



Curbing the Effects of Globalization by Converging Restorative Justice Theory and the Ancient Wisdom of the Indigenous People of Ecuador

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Tantarishpa yachanchikmi. (Kichwa¹.)

Juntos es como aprendemos. (Castilian.)

Together, we learn. (English.)

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Abstract

Five hundred years and more of resistance of the Peoples and Nationalities of Ecuador have proven to effect a difference in the nation. The new 2008 Constitution includes the Peoples and Nationalities' philosophy of the Art of Good Living, or Sumak Kawsay, in the Quechua language.

This paper argues that indeed, the telling of the story of the People and Nationalities' worldview is required to further increase the opportunity for the entire world to move towards the opposite of globalization. The predatory effect of globalization is well known. Now we need to reflect on the healing possibilities of Sumak Kawsay: people and nature, which are the real actual and tangible assets through which humanity really counts. In addition, this paper introduces some of what the Peoples and Nationalities of Ecuador are doing in different areas, while they weave the healing and restorative web of Ecuadorian life.

Curbing the effects of a pernicious trade globalization doesn't have to be an uphill battle against the forces that support it. Ecuadorian Indigenous people and other native nations around the world who base their daily living on their resilience, and who are able

¹ Translated from Spanish to Kichwa by María Gabriela Albuja, 2015.



to use social and natural assets, are curbing the effects of globalization in some societies by effectuating the reverse of industrial globalization in their daily existence. They are doing so with Restorative Justice measures and the natural Art of Good Living. Getting to know their model of relationship building and conscious living with nature may create empowerment within and influential results without, for the rest of the world.

The actualization of the Indigenous' movement is embedded in a philosophy not necessarily consciously expressed by the Indigenous people, but intuitively understood and experienced by them. As depicted herein, there are four practical examples, observed from 2006 to 2015 in some areas of the Sierra region of Ecuador. The common ground for these stories is the multi-verse (as opposed to “uni-verse”) in which they are played.

Howard Zehr's Restorative Justice theory and the ancient wisdom of the People and Nationalities of Ecuador² (Andrango, 2010), expressed in the Sumak Kawsay philosophy (The Art Of Good Living) converge in a common field: “relationships among real people” (Zehr, 2002) in the ground --meaning those who have to face, deal with and are affected by the aftermath of a situation. Situations cover an array of possibilities ranging from creating outcomes to responses to the aftermaths of events.

The congruence of these two theories doesn't mean that they are completely attuned one with the other. Restorative Justice is a product of Western civilization, which synthesizes from a Western perspective as a curative way to deal with disputes, conflict and crime. This is in contradistinction to the traditional Western notion based on retribution. Restorative Justice and Sumak Kawsay are actually dissimilar not only in focus, in language but also in use and in the areas of their expected applications. This occurs even though both of them originate in ancestral times in aboriginal communities.

In regard to the focus, Restorative Justice focuses on the human person as an individual and as a member of a community of human fellows (Zehr.) The Sumak Kawsay focuses on humans/nature. Restorative Justice, even though inspired by it's own Indigenous knowledge, presents its theory from a Western anthropocentric

² In Castilian language, Indigenous people in Ecuador wish to be called collectively: *Pueblos y Nacionalidades*.



perspective (humans as the center); the Sumak Kawsay envisages all humans as being one with all other humans, and nature (Amawtay Wasi Cross-Cultural University, 2004). In regard to the language, which in itself presents a powerful array of connotations. The word “justice” utilized in theories of Restorative Justice is a word and a concept that does not exist in the ancestral Kichwa language or imagination of the Andean people (Sarango, 2006). “Justice” belongs to the Western world with the connotation of fairness, deserving and punishment. The closest Andean equivalent that expresses a human dialogue process with all the community and in the presence of the four elements of nature are “communitarian equilibrium” or “community harmonization” (Albuja, 2006)

In the field of Restorative Justice, the word “restorative” modifies the word “justice” – meaning that the healing process of reflective dialogue in restorative processes allows the development of or enhances the ability to connect with personal resilience—rendering punishment or imposed indignity or humiliation as useless. Therefore, “Restorative Justice” resonates with regaining the perceived lost of balance in the community and the recapturing, even if new, of the harmony among the members of a community in the aftermath of a situation.

In regard to the area of application, Restorative Justice may be expected to be relevant only in justice issues related to law enforcement including various criminal justice systems, prison and detention systems, or even encroaching into the arena of educational discipline. The Sumak Kawsay may be perceived as having application only in the way of living that connects to the land and to the traditional rituals of Indigenous societies. In Actuality, the essential philosophy is contained in each other. The applications of Restorative Justice have expanded to include the building of communities, the creation of democratic systems, the implementation of land planning and also in education. In addition, Restorative Justice is being applied to the areas of massive violence, and healing trauma at the individual and community level.



The theories converge in the practical applications of both and this practice enriches one another as the stories indicate. Hence, Restorative Justice becomes more than just dialogue among people advancing into a practice of mindfulness that acknowledges the presence of nature, not only on the outside, but also within.

This commonality, therefore, has huge implications for the application of Restorative Justice in all spectrums of life, just as the Art of Good Living touches every aspect, and encompasses all stages. The dynamics of interdependence and interrelation between people and nature creates cooperation as well as challenges because life is a motion that requires fulfillment through needs' satisfaction. We fulfill it together. However, even though we may have reached a point where humanity understands the need for good connections with each other, we are farther from recognizing that, in fact, we are here in life together along with Nature as well.

The perspective of history has a lot to contribute in this context of converging. In 1989, Zehr, known as the “Grandfather of Restorative Justice,” wrote the book that coined the theory of Restorative Justice and became classic. On the other hand, Ecuadorian anthropologist Marco Vinicio Rueda, S.J., seized on the significance of myth in his research (Rueda, 1993). Pertaining to this paper is one legend,³ Rueda reports which supports the conversion of two distinctive sources: The Eagle representing science and technology, the Condor representing the ancient wisdom.

An ancient legend predicted that in a given time in history after centuries of separation, the Eagle and the Condor would be engaged in the opportunity to choose to flight and live together. If they do, a union of such level would be created, which outsprints what the world has never seen before (Perkins).

Evidence abounds to show that such times have arrived in Ecuador based on the political influence of the People and Nationalities' movement, which has been able to assert itself in shaping the political landscape of the country; the Constitution of Ecuador

³ The legend of the Condor and the Eagle appears also beyond the Ecuadorian borders.



(Asamblea Constitucional del Ecuador, 2008) contains expressly the ancestral wisdom of Sumak Kawsay in the political structure.

Restorative Justice theory can be considered to be the Eagle in the story that systematized the concepts, principles, processes, as well as the values and the results of this subject in a coherent technical narrative, easily comprehended by the Western world. The Sumak Kawsay is the Condor that has persisted in resistance despite more than five centuries of structured colonization: retaining its philosophy of what humans/nature were meant to be from the beginning of all times.

In this paper, four stories are narrated, where the concepts of the two theories are at play. In the stories, local, communitarian capacity resourcefulness, creative new imaginary visions from the ground-up, and ancestral knowledge are dramatized to illustrate approaches originating from a human/nature perspective.

Nevertheless, to read these stories would require that the reading be done with an idea of capturing not so much the concepts, but the archetypes that lie beyond the surface. Rueda (1993) invites attention to the vitality of the stories to allow it to be an encounter with our own truths, to step with a naked foot into the narrative as a person steps into the sacred circle created by people who have been hurt or have hurt others. One could feel fragile and vulnerable facing the others, but also be aware of the resilient force within that guides her/him. In sum it is suggested that, one steps into a narrative that stretches one's own journey, which is needed to come in touch with our entire being --la *totalidad* (wholeness) denoted by Rueda (Ibid.)

The Art of Good Living, is similar to restorative justice processes, it contains these bulleted understandings that embrace the four aspects of being: body, heart, mind and spirit.

- Animals (humans among them) are One with nature – Body
- Being happens in relationships – Heart



- All is interrelated and interdependent – Mind
- Doing is in endless transformation – Spirit

If the main philosophy of the Art of Good Living were displayed as a graphic, it would be a Circle; to symbolize all is One with all. Then, this circle could be divided just for pedagogical reasons, into four quarters, to include in each quarter an element of nature: Earth, Fire, Water and Air to highlight the importance of all occupying the same sphere. The most important recognition however, is that Nature is not separate from Humans. Therefore, each element represents one aspect of being in a symbolic and real way.

Combining Nature and Humans, represents the resources that come into play in the two theories, one is the social asset, (also called Social Capital) and the other is the natural asset (also called Natural Capital). This could again be represented as a circle divided into the four quarters. Each division would correspond to one aspect of being; Earth representing the Body, Fire representing the Heart, Water representing the Mind, and, Air representing the Spirit.

Indigenous people interviewed in Ecuador agree on the equivalent of the representation of the four elements with each aspect of being as described above (Vacacela, 2006; Andrango, 2010), even though in other Native cultures the representation varies (Star). The Earth represents the Body because humans are made of minerals, metals, vitamins and all that comes from the earth. They also eat what comes from the earth. “After all, the human body is made of earthenware” (Susuki). The Biblical phrase also reminds us where we come from and where we go at the end of the human experience: “By the sweat of your face You will eat bread, Till you return to the ground, Because from it you were taken; For you are dust, And to dust you shall return.” (Genesis 3:19)

The Fire represents the Heart, with its emotions, feelings and passion for life. “Fire is a double sword ... can warm us as much it can burn us (Susuki). Vacacela explained that all the community needs is to be in front of the fire to tell the truth, because of its



purifying qualities and the potent meaning associated with what fire is in their understanding of the world.

The Water represents the Mind because of its clarity and transparency. The real capacity of the mind is to be able to see clearly all that is real. However, the flexibility of the water and the mind to change and adapt from solid ice to vapor, from coldness to warmth, from a drop to an ocean, from an avalanche that destroys towns in minutes to the constant drip falling on a rock for decades that would split it in two, provides a metaphor for the elasticity and power of ideas, and abstract thinking.

The Air represents the Spirit. Spirit is invisible, but real. It is the unseen power to transform that creates a dilemma for scientists, as it cannot be captured in mathematic equations or the laboratory and yet causes the unexplainable. Spirit is the real force behind action, and its inspiration. It does not necessarily have to be connected to a particular religion, even though like religion it deals with how humans relate to God.

Having this diagram as the center of the philosophy of Sumak Kawsay, the next circle would help to demonstrate in what way Restorative Justice theory connects with the elements/aspects of being.

The four quarters each correspond to the four parts of Restorative Justice. The vision of being one with nature is expressed therefore with the four elements. Each element represents an aspect of being as described above. Each quarter is not independent; it relates and interacts with the others. The whole human being possesses four aspects of being (body, heart, mind and spirit) and each is represented with every one of the elements of nature, their interactions, connections and influences. To be harmonious it is necessary that the needs that emerge with their interactions are satisfied. Fire cannot exist without air; earth cannot exist without fire (sun) and water. All these elements dance together, and depend on each other. The aspects of being do the same. Humans need to be logical, and do better by being inspired, and need also to be able to move and



make things happen. Not all movements have rational explanations, but the body senses and stores all.

Schools for Indigenous children, organized Indigenous communities, and political Indigenous leaders, breath their lives displaying, unlike globalization, a philosophy embedded in nature, an existence centered in the satisfaction of humans and nature's needs, a transformative collective connection with their fellow human beings, and a political standing of effective peaceful methods of political leadership.

Conclusion

There can be no question that Restorative Justice is a healthy and important theory that is counteracting the harsh punitive methods of adjudicating any number of incidents. It deals with the reality of humans living together in harmony. This is not unlike the tenets of Sumak Kawsay, which adds the necessary attention to the realities of nature. A conscious and deliberate attempt to meld the two and to introduce the result to the western world for implementation would go a very long way in easing some of the current ills of globalization and heal the wounds created by inhuman relationships between each other and the environment.

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