

For a Pluralist and Decolonial Alternative: The Cultural Worldview of Good Living

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The Latin American constitutional system has produced many innovations, among which a paradigmatic concept, the well living (*buen vivir* or *sumak kawsay*), set forth in the Ecuadorian Constitution, since it represents an alternative, decolonial, and pluralist horizon, which contributes radically to redefine the spaces of legality and transform existing colonial relations in the peripheral societies of the global south. Therefore, it is proposed to analyze this ethical normative concept, starting from a critical-social and pluralist interpretation, revealing the displacement of anthropocentrism from eurocentric modernity to a worldview proper to andean culture, which privileges life and the recognition of diversity as structuring axes of social, economic, legal, and political relations.

Keywords: well living, worldview, decolonial epistemologies, pluralist alternative

Introduction

The proposal in question seeks to describe some contemporary innovations within the framework of the Latin American constitutional system, taking into account the Ecuadorian Political Charter of 2008, and its emphasis on the paradigmatic concept of well living.

For this, a theoretical-reflexive contribution based on a critical-social and pluralistic interpretation is used methodologically, favoring national and foreign bibliographic sources.

From the analysis of the Ecuadorian constitution, it is verified that the central principle of this social-type Constitutionalism provokes and reveals a shift from anthropocentrism of Eurocentric modernity to another worldview (inspired by the Andean culture), where life and recognition of the diversity is the structuring axes of social, economic, legal, and political relations.

Finally, the paradigmatic meaning of the normative and ethical concept of “buen vivir” (*sumak kawsay*) is expressed as an alternative, decolonial, and pluralist horizon, contributing radically to redefine the spaces of legality and socially rewrite/transform existing colonial relations in peripheral societies of the global South.

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Epistemic Crises and Perspectives for an Alternative Project

Incongruences from a globalized hegemonic knowledge reflect ruptures and new emergences in relation to human rationality, cultural patterns, and environment. In this sense, every paradigm's crisis comes from structural contradictions and social conflicts in a given historical process. These events are associated with ruptures, interruptions, impasses, discontinuities, reorganizations, and transitions. Hence, the exhaustion of traditional scientific paradigms (either from metaphysical and empiricist) progressively opens up a scenario for changes and the reconstruction of paradigms shaped by critical and emancipatory counter-discourses (Wolkmer, 2015a, pp. 26-27).

Beyond a society, State, or Law crisis, this is also an environmental crisis, a sphere that, differently from alternative cultures that respect nature's reproduction dynamics, seems to be violated and distanced from in the Western hegemonic rationality. This crisis, which is rather projected into the environment, implies the destruction of our time, which, according to the perspective proclaimed in 2002 by the manifesto "Una Ética para la Sustentabilidad" ("Ethics for Sustainability") consists of:

a mechanism view of the world that, ignoring nature's biophysics limits and different cultural lifestyles, is accelerating global warming. This is a human rather than nature's action. The environmental crisis is a moral crisis of political institutions, of legal apparatuses for domination, of unfair social relations and of an instrumental rationality that is in conflict with life (...). (Riechmann, 2004, p. 16)¹

Therefore, the epistemological crisis of the Western modernity is related to the negative impacts of globalization and the exhaustion of a predatory capitalist model that is "socially perverse, politically unfair and ethnically condemnable". Such capitalist development legitimises a contradictory rhetoric on sustainability that aims to conciliate an unruly and unlimited economic process that relies on "productive-consumerist" logic and nature's limited resources and capacity for preservation. In this sense, in light of the crisis of the individualist, materialist, and anthropocentric and developmental capitalist paradigm, there is a search for alternative forms of a more viable sustainability that "recognizes nature's limits and potentials, as well as the complexity of the environment, bringing forward a new understanding of the world in order to face its challenges (...)" (Riechmann, 2004, p.16). These new paths towards sustainability also look to promote an adaptation and balance among humans, culture, and nature.

The alternative paradigm discussed in this article suggests another conception on development, one that is centred in sustainability and that has values in tune with fundamental human needs, as well as with nature's need for reproduction and conservation. It is important to underline that development here does not mean economical growth or progress of the kind that is focused on aggressive exploitation of natural resources in order to feed global trade and the illusions of a unbridled consumerism. On the contrary, according to the 2002 "Manifiesto por Una Ética para la Sustentabilidad" ("Manifiesto for an Ethics of Sustainability") (signed in Bogota), it is fundamental to differentiate the referred conception of "development" from the "capitalist development on sustainability", since the latter is contrary and does not clarify "a new and alternative form of relationship between the production of goods necessary to life (...) and nature's limited resources" (Riechmann, 2004; Boff, 2012).

¹ All quotes are translations.

Hence, it is necessary to dissociate sustainability from the predatory capitalist development, redefining its understanding in order to create a larger balance that recognises the interaction between ecosystems that reproduce life and the interconnectivity of the planet, and by doing so, potentiating the forms of achieving a “good living”.

In light of what has been discussed and in order to overcome the referential of a “worn out and unfruitful development”, it is necessary to look for an alternative and authentic sustainability, one that can be expressed by and in tune with the Latin-american concept of “buen vivir” that comes from native movements and that has been institutionalised throughout the last decade in Andean constitutions, remarkably, in the ones from Ecuador (2008) and Bolivia (2009) (Garcia, 2012, pp. 204, 213-214). Hence, an alternative model to the capitalist development can be discerned, that is, the conception of “buen vivir” that prioritizes the perspective of a new sustainability since in life everything is “intertwined and interdependent”, taking into consideration the harmony and integration between humans and nature.

This article underlines that the Global South values on nature’s rights, which were brought forward by the cosmocentric ethics of the Andean philosophy and by the new paradigmatic guidelines of a pluralist Constitutionalism, point to a new view on sustainability that contributes to another type of “development, less focused on the material, and more centered in people’s good living and on the environment’s quality” (Gudynas, 2009, p. 115). This implies a reorientation of a worldview as a post-materialist way of life, in tune with a worldwide ecological dimension of communities integrated to nature, which in turn, is preserved and looked after in what concerns common goods, as well as in what concerns its lawful right for reproduction, independently from human needs.

Colonial Logic, Transplants, and Refoundation of Constitutionalism

In what concerns public law, the cultural scenery and politics that dominated Latin American countries since the beginning of the 19th century allowed the expansion of the political and legal doctrine of a liberal and colonial Constitutionalism, which was biased by a segregating and monist elite. Even if the emancipation of the colonies politically represented a limitation posed to the absolutist power of the metropolises, it ended up consolidating and protecting the rights of a white, *Creole*, property-owner fraction of the population of the new free countries. This white minority tried to legitimize their hegemonic power through a political institutionalization that reflected a peripheral model of capitalist development. The ideological ethos of this imported and colonial Western Constitutionalism reflected not only the local elite’s values, but also, by excluding larger segments that did not fit into this post-colonial model (such as native populations, afro-american communities, and rural workers), ideologically reflected the political guidelines that guaranteed their status-quo, such as economical liberalism, the free market, a limited governmental centralizing power, a centralized bureaucracy, a monist conception of a rule of law, and the supremacy of human rights.

Furthermore, the incorporation of a capitalist mode of production and an individualist liberalism had an important function in the process of affirmation of State Law (whereas only the State has power over the legislative administration and in the development of Public Law in the old Iberian colonies). It has to be recognized that the liberal individualism and the Enlightenment’s Human Right ideals became part of hispanic-American societies that, up to that point, in the 19th century, were fundamentally agrarian, separatist

and often, slave-based, with virtually none urban and industrial development, with populations lacking citizenship rights and constitutional protection. Within this colonial logic marked by a monist culture of “assimilation”, in which cultures were constitutionally standardized according to an official model, diversity was not respected, neither was nature’s preservation, and even less so, remote traditions around the legal customary pluralism of original populations and of ancestral knowledges (Wolkmer, 2013b, pp. 19-21).

In this sense, in the region’s history, few times the traditional colonial Constitutionalism, which was represented by liberal, individualist, formalist, and excluding constitutions, authentically expressed the needs of the major part of its demographic, such as native, afro-descendent, agrarian populations, and later, urban segments. These absences were added by others in the 20th century due to the continual delay in recognizing the importance of the environment, biodiversity, sustainable development, and especially, politics of conservation and protection of common natural goods, such as the human right to water. This constitutional pattern just started changing in the beginning of the 21st century.

It is in light of this scenario that this article underlines the importance of the Pluralist Constitutionalism that has been emerging in Latin-american countries (such as Venezuela, Ecuador, and Bolivia), which theoretically breaks with a colonial power and its political and legal tradition of liberal and individualist basis. Henceforth, distancing from the old euro-centric matrix for thinking Law and State and starting to give value to the native world, new constitutions based on an alternative cosmovision started to emerge. This re-foundation of political institutions recognizes the needs of native cultures that were overlooked and identities that were denied throughout history. In this context, the Andean worldview of “buen vivir” is recognized as a nuclear principle as a new horizon of alternative decolonialism for processes of paradigmatic ruptures in peripheral societies.

For a New Political-Legal Culture Decolonizing: Good Living

Today the transforming pluralist Constitutionalism represents an expressive reference since it implies a rupture with the tendency previously outlined, as well as with the Eurocentric and Cartesian epistemic matrix. Departing from a concept of way of living expressed in the “good living”, the new Constitucionalism aims to surpass the developmental expectation of living better and consume more at the expense of others and nature. As Mamani suggests, this involves:

1. The reconstitution of the cultural identity from a millennial ancestral heritage;
2. The recuperation of ancient knowledge;
3. Politics of sovereignty and national dignity;
4. An opening for new relations of community life;
5. The recuperation of the rights of relationship with Mother Earth;
6. The substitution of capitalism’s individual and unlimited accumulation for an integral recuperation of balance and harmony with nature. (Petrella, 2011, p. 15)

It is within this scenario of paradigmatic crisis, where water scarcity and climatic changes are seen by the voracious hegemonic power as business opportunities, an alternative eco-perception based on the Andean cosmovision emerged with the aim of preserving life in all its plenitude. Despite the probabilities of achieving

the changes proposed by the Southern Pluralist Constitutionalism still being under question, their proposals remain as a strong possibility for deep transformations needed in light of the current crisis, especially in regard to environment.

The Andean thought is not being presented as a rescue of traditions untouched by the colonial and post-colonial historical processes. Despite not being the object of this reflection, it is important to underline that there are different conceptions of “good living” in Latin America. Furthermore, the turn towards Andean traditions in the countries that have been mentioned (particularly in Ecuador and Bolivia) is connected to victories of a decolonial Southern critical thought that are reflected in significant institutional changes.

These conditions determine logical consequences, such as the affirmation of the human right to water, its definition as a strategic natural common good, the prohibition of privatizations, an unprecedented biocentric shift regarding nature’s right in the Western Constitutionalism. Not only is the State responsible for structuring these aims of defense of common natural goods, but also the native populations and citizens. The State has the strategic role of conductor of the *Pachamama*’s interests through the Pluralist Constitutionalism, legitimizing and being responsible for the reconstruction of national/local sovereignty spaces through a public/communitarian alliance. The legal system of pluralist perspective starts having an ancestral knowledge as a structural axis that suggests a whole living in harmony with nature (Petrella, 2011, p. 12; Houtart, 2011, pp. 57-76).

In this direction of epistemological ruptures, one arrives at the ancestral principle of the “good living”. To achieve a “good living”, nature should be emancipated from an economic connotation through a new nomenclature for the natural common goods essential to life as a natural patrimony. Water is defined as a strategic common good for public use, having as reference a “good living”. As such, the potential of ancestral knowledge is recovered as a common good in a way that builds a communitarian and plural governance. In the same way, it is established principles of environmental sustainability, precaution, prevention, and efficiency as criteria for planning all sectors considered strategic.

In what concerns the Southern constitutional theory, Ecuador brought forward significant institutional changes when founded a new natural contract (nature’s right), with large popular approval after the Constituent Process. The new coexistence pact represents the recognition of nature’s rights and an overcoming of anthropocentric ethics, founding, as such, a biocentric ethics. This perception that emerges from the Andean cosmovision implies a potentiating of essential material bases in a way that respects culture and promotes the “good living”, keeping human dignity and quality of life as referents in constant construction.

The new constitution is pioneer which recognizes rights to nature. There are many articles that establish this right and that propose a development model for the country in harmony with nature and the environment. The nature’s rights are in close relationship with the proposal of a new development regime, the good living regime or *sumak kawsay*. The good living implies harmony: of beings with themselves, with their peers, with nature. Henceforth, it makes sense to incorporate nature as a subject with rights, since without it human life is not possible. The maintenance and regeneration of nature’s vital cycles, among them, the most important one, that of water, does not imply only the care and sustainable management of ecosystems which are fundamental to water, but also a holistic handling of water in its various uses, since its collection to its disposal. This means that profound changes have to be incorporated in the use and handle of water in urban, rural, industrial, mining, and petrol sectors (Acosta & Martínez, 2009a, p. 37).

Undeniably, the 2008 Ecuador Constitution emerged as a good living narrative that also works as a platform for an understanding of water as a common good, or even better, a natural patrimony that belongs to all human beings. This means to leave behind a current idea and model on sustainability (or development), but also to reify a conceptual apparatus that promotes synergy with Mother Earth and a form of development that is at the service of life. The constitutional text relates water to all human rights, and also to nature's rights and to a public-communitarian administration.

The aims of "buen vivir" as the representation of an alternative sustainability are defined in Article 276 of Ecuador's Constitution, among them: "to recover and to preserve nature, keeping a health and sustainable environment, as well as guaranteeing the access to and quality of water, air and soil, and the benefits of natural resources". This determines obligations to both the State and to the people, collectively (Articles 277 and 278) (Gudynas, 2009, p. 119). According to Eduardo Gudynas, it seems evident that this direction of "optimization of natural resources with the aim of supporting life's necessities" means that the "buen vivir" is close to critical postures linked to a sustainable development or even a "deep ecology". Two aspects of the "buen vivir" are more directly related to sustainability: (a) the proposition that "the human beings should make use of resources and environment"; (b) nonetheless, the human beings should insert themselves in "a new context", since this use should serve to the "buen vivir" (Gudynas, 2009, p. 120). Consequently, the "buen vivir" view is "holistic, both environmental and social; a 'buen vivir' cannot exist without a protected and conserved nature" (Gudynas, 2009, p. 46).

Certainly, the "buen vivir" arises at the intersection of indianism and the tradition of the left as a project to reformulate the productivist and patriarchal State. It is oriented towards a post-development, that is, to overcome the development paradigm, as a proposal for change, besides the dichotomy between capitalism/socialism (A. C. Wolkmer & M. F. S. Wolkmer, 2017, p. 41). In this sense, Frei Beto points out:

For capitalist society, nature is the object of property and we have right to exploit it and even destroy it according to our ambitions. Capitalism is guided by the wealth-poverty paradigm, while *sumak kawsay* breaks this dualism to introduce that of sociability and sustainability fundamental foundations of a civilizing project. (Cidade e Qualidade de Vida)

It must be recognized that the dialogue between distinct rationalities that permeated the constitutional process in Ecuador epistemologically rescued knowledge silenced from ancestral wisdom, with guidelines that represent a process of decolonization of institutions, in addition, seeking to instrumentalize political resistance to the model of capitalist accumulation. A post-capitalist horizon, having as cultural base the "buen vivir", challenges the exclusion of the majority of the population in the symbolic and material dimensions. Thus, "good living" respects the specificities of all cultures highlighting "all people and communities from their contributions and potentialities, not only from their needs" (León Gómez, 2010). It is important to visualize, in Schavelzon's words, how this concept adds vital energy internally to the political process of change (2015, p. 16).

Diversity is essential in the perspective of "buen vivir"; it strengthens democracy insofar as it presents a multiplicity of responses to social problems. The questioning of Eurocentric universalism can be overcome by building a negative universalism; everyone knows what they do not want: oppression, misery, destruction of nature, inequalities, consumerism, wars, etc.

In this way, the economy of “buen vivir” implies a careful use of biodiversity, because in redefining human needs, it aims to ensure natural systems. As Gudynas and Acosta add, they are:

of a vision that surpasses the narrow quantitative margins of economism and allows the application of a new paradigm whose end is not the processes of material, mechanistic and endless accumulation of goods, but which promotes an inclusive, sustainable and democratic economic strategy. (André, 2013)

It is essential, therefore, the epistemological change at the planetary level in relation to the dynamics of the “human and the nonhuman”, promoting a real commitment of the citizenship pluriversal with the preservation of the common goods in defense of the Life in its fullness (*plenitude*).

Conclusion

Nowadays the project of a new sustainability based on a cosmivision paradigm finds place in the new pluralist Constitutionalism of Andean countries represented, mainly, by the constitutions of Ecuador (2008) and Bolivia (2009). The fundamental link that ecologically approximates, interacts, and guarantees sustainability is the biocentric notion of “buen vivir” (*Sumak Kawsay*, Ecuador) or “vivir bien” (*Suma Qamaña*, Bolivia), which allows the balance between environment and human communities within an integrating and pluralist new cosmivision. This interconnects multicultural, social, politic, economic, and legal aspects. This ecological and post-capitalist dimension introduces a paradigmatic referential of the so called nature’s rights, which are constitutive elements of the great *Pachamama*, the *Madre Tierra*. Despite having emerged in marginalized societies in the Global South, the Andean cosmivision’s conditions and guidelines echo the will of change and rupture of those that were tight to a single thought and to the tradition of the Western liberal democracy, but that were looking for urgent answers for a world that is on the brick of a catastrophe, dominated by a ecosystem and civilizing process crisis.

The new forms of knowledge that the Latin-american contemporary Constitutionalism brings forward and legitimizes allow an advancement towards a “dialogue of knowledges”. The challenge that comes up with the horizons open by the Global South emergent constitutions, such as from Ecuador and Bolivia, is how to approximate Andean ancestral cultural traditions to “Western ideas of an environmental ethics” (Gudynas, 2009, p. 47; Santos, 2010, pp. 54-66), creating a ethics for sustainability.

Linking nature with culture in the context of “good living” implies biocentric practices driven by complex strategies as a space of sense of coexistence and complementarity. The idealization of progress as economic growth, with a fundamental goal of well-being, focused primarily on merely material achievements, is challenged by critical-decolonial questions, as an impossibility, and more, an irrationality, since planet earth does not have sufficient resources

In this scenario of community practices (A. C. Wolkmer & M. F. S. Wolkmer, 2017, p. 48), common goods can not be privatized:

But, after all, what are common goods? Being common is not an a priori, but a result. Goods are not common but socially made common. Common is not an inherent quality or intrinsic to the good (natural or produced), but a quality that the social relation attributes to it. Generate common goods is a special way of organizing social life. (Grzybowski, 2014, p.13)

Naturally, people and communities can live the construction of “buen vivir” in a self-dependent and participatory process. “Buen vivir” becomes a condition of the “common”, with a great integrative power, both intellectual and political. Strengthens assembly processes in community spaces. It deeply rethinks forms of representation, such as traditional political parties and organizations (Medici, 2010, p. 15).

Thus, in contemporary times, in the face of globalization, the notoriety of “buen vivir” (Sumak Kawsay) stems from the possibility of articulating the plurality of political and autonomic spaces, respecting the specificity of all cultures. It reconstructs plural scenarios of “common” participation that admits and legitimizes overcoming the pathologies of participatory democracy. The enunciation of the rights of nature decolonizes other forms of life implying care in the productive dimensions of life. Their values redefine knowledge patterns and forms of relationship, as well as normative horizons, allowing new social ties with new subjectivities aware of their role in life transformation and the strengthening of democracy (A. C. Wolkmer & M. F. S. Wolkmer, 2017, p. 48).

Finally, the plural and complex balance that is brought forward by this new way of thinking sustainability based on the “good living” cosmovision contributes to rewriting/transforming socially and interculturally existing colonial relations in peripheral societies.

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