latin American indigenous vision.<sup>10</sup> Latin American indigenous social movements also share common features with the de-growth movement in Europe and North America which aim at changing economic practices in view of greater quality of life (Jackson, 2009; Martínez-Alier et al., 2010; Thomson, 2011). But Latin American indigenous social movements have been the pioneers in engaging with state political structures to make *buen vivir* a reality in a way that neither religious traditions nor the de-growth movement have engaged so far.

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<sup>7</sup> Bressa-Florentín (2011) calls them 'epistemological struggles' as they are about the foundations of the social, economic and political order. See De La Cadena (2010) for a discussion of the challenges that indigenous cosmology poses for politics, especially with respect to the inseparability of humans from nature.

<sup>8</sup> See <http://sumakkawsay.tieneblog.net/?p=5444> [retrieved 24 Feb 2012].

<sup>9</sup> Dinerstein and Deneulin (2012) name this specific category of social movements 'hope movements', for they are structured by a vision of world yet-to-become, by a vision of a new world which will never be fully realized in this one.

<sup>10</sup> For example, the Catholic Church's social teaching on 'the universal destination of material goods' rejects the inalienable nature of individual property rights. It holds that all material goods should be distributed fairly to all so that each can live in dignity. For an introduction to Catholic social thought and the articulation of *buen vivir* within the Catholic tradition, see [www.virtualplater.org.uk](http://www.virtualplater.org.uk)

One should be wary of essentializing *buen vivir* social movements. They are not homogenous. Like any human endeavour, conflicts and disagreements are the norm. There are conflicts of interpretation about what to live well is about. While they may agree on the fundamentals, *buen vivir* social movements disagree on how to embody them in practice. How to express the relationship of care and respect towards the environment? By refraining from exploiting natural resources altogether, or by exploiting the resources in a way that does not damage the ecological balance of the site? There is also conflict regarding the implementation of *buen vivir* and engagement with state structures to achieve that aim. Can *buen vivir* be compromised? How to articulate it within state structures and public policies?

### 3 Relation to wellbeing and human development

At a superficial level, there are many similarities between *buen vivir* and wellbeing discourses in policy. But at a deeper level, *buen vivir* reveals significant differences. I shall focus here on measuring progress initiatives and the human development paradigm. Since its publication in 1990, the Human Development Index has set the trend for measuring progress away from growth of economic output.<sup>11</sup> In 2007, the OECD launched the 'Measuring Progress Initiative' which seeks to develop new indicators of how well societies are doing. In 2011, it released a 'Better Life Index' to assess how well people were living in OECD countries, to include quality of work, level of trust in society, environment, peace and security, social and family relations. The Kingdom of Bhutan has constructed its own index, the Gross National Happiness Index, which includes dimensions specific to Bhutan such as community vitality, cultural diversity and spirituality. France has had a special Commission to look at new indicators of progress for the country, the UK is looking at new ways of measuring progress away from Gross National Income, and so is Canada developing its own index of wellbeing.<sup>12</sup>

Unlike these measuring initiatives, *buen vivir* does not seek to measure progress differently. It rejects a linear notion of progress altogether, and even proposes a moratorium on the word 'development' (SENPLADES, 2009). *Buen vivir* social movements are demanding a new way of being in the world and relating to each other and the natural environment. They demand an alternative to development (Santos, 2006). Developing a measure for the sake of comparing a situation today with the past and with other countries contradicts the spirit of *buen vivir*. Living well is not about living better than others or better than the past (Thomson, 2011), but about

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<sup>11</sup> See interview with Amartya Sen about the HDI at <http://hdr.undp.org/en/mediacentre/videos/anniversary>.

<sup>12</sup> See respectively: <http://oecdbetterlifeindex.org>; <http://www.grossnationalhappiness.com>; <http://www.stiglitz-sen-fitoussi.fr/en/index.htm>; <http://www.ons.gov.uk>; <http://ciw.ca/en>.



living an 'abundant' life (Albó, 2008) or 'life to the fullest' (SENPLADES, 2009). *Buen vivir* is not focused on achieved states or outcomes (as captured by measures) but on changing the distribution of power and how the economy and society are structured.

The Ecuadorian Secretariat for National Planning has established a four-year plan to implement *buen vivir* at the policy level. The *National Plan for buen vivir* 2009-2013 (SENPLADES, 2009) includes twelve national strategies and twelve national objectives with clear targets to achieve. Among these are: to reach 98% of school enrolment in primary school and 66.5% of secondary school by 2013, to double the participation of peasant family agriculture in agricultural exports by 2013, to achieve that 50% of all taxes are direct taxes by 2013, to substitute import of corn, wheat and barley and reduce foreign participation in domestic consumption to 40% by 2013, to reduce malnutrition by 45% by 2013 (see pp. 73-88 of the *National Plan*).

These targets are reminiscent of the MDGs but with marked differences. Unlike the MDGs set by donors for all countries, these targets have been democratically agreed to by the Ecuadorian society (the *Plan* itself has been submitted for discussion in hundreds of workshops in which more than 4000 people from all sectors participated) and are specific to Ecuador. More importantly, these targets relate to changing the structure of the economy. A recurrent theme of the *National Plan* is the democratization of the means of production. There are clear targets to change the productive structure so that wealth creation is oriented towards enabling each person to live well in harmony with the environment. Among these are targets related to reducing land concentration, making taxation more progressive, reducing intermediation in the agro-sector, reducing ecological footprints, increasing import-substitution, lowering concentration in the food commercialization market, increasing the role of small and medium-size companies in the economy. The *National Plan* has scheduled a twenty-year plan, in four phases, to change the structure of the economy from export of primary products to biotechnology, from a capitalist logic of capital accumulation and reproduction to a solidarity market economy.

With its focus on structural change, *buen vivir* policy is much more than human development policy with its concern with outcomes, with how people are doing (UNDP, 2010). The *National Plan* includes traditional human development objectives such as increasing access to water and sanitation, improving quality of education, encouraging cultural diversity (by allowing education in indigenous languages, by stimulating tourist and cultural activities), but goes beyond these. As such, human development policy does not question the structure of production and is outcome-oriented, not process-oriented (Nussbaum, 2011). Moreover, human development remains

within the logic of 'development', with the high development achievers setting the goal for other countries to catch up on a linear mode, as the HDI ranking table illustrates. *Buen vivir* rejects this.

Human development is also anthropocentric and ethically individualistic (Nussbaum, 2011; UNDP, 2010). The environment is to be protected in so far as it affects human beings, and each human being is the ultimate moral concern of policy, a point the paper shall return later to. In contrast, *buen vivir* is bio-centric and ethically relational. There is no separation between human life and the environment, and human lives cannot be separated from each other. Harming the environment is harming one's own life, and failing to enable others to live in dignity is preventing oneself from living in dignity.<sup>13</sup>

Despite this rhetoric, objectives set out in the *National Plan* fall a long way short of a *buen vivir* vision and changing economic, social and political structures. Policy objectives continue to include clear targets regarding increase in oil production, metal mining and passenger air transportation. Most fundamentally, none of the objectives include the indigenous demands of recognition of collective ownership of land on their territory, their specific form of public authority and autonomy. Beyond the question of whether policy targets are actually implemented – it is not because the state sets a target by a certain date that it will be met – there are serious questions regarding the translation of *buen vivir* into public policies.

It has been well documented that, when social movements start engaging with the state, there is a real danger of co-optation of their demands within the state logic (Böhm et al., 2010). *Buen vivir* social movements are not exempt from this co-optation within both state logic and development logic (Gudynas, 2011; Walsh, 2010). *Buen vivir* risks being reduced to a set of statistical targets to be met by a certain date, or being assimilated to human development. It risks becoming a matter of providing health, education and basic services without allowing forms of life which are incompatible with a liberal democratic political system and a capitalist economy to exist. As noted above, since adopting the new Constitution – which is after all already the twentieth of its history (Becker, 2010), the Ecuadorian government is rapidly changing course and is reverting to supporting mining on a massive scale. It is symptomatic that indigenous organizations, such as CONAIE, have withdrawn their support to the Constitution and National Plan, and have walked away from state engagement (Acosta, 2012; Becker, 2010).

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<sup>13</sup> In the words of the National Plan (SENAPLADES, 2009), 'to harm nature is to harm ourselves' (p. 18) and 'we are unable to defend our lives without defending the life of others' (p. 20).

#### 4 *Buen vivir* and the idea of justice

The Ecuadorian constitution proclaims itself as a way of advancing justice for indigenous people. The Ecuadorian National Plan compares the Constitution to a new social contract inspired by John Rawls's *Theory of Justice* (SENAPLADES, 2009: 54):

[The Constitution is] based on the idea that 'the principles of justice are the principles that rational and free individuals concerned to further their own interests would accept given an initial position of equality' (Rawls, 1999:11). This implies that the parties to this social contract are not in a situation of domination or asymmetric dependence with each other; that they are independent, free, and equal. [...] The new Constitution proposes to build a republican society that fosters the construction of positive freedom, based on the absence of dominance and the promotion of the flourishing of capabilities and potentiality of individuals. For this purpose, it is essential that individuals should enjoy sufficient material resources. Moreover, a responsible republican citizenry must be encouraged so that it may construct its own preferences autonomously. This construction needs institutionalized spaces for participation and deliberation in which each citizen may defend his or her own positions.

But can *buen vivir* social movements be conceptualised within Rawls's theory of justice? For Rawls, reasonable pluralism of incompatible doctrines of the good is an unavoidable fact of democratic living (Rawls, 1993: 37).<sup>14</sup> *Political Liberalism* is an attempt at constructing an account of justice in a context of value pluralism. Rawls (1993: 24) uses the 'original position' as a 'device of representation' to build principles of justice which all can accept despite their competing visions of the good. In the original position, people are free and equal and do not know who they are, they are 'behind a veil of ignorance'. In that original position, people agree on principles which will govern the basic structure of society and its major economic, social and political institutions, and allow them to pursue in peace whatever conception of the good they might end up adopting.<sup>15</sup> One such principle is that all have equal access to a set of primary goods. In order to pursue his or her vision of the good, every individual should be endowed with

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<sup>14</sup> By 'comprehensive conception of the good', Rawls (1993: 175) means that 'it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct'. He contrasts it with a political conception of the good, which does not bear on non-political conduct. Comprehensive doctrines of the good do not make a distinction between conduct in the basic structure of society and conduct outside it (such as churches, family, voluntary associations).

<sup>15</sup> In *Political Liberalism*, one's conception of the good is assumed to have no bearing on the public identity of citizens. Citing the conversion of St Paul, Rawls (1993: 31) argues that changing our comprehensive doctrine of the good should have no consequence for the way society is structured by its principles of justice.

a set of certain goods, such as basic fundamental liberties (freedom of speech, association, movement, etc.), social bases of self-respect and a certain amount of income and resources (Rawls, 1993: 194).

*Political Liberalism* seems thus well suited for the Ecuadorian context. Ecuadorians have competing and irreconcilable visions of the good. Some conceive living well as relating to land as a gift to be nurtured and reject a linear conception of development, others disagree with such vision. The Constitution is an attempt at building a new social contract in which irreconcilable conceptions of the good can live in peace. As it states, the Constitution provides a context in which people can pursue their autonomous preferences in condition of freedom and equality. However, as the growing tension between the government and indigenous people is showing, the peaceful co-existence of incompatible conceptions of the good is not working out, as *Political Liberalism* assumes. There are several problems with conceptualising the struggles for justice of indigenous people within the framework of political liberalism.

First, indigenous people have not come to the public sphere in a state of original position. They have entered the public sphere with their own vision of the good and are demanding for the Ecuadorian state to recognize it. Second, they are not separating their 'public' identity as Ecuadorians and 'private' identity as indigenous as if the conception of the good guiding their relations as wives, farmers, fathers or neighbours is different from their conception of the good guiding their relations as citizens.<sup>16</sup> Third, indigenous social movements have not come to the public sphere as 'free and equal'. Their entry point in the public space was precisely inequality and exploitation. Because they were ill treated by relationships of domination which denied them voice, and one could even add life, they have entered the public space. Fourth, they are not asking to be recognized as individual bearer of rights so that each individual can pursue his or her vision of the good, as premised in Rawls's *Political Liberalism*, they have asked to be recognized as specific collectivities with a common vision of *Good Living*. By doing so, they have brought in a non-human entity, nature, into the public space and as a subject of justice. The challenge for Ecuador today is how *buen vivir* can become what Rawls (1993: 175) would call a 'general' comprehensive doctrine of the good which applies to all Ecuadorian subjects. This is the direction in which Ecuador seems to be increasingly moving towards.

In political philosophy, Aristotelian ethics provides the most fully-fledged account of justice based on a general comprehensive doctrine of the good. The remainder of the paper

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<sup>16</sup> MacIntyre (2011) argues that this public/private distinction is a problematic feature of liberalism, and sidelines the question of what it is to live a flourishing human life as a whole, qua human being, and not qua performers of distinct roles in distinctive spheres (citizens, mothers, academics, etc.).

argues that a capability-based view of justice, albeit slightly revised from Sen's original view, offers a contemporary approximation of Aristotelian ethics in the context of global inequality and injustice, and offers a more promising framework for conceptualising Ecuador's *buen vivir* struggles than Rawls's theory of justice.

In *The Idea of Justice*, Sen (2009) has argued that question of what is just society, as Rawls asks, is not a good starting point for thinking about justice. What we need to ask instead is what makes a society more or less unjust. Applied to Ecuador, the basic question of justice becomes: Have *buen vivir* social movements made Ecuadorian society less unjust? Sen uses his 'capability approach' as an evaluation space for his comparative approach to justice.<sup>17</sup> Situation A is more just than situation B if people enjoy more opportunities to be or do what they have reason to value, what Sen calls 'capabilities' or 'freedoms' (Sen, 1992, 1993a, 1999). On such account, the establishment of a *buen vivir* regime is set to make Ecuador a less unjust society. The pursuit of all the targets set out in the National Plan 2009-2013 will give more opportunities for Ecuadorians to live long, healthy and creative lives, to paraphrase the *Human Development Reports*.

But Sen's *Idea of Justice* does not rely only on a consequentialist evaluation of outcomes, whether people enjoy more opportunities to live a life they have reason to value, it also relies on processes of public reasoning. It is through public reasoning in the political sphere that a more just society is built. This is precisely what happened in Ecuador. It is through public deliberation in the political sphere, under the form of conflict and protests rather than tea-room conversations, over a long period of time, that indigenous social movements have been able to enjoy more opportunities to live a life they value. In Sen's *Idea of Justice*, justice is never achieved. Justice is always in the making. It is a process whose outcome, a just society, always escapes us. And indeed, the struggles for justice of *buen vivir* social movements continue. It is not because Ecuador has adopted a *buen vivir* regime that indigenous communities are able to live their specific vision of the good life. Through ongoing deliberation processes, within or outside state structures, through dialogue or confrontation, the search for building a more just society continues.

Could a capability-based idea of justice then offer an adequate conceptual framework for theorizing the struggles for *buen vivir* in Ecuador? There are some characteristics of a capability-based approach to justice, which theorize very well what *buen vivir* social movements are trying to do. First, they are trying to shift the policy discourse from development to justice, and even

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<sup>17</sup> For an introduction to the capability approach, see Alkire and Deneulin (2009).

propose a moratorium on the word 'development'. This is precisely one aim of a capability-based account of justice, to reframe 'development' in terms of remedying injustices. For Sen, development is about providing opportunities for people to be or do what they have reason to value, and these opportunities form part of the informational basis of justice. Therefore development and advancing the cause of justice become substitute. The aim of policy is not so much 'development' as providing the conditions in which people can live in dignity, harmony with each other and nature. It is about justice.

Second, by making *buen vivir* the evaluative standard for assessing justice, *buen vivir* social movements are linking questions of justice to questions of the good life. They claim that what causes injustice and the dispossession of land and destruction of nature, and therefore human life, is a certain conception of the good life and of the good society which submits nature, and human relations, to profits. Making the world more just is about changing the dominant conception of a good society and replacing it with the *buen vivir* vision. Such society would be less unjust than a society which doesn't realise that vision.

A capability-based account of justice precisely connects justice to deliberation about the good life. It is the 'kinds of lives that people have reason to value', which constitute the evaluative standard to assess whether a society is more or less just. While Sen refrains from making a commitment towards the good, it is implicit in his capability approach, as Rawls pointed out (Sen, 1990). A capability-view of justice implicitly makes a judgement about the nature of what people do or are. The capabilities to move, to eat well, to participate in the life of the community and others are worthwhile because they constitute what good living is about. Even if public deliberation determines which capability is most valuable, it does not mean that judgements about what constitutes a valuable life are not made.

Third, *buen vivir* social movements seek to submit market exchanges to the demands of *buen vivir*. Market exchange is only a means to the end of enabling people to live well, and not an end in itself. A capability-view of justice conceives markets in that way too. For Sen, markets should be assessed according to the extent to which they expand the freedoms that people have reason to choose and value (Sen, 1993b). A difference though lies in what types of markets are better at providing the conditions for *buen vivir*. A capability-based account of justice does not make a judgement on what type of market is best, whether a global or local market, the proof, so to say,

remains in the pudding.<sup>18</sup> *Buen vivir* social movements take the position that local markets are, by definition, better at enabling people to live well.

Fourth, *buen vivir* social movements do not seek to impose a *buen vivir* regime through a violent revolution, but they seek to construct it via democratic means, through public deliberation, under the form of peaceful protests. Even if the state may respond through violent repression, they strive for non-violent resistance. The importance of public reasoning processes for making societies less unjust is one of the key features of a capability-account of justice. This deliberative process bears on the content of what good living is about and on how to provide the conditions for good living. As the writer of the Ecuadorian Constitution, Alberto Acosta (2010) puts it, 'Good Living implies a critical reflection and deliberation process about what it is to live a "good" life. It is a social project.' Deliberation about the good and action for justice are two sides of the same coin.

So far so good. But a capability-view of justice, as Sen presents it, is not perfectly adequate for conceptualising *buen vivir* struggles in Ecuador. Analysing what *buen vivir* social movements are seeking to do and their own struggles for justice, does add a few more elements to the capability-based account of justice that Sen originally envisioned. The paper highlights three additions that the struggles of justice of *buen vivir* social movements make to a capability-based account of justice.

First, Sen's *Idea of Justice* expresses a strong commitment to outcome evaluation. A situation is less unjust if more opportunities have been given to people to live a life they have reason to choose and value, or in other words, to live a good life as they have come to define it through public deliberative processes. When levels of education and health outcomes are higher, when indicators of political freedom fare better, when women's participation in economic and political life is higher, then justice has been advanced.

*Buen vivir* social movements however do not commit to such linear vision of justice and social improvement. Better outcomes are no doubt important for justice, but these improvements are the manifestation of improvements in the relations between humans themselves and humans and Nature. The informational basis of justice of *buen vivir* social movements is not so much a

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<sup>18</sup> Although reading Sen's *Development as Freedom* may give the reader the impression that Sen supports a global capitalist economy, the assessment of whether a capitalist economy is better than another type of economy depends on its ability to provide opportunities for people to live well. In some contexts, like Russia, the freedom to exchange in markets brings greater benefit to people than a state-run economy. In other contexts, greater freedoms to exchange in markets may give fewer opportunities to people to live well.

consequentialist evaluation of outcomes but the quality of relations. *Buen vivir* goes beyond a comparison of situations in terms of opportunities to reach certain individual states of beings and doings (capabilities), to include comparison between the quality of relations people have with each other and nature, and what kinds of institutions they are creating to support quality relations.

Second, *buen vivir* social movements do not deliberate only on *what* constitutes Good Living as in Sen's *Idea of Justice* but on how people should relate to each other and the environment. This is why *buen vivir* social movements are pressing for a change in how the economic, political and social spheres are structured. Structural change, and a change in how people relate to each other in market exchange and political deliberation and in their relation to nature, is the subject matter of justice.

Sen's *Idea of Justice* remains strongly committed to ethical individualism. It is individual human beings who are the ultimate object of moral concern (Deneulin, 2008; Robeyns, 2008). Justice is advanced if each individual has more opportunities to live a life s/he has reason to value. Individual capabilities constitute the informational basis of justice. In contrast, for *buen vivir*, the quality of each individual's life is not the *only* moral concern. The quality of relations between individuals, whether economic, social and political, is also the moral concern of justice, if not at a more fundamental level. When indigenous people suffer ill health, justice requires not only an evaluation of individual outcomes, but also, and more importantly, an assessment of what type of economic and political relationships are behind ill health.<sup>19</sup>

Another contribution of *buen vivir* social movements to building further a capability-based account of justice is its inclusion of Nature as a subject of justice. Sen's *Idea of Justice* remains strongly anthropocentric (Holland, 2009). Environmental protection is instrumental to human quality of life. For *buen vivir* social movements, humans are not above the environment, they are a constitutive part of it. One could object that only 'humans think and act', but according to *buen vivir*, so does nature. When humans exploit her, she does react in a certain way. Ecosystems have their own logic of production and reproduction. As justice requires enabling humans to live well, so it requires enabling ecosystems to live well. This is why it is not only the types of human relations which make a society less or more unjust but the types of relationships humans have with nature.

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<sup>19</sup> See Valencia (2012) for a discussion of a structural account of the capability approach in the context of human rights violation in the extractive industry sector in Peru.



## 5 Conclusion

The recent events in Ecuador and the introduction of a *buen vivir* regime do not affect Ecuadorians only. They have worldwide implications and shake the foundations of modernity and the liberal political project. One of liberalism's greatest fears is that any other system of thought will fail to respect human freedom. *Buen vivir* social movements illustrate that this need not be so. They articulate a vision of justice deeply rooted in human freedom. But unlike the liberal vision of freedom as the expression of autonomous preferences, they hold that humans are truly free only when they engage in common life, and seek together ways of relating to each other and the environment so that each person can live well in harmony with others and nature. This has huge implications beyond Ecuador and Latin America. *Buen vivir* social movements are sowing the seeds of a new global epistemological framework, which has the potential to address the problems of climate change and rising inequality at their deepest roots.

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