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Téllez Patarroyo, Ivonne; Mora Vera, Daniela

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Reflections on ethnic inequality, recognition distributive justice and participation in latin america

Reflexiones sobre desigualdad étnica, reconocimiento, justicia distributiva y participación en américa latina

Ivonne Téllez Patarroyo
Pontificia Universidad Católica del Ecuador
Universidad de Buenos Aires
City: Cali
Country: Colombia

Daniela Mora Vera
Pontifical Catholic University of Ecuador
FLACSO - Ecuador
City: Quito
Country: Ecuador

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ABSTRACT: The normative framework proposed by Nancy Fraser integrates the politics of redistribution and the recognition of difference. This framework of social justice allows us to analyse social agreements and their institutions to determine to what extent they can guarantee parity in participation, given that the social injustices we suffer are a mixture of economic injustices and their distribution. Based on this theoretical proposal, this article sets out to outline lines of analysis of the extent to which ethnic inequality in Latin America responds to the exclusionary nature of distribution and recognition, and therefore of parity in participation, inherited from the colonial era.

KEYWORDS: : social justice, inequality, social participation, inequality, ethnic groups.

RESUMEN: El marco normativo que propone Nancy Fraser integra las políticas de redistribución y de reconocimiento de la diferencia. Este marco de justicia social permite analizar los acuerdos sociales y sus instituciones para determinar hasta qué punto pueden estos garantizar la paridad en la participación dado que las injusticias sociales que padecemos son una mezcla entre injusticias económicas y su distribución. Con base en esta propuesta teórica, el presente artículo se plantea esbozar líneas de análisis sobre la medida en que la desigualdad étnica en América Latina respondería al carácter excluyente de la distribución y el reconocimiento, y, por tanto, de la paridad en la participación, heredado desde la época colonial.

PALABRAS CLAVE: justicia social, desigualdad, participación social, desigualdad, grupos étnicos

JEL CODE: D63, J15

INTRODUCTION

In response to distributive theoretical approaches, which according to Nancy Fraser (2008) fail to be fully inclusive and considering that the social injustices we suffer from are a mixture of economic injustices and their distribution, Fraser (2008) proposes a normative framework thsat integrates both aspects, namely policies of redistribution and recognition of difference (cited by Rivera, 2020). This social justice framework allows us to analyse social arrangements and their institutions to determine to what extent they can guarantee parity in participation.

Moreover, and with this theoretical basis, some lines of reflection will be outlined concerning the case of ethnic inequality in Latin America, where both distribution and recognition, and therefore parity in participation, have inherited from colonial times the influence of hierarchies, exclusion and privileges based on ethnic differences. Thus, the political and economic structures derived from the colonial period have been built around an exclusionary view of groups that do not conform

to the values of "modernity", marginalizing their rights. As Lagos and Callas (2007) point out, the formation of the modern state does not fulfil an objective role or constitute a monolithic entity but rather represents a message of domination.

I. BIVALENT COLLECTIVITY

Fraser works on the areas of recognition of minorities, i.e., differences based on nationality, ethnicity, race, gender, sexual orientation and how these have been equally affected by economic redistribution. His thesis is because justice requires both redistribution and recognition, as neither of these aspects individually is sufficient. Furthermore, Fraser introduces the concept of bivalent collectivity (Fraser, 1996) which makes it possible to demonstrate how social justice has two dimensions: the socio-economic and the cultural, which cannot be separated.

Bivalent collectivity is groups of people who suffer from socio-economic maldistribution and lack of recognition due to cultural discrimination, where neither can be reduced at the expense of the other. The injustice that a collectivity face arises in both spheres simultaneously. Therefore, gender allows us to exemplify this concept, as the causes of inequity are partly rooted in economic arrangements and partly in cultural arrangements. Similarly, the social construction and validation of the notion of race exemplify this bivalence (Fiske, 2018). In the rest of the groups that are widely discriminated against, this characteristic is present. For example, in the case of sexual orientation, cultural reasons for injustices may outweigh economic reasons, yet the two always coexist to a greater or lesser degree (Fraser, 1996).

Accordingly, if the economic and cultural spheres are seen to play a role in social justice and this has political implications, it means that an approach to social justice must be in dialogue with theories of distributive justice (Hickey and Robeyns, 2020). However, according to Fraser, the opposite is evident in the political realm, where redistribution and recognition are treated as mutually exclusive.

This is how Fraser proposes a critical theory of society that involves the construction of a conceptual approach based on the observation of the purposes of the activities of progressive social movements. The author develops a dual conception of justice by inserting the objective dimension: referring to the criterion of redistribution and an intersubjective dimension: referring to the concept of recognition. The author proposes an approach to the Westphalian state and conceptualizes the territorial state as the appropriate entity to develop the concepts of justice and even talks about the possibility of going beyond the territorial borders to consider what she calls "meta-struggles". His model of recognition is based on the quality of political arrangements that would prevent members of the community from participating on an equal footing with others.

However, what gives Fraser's approach a political dimension is the notion of participation. How it can be determined whether a society is just the extent to which it accommodates the participation of all its members, in such a way that it can ensure participation in the construction of shared values, in processes of deliberation about redistribution policies and all forms of social interaction. Her theory of justice can be differentiated from those centred on notions of capabilities (Amartya Sen) since, for Fraser, her focus is on how humans relate to each other.

To understand the relationship between redistribution and recognition, their proposal must be seen as including these two elements: struggles for distribution and struggles for recognition (Huanca et al., 2020).

Claims in the redistributive sphere are for resources and wealth, and in the recognition sphere, they are for a world that accepts difference. This calls for a new concept of social justice that establishes the need to propose a two-dimensional conception of justice, which Fraser (2006) calls "integrating the emancipatory aspects of the two issues into a single global framework" (n. p.).

Fraser (2006) makes an express reference to Rawls by highlighting his contribution from the models of distributive justice "in trying to synthesize the traditional liberal insistence on individual freedom with the egalitarianism of social democracy, they proposed new conceptions of justice that could justify socio-economic redistribution" (n. p.).

Fraser's (2006) two-dimensionality is understood as those groups that suffer from both maldistribution and recognition in "ways in which neither of these injustices is an indirect effect of the other, but both are primary and co-original" (n. p.).

Thus, injustices can be attributed to both realities: groups suffering from maldistribution as well as misrecognition; thus, as explained above, gender is a two-dimensional social differentiation. Fraser refers to gender as a phenomenon that exemplifies two-dimensional social differentiation, a "hybrid category rooted" (Fraser, 2006, n. p.), in two areas of society: both in the economic structure and in social status, which is why overcoming gender injustices requires the revision of redistribution and recognition. There is a preconceived idea that those who suffer injustice can only be framed within one type of conflict, either redistribution or recognition, but these two phenomena are never seen as coexisting and originating. Gender thus leaves the thesis that these factors are mutually exclusive unsupported.

Fraser's concept of participatory parity includes the notion of equality, which not only denotes her interest in the social character of societal life but focuses on political demands in decision-making processes (Navalpotro, 2018). Thus, justice includes parity in participation and applies to all spheres of social interaction from the family to civil associations. Accordingly, justice cannot be reduced to the implementation of certain conceptions of representation because the political dimension is one of the facets of justice. The notion of participation in his theory endows politics with a normative dimension that

influences his social theory and moral philosophy. The value of participation is what gives the subject the possibility to construct cultural values, norms, and relations in general within the community.

This implies that solutions to problems of social injustice must meet both conditions. This is because solutions that are only oriented to the economic field - that is, that solves the economic condition of participatory parity - will not be useful because such injustice is directly related to the intersubjective condition.

Fraser identifies the following types of solutions as alternatives for the resolution of the problems: affirmative solutions, which are those aimed at correcting inequitable outcomes of social arrangements, and transformative solutions, which are those aimed at correcting inequitable outcomes by restructuring the overall framework that generates them.

II. ETHNIC INEQUALITY IN LATIN AMERICA

As mentioned above, since independence and the formation of Latin American states in the 19th century, power has reflected not only economic inequality but also the ethnic-racist divide derived from colonialism. Since the birth of Latin American republics, governments have been formed by Creoles or mestizos (Herrera, 2007). This explains the fragility of the idea of nations, even in the political and economic sense, as they were built on a series of contradictions and the impossibility of responding to the needs and interests of the groups that made them up (Zacharie, 2013). The indigenous population in the region is close to 50 million people, or 10 per cent of the total population of the subcontinent (Cabrero, 2013).

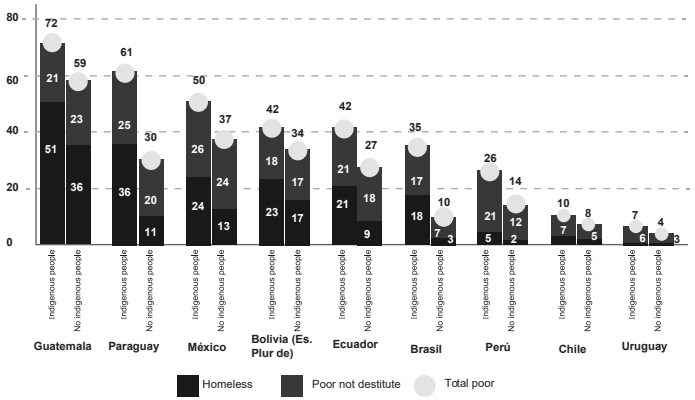
Although currently, in many countries in the region, public policy has progressively recognised so-called ethnic minorities and their rights, this has occurred more from a multicultural vision, manifested in the neoliberal policy of inclusion of minorities that do not seek to affect the system that reproduces inequalities (Cabrero, 2013).

In other words, they have sought to integrate them into the dominant society and the neoliberal economic order, instead of addressing the historical and structural causes of their exclusion from an intercultural perspective (Cabrero, 2013).

Therefore, as they are presented as marginalized groups, the responses to their problems have been insufficient, increasing their vulnerability to exclusion, their stigmatization due to poverty and discrimination based on ethnic prejudice, and maintaining inequalities. Thus, ethnic, religious, or other conditions condemn many communities to live on the margins of society and the economy (ILO 2004).

According to statistical information, it is clear how poverty and inequality affect vulnerable groups, particularly the indigenous population in Latin America. Levels of indigence and poverty are higher for this population:

Figure 1. Poverty rates (percentages) for indigenous and non-indigenous populations in 9 Latin American countries (2014)

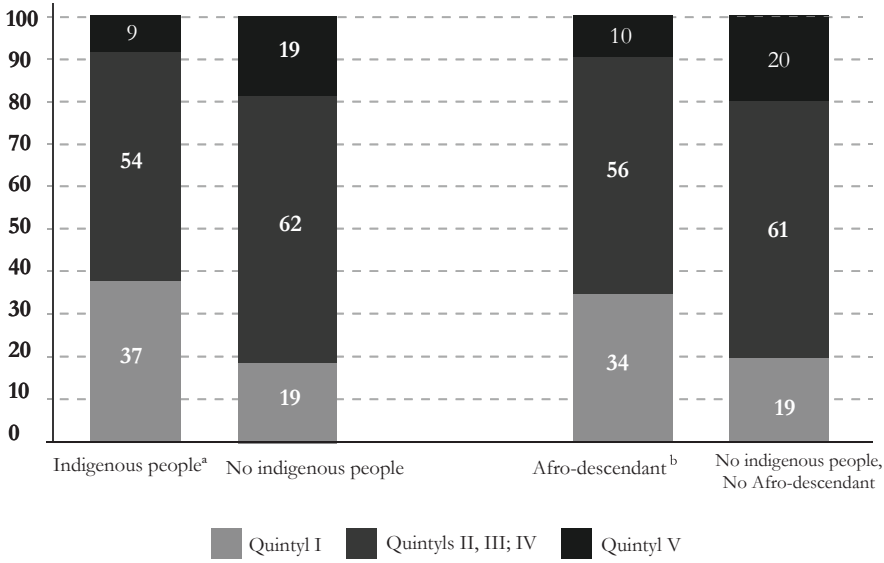


Source: ECLAC (2016, n. p.).

According to ILO (2004), in the region, ethnic characteristics shape the division of labour, creating a gap between low-skilled jobs -manual labour and jobs of low social value- that bring together mainly indigenous populations and high-profile, high-wage jobs that bring together mainly white-mestizo populations.

In this case, the gap represents the colonial legacy, which based exploitation on racial and ethnic categorization, through a series of mechanisms and institutionalized discrimination by society. Indigenous peoples are marginalized and excluded, resulting in higher rates of poverty, less autonomy, and less exercise of citizenship rights (ILO, 2004).

Figure 2. Latin America, population distribution by household per capita income quintiles and ethnicity (2014)



Source: ECLAC (2016, n. p.).

There is a strong link between the social and cultural characteristics that influence the labour market and inequality, but the level of awareness of this type of domination and the need for mobilization is still low (ILO, 2004). For Cabrero (2013), "the class variable especially affects indigenous peoples (little or unproductive land, poverty and destitution lines) and is in the facilitating conditions of conflict with the state" (p. 72).

This is even though, over the last two decades, a positive change has taken place in Latin America's legal and political frameworks about indigenous peoples' rights. Thus, there has been a shift from assimilationism to an agenda "aimed at preserving cultural differences and protecting the rights of indigenous peoples to reproduce their cultures and languages, manage their lands and natural resources, and govern themselves according to their political systems and traditional laws" (World Bank 2015), as part of a global trend of legal realignments following the adoption of ILO Convention No. 169 on Indigenous and Tribal Peoples (ILO Convention No. 169). 169 on Indigenous and Tribal Peoples (1989), signed by more than 15 countries in the region, and the UN Declaration on the Rights of Indigenous Peoples (2007). The existence of these, among which Convention No. 169 and its provisions are binding so that states must immediately fulfil their duty to respect, implement and protect the rights of indigenous peoples established therein, is evidence of the extent to which indigenous social movements have succeeded in raising their demands. However, one can speak of an "implementation gap", existing between the formal recognition of the international legal framework of rights and the absence of administrative and political practices by Latin American states (Martínez 2015). In fact, the recognition of the rights of indigenous peoples does not imply their easy implementation, especially in terms of participation, consent and prior consultation (World Bank 2015).

This is key, given that other manifestations of poverty, such as dependency, discrimination, territorial dispossession, and political exclusion, contribute to perpetuating or increasing the vulnerabilities of indigenous groups, making participation in decision-making crucial for them (World Bank, 2015).

Figure 3. International treaties and covenants on indigenous rights.

Country	Convention No.169 [1] (ratified)	DNUDPI [2]	PIDCP [3]	PIDESC [4]	CIETFDR [5]	CDN [6]	CETF-DCM [7]	Río 1992 [8]	CCIEA-FFS [9]
Argentina	✓	✓	✓	✓	✓	✓	✓	✓	✓
Belice	X	✓	✓	✓	✓	✓	✓	✓	✓
Bolivia	✓	✓	✓	✓	✓	✓	✓	✓	✓
Brasil	✓	✓	✓	✓	✓	✓	✓	✓	✓
Chile	✓	✓	✓	✓	✓	✓	✓	✓	✓
Colombia	✓	✓	✓	✓	✓	✓	✓	✓	✓
Costa Rica	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dominica	✓	✓	✓	✓	X	✓	✓	✓	✓
Ecuador	✓	✓	✓	✓	✓	✓	✓	✓	✓
El Salvador	X	✓	✓	✓	✓	✓	✓	✓	✓
Guatemala	✓	✓	✓	✓	✓	✓	✓	✓	✓
Guayana	X	✓	✓	✓	✓	✓	✓	✓	✓
Honduras	✓	✓	✓	✓	✓	✓	X	✓	✓
México	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nicaragua	✓	✓	✓	✓	✓	✓	X	✓	✓
Panamá	X	✓	✓	✓	✓	✓	✓	✓	✓
Paraguay	✓	✓	✓	✓	✓	✓	✓	✓	✓
Perú	✓	✓	✓	✓	✓	✓	X	✓	✓
Surinam	X	✓	✓	✓	✓	✓	✓	✓	✓
Uruguay	X	✓	✓	✓	✓	✓	✓	✓	✓
Venezuela	✓	✓	✓	✓	✓	✓	✓	✓	✓

Source: International Work Group for Indigenous Affairs.

[1] ILO Indigenous and Tribal Peoples Convention, 1989.
[2] United Nations Declaration on the Rights of Indigenous Peoples.
[3] International Covenant on Civil and Political Rights
[4] International Covenant on Economic, Social and Cultural Rights
[5] International Convention on the Elimination of All Forms of Racial Discrimination [5] International Convention on the Elimination of All Forms of Racial Discrimination
[6] Convention on the Rights of the Child
[7] Convention on the Elimination of All Forms of Discrimination against Women [8] Convention on the Diversity of Cultural Expressions [9] Convention on the Rights of the Child
[8] Convention on Biological Diversity
[9] Convention on International Trade in Endangered Species of Wild Fauna and Flora [10] Convention on International Trade in Endangered Species of Wild Fauna and Flora

Source: World Bank (2015, p. 4)

Furthermore, it is worth mentioning that the political participation of indigenous peoples in the region has undergone an important evolution (obviously differentiated for each case),

allowing them to position themselves as differentiated actors of their own culture before state society, starting with the struggles for autonomy, civil, political, economic, social and cultural rights of these peoples, which crystallized in a series of mobilizations in the face of neoliberalism in the 1990s (Cabrero, 2013).

Among the causes behind the emergence of indigenous social movements since the 1970s and 1980s are the failures of the development policies of previous decades and the impact of the global economy on rural areas. These movements can be classified into self-defence or tribal movements, which have been more successful in territorial delimitation and the recognition of their forms of government and justice, and peasant-based movements, whose demands are based on identity and autonomy issues, and which have managed to influence multicultural constitutional and legislative changes (multicultural constitutionalism), but with little impact on structural socio-economic aspects (such as genuine agrarian reform), i.e. a better quality of life (Cabrero, 2013).

The indigenous political parties that have had the greatest impact in the region are to be found above all in Bolivia, Ecuador, and Nicaragua. With their differences and to varying degrees, they have managed to position themselves in the symbolic dimension, as well as in the substantive and operational, i.e., policy formulation and implementation, respectively. However, they have also been worn down in electoral contests, although their constant capacity for reorganization and the broadening of the debate to which they contribute with issues such as racism, discrimination, recognition of difference, the rights of nature, etc., stand out. Unfortunately, on many occasions, participation has been limited to offering government positions to indigenous leaders, without necessarily resolving aspects of inequality and class, and then, influencing redistributive public policies that reduce poverty and contribute to the ongoing construction of intercultural states continues to be “the great unresolved issue of indigenous peoples’ electoral political participation” (Cabrero, 2013).

Building on Fraser's earlier analysis, we can see that, indeed, in the case of ethnic inequality in the region, recognition has not led to redistribution. Although, to a certain extent, one can speak of an "acceptance of difference", claims to resources and wealth are still valid, even if we consider that it is often not monetary wealth per se that indigenous groups are demanding, but rather greater participation in decision-making that concerns them.

This places us in a context of a bivalent collectivity, whose struggles for distribution and recognition have reached partial milestones, such as achieving recognition and ratification of binding instruments concerning indigenous peoples' rights, but not their strict implementation.

The two-dimensional conception of social justice is still in question, especially if we add to this the historical limitations in terms of parity in participation and decision-making, beyond representation (Puelles, 2020). This problem is very visible, for example, about socio-environmental conflicts around the exploitation of natural resources and the lack of prior and informed consent, or its limitation to the socialization of decisions taken without the participation of the groups involved.

We could say, therefore, that despite the progress made in terms of social justice and, particularly, indigenous peoples' rights, these constitute affirmative solutions that seek to correct the inequitable effects of social agreements, but do not amount to transformative solutions based on a restructuring of the framework that produces these results (Martin et al., 2017).

This is also because the recognition of indigenous groups as subjects of rights corresponds more to a broadening of democracy, but not to a paradigm shift (Cabrero, 2013).

CONCLUSIONS

The central point of Fraser's postulates is the dual conception of justice. She considers that justice cannot be separated from the notions of redistribution and recognition, as other theories of justice have argued because the economic and cultural spheres are mutually dependent. In this way, it can be determined that the rejection generated by the lack of recognition is the fundamental criterion for judging whether a system is just or not.

Her approach groups social injustices as matters of recognition and not only redistribution, but a factor also that distances her from other authors. For her, justice cannot be based solely on the adequate distribution of a pre-established set of rights and goods. Fraser's dual perspective is subject to the concept of participatory parity, which implies the simultaneous consideration of the economic and cultural spheres, making recognition subject to the principle of participation. Fraser, in his dual conception, includes problems that are a real threat in today's societies. In this approach, it is not only sufficient to grant equality to individuals, but it is also necessary to guarantee the representation of disadvantaged groups. For Fraser, these groups must have access to political representation (Rivero, 2017). Fraser proposes extending the scope of his Theory of Justice to the global sphere given that, in his vision, justice must be reconstructed from a global perspective that redefines the Westphalian system according to the phenomenon of globalization.

Also, it is necessary to refer to Fraser in her critique of John Rawls to understand the reasoning that accompanies this cross-border vision of the author. According to her view, Rawls denies that the norms of egalitarian distributive justice apply at the international level and delimits the domestic sphere as the only terrain for distributive justice because he conceives of international justice as a space unsuitable for egalitarian economic claims:

> Rawls excluded social rights from the "urgent" class of human rights that international society would be obliged to protect; thus, he would have been denying impoverished individuals in the Third World the possibility of raising claims of distributive justice beyond state borders; on the other hand, with this Westphalian conception of distributive justice, Rawls would also have limited the economic obligations of prosperous 'well-ordered' peoples towards impoverished peoples in 'less advantaged' societies to a 'non-egalitarian duty of care; thus denying the latter societies, as corporatist political communities, any basis for pursuing cross-border egalitarian claims as a matter of justice. (Fraser, 2012, p. 12)

Fraser questions Rawls because his theory ignores the factor "equality between who?", indeed, he invokes it as a problem of egalitarianism, the uncritical assumption of the who (Lizarraga, 2019). The epistemological problem of what is justice? should also be seen from an ontological point of view that responds to how to define the subject of justice?

Fraser's Theory of Justice can articulate the different dimensions of social action while including more traditional concepts of social justice theory.

Moreover, the brief reflections presented on ethnic inequality in Latin America underpin the need to redefine social justice, among whom it is or is not applied, and on what basis it can be measured since recognition has not implied redistribution or greater political participation in the structural issues that maintain the condition of the vulnerability of indigenous populations. This historical condition becomes crucial in a context in which national and, today, global policies have not been able to respond to the demands of these populations; on the contrary, under the dominant neoliberal economic model, the latter is increasingly threatened.

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Ivonne Téllez Patarroyo: Pontificia Universidad Católica del Ecuador and Universidad de Buenos Aires, (Departamento de Ciencias Sociales)
Email: itellez783@puce.edu.ec
City: Cali
Country: Colombia
ORCID: https://orcid.org/0000-0003-0562-9062

Daniela Mora Vera: Pontificia Universidad Católica del Ecuador and FLACSO - Ecuador
Email: dmora018@puce.edu.ec
City: Quito
Country: Ecuador
ORCID: https://orcid.org/0000-0001-6583-1831