

This paper marks the beginning of a project inspired by previous work done on Restorative Justice as it relates to "crimes against humanity." It is further motivated by the newly enacted *Constitución de la República del Ecuador* that not only expansively promotes human rights, but also gives legal status to the more-than-human environment. The more-than-human becomes a bearer of rights.^{1 2}

My project proposes to bring the ideas, concepts and practices of Restorative Justice to the study and practices of Environmental Justice. The question of this project: How can principles of Restorative Justice be incorporated into and enhance current theories and practices of Environmental Justice? In this paper I will first give a brief accounting of how I understand Restorative Justice. Second, I will, also somewhat briefly, outline the parameters of justice that I see as necessary to a Restorative ideal. For this I turn to the works of Jean-Francois Lyotard and Hannah Arendt. I then turn to the concept of *ubuntu*, an understanding of identity that has its roots in the southern regions of the African continent.³ Finally, I give an account of what Restorative Justice might look like in an environmental setting.

Restorative Justice: A Brief Accounting

In its simplest formulation, the goal of Restorative Justice is to engender relationships that promote flourishing for all within the community in question. In

¹ In of 2008, the Republic of Ecuador ratified a new constitution.: *Constitución de la República del Ecuador*. Título II, Capítulo Séptimo grants legal status to "nature" or "Pachamama." Individuals as well as groups are given the right to "petition for" nature. Concerns and petitions made by indigenous peoples are given special consideration when in relation to their ancestral homelands. While making great strides towards giving the more-than-human its just place in the world, the *Constitución* is far from perfect in this respect. There also exists a clause whereby national interest can override the rights of "nature."

² The notion of justice that I will promote throughout this paper does not deal with specific rights, but rather, in Hannah Arendt's terminology, "the right to have rights." In what I will propose, this right to have rights is the right of participation along with protections accorded such that the processes and results of the processes are maintained as social practices.

³ *Ubuntu* is found in the Nguni language group. A corresponding concept, *botho* exists in the Sotho languages (Tutu, 31).

practice, Restorative Justice actively invites those who have a stake in the community to take part in the process of restoration.

The name Restorative Justice is somewhat misleading. To restore can imply a return to some previous condition. In that vein, restorative justice seems to ask us to look back to some time when justice or just conditions prevailed. This is misleading in two ways. First, there may not have been some previous state of justice, some prior state of right relations. Second, even if some previous state of perceived justice had been, it was breached and whatever caused that breach belies the reality that a *state* of justice truly existed. In fact, my claim (and this is a claim that will not be shared by all proponents of restorative justice) is that there is no such thing as a *state* of justice, but rather that justice is first and foremost a practice.

Restorative Justice, contrary to what the name seems to imply, i.e., the return to a former condition or time, is inherently forward looking. At the center of any project of Restorative Justice are the questions: "What are we looking toward?" Often, the answer to this question comes in the form of some utopian—understood, i.e., misunderstood as of *eu-topos* rather than *a-topos*—model of a just society.⁴ In fact, one of the most prevalent criticisms of the Truth and Reconciliation Commission (TRC) of South Africa (perhaps the most extensive experiment in restorative justice to date) is not that perpetrators were not punished, but rather that conditions in South Africa are still far from just. South Africa is not a model of a just state. Those who defend the work of the commission do not disagree. However, their response is to remind us that the TRC was part of an ongoing process toward more just conditions in South Africa.

⁴ *Eu-topos* as a model brings with it the dangers concerning the means utilized for the sake of accomplishing the end that any messianic "to come" brings with it. *A-topos*—no place—resists attempts to envision a "to come" as a concrete manifestation.

Justice in general

If the TRC in South Africa is to bring anything to the arena of Restorative Justice, perhaps most important is the understanding that justice is an ongoing process and not a state of affairs. Jean-Francois Lyotard writes, "The question of justice for a society cannot be resolved in terms of models...There is no just society" (Lyotard 25). That there is no just society is not to say that justice cannot function in a society, but rather that justice is ongoing and active unlike a model which is stagnant. A model has no living motion, no freely lived experience. A model is *imposed*, and thus cannot be just.

Turning to Aristotle, Lyotard explains that "the judge worthy of the name has no true model to guide his judgments" (Lyotard 26), in other words, prudence is the ability to judge without relying on models. Even though the good judge has been educated and has been habituated into seeking virtue, judgment itself, justice has no model to follow. "It is not because a judge is virtuous that he will judge justly, but if he does judge justly he will be able to say that he is virtuous (Lyotard 26).

Justice means that one thinks and judges without recourse to external criteria. One is not bound to a particular set of ideals and norms, or to a particular narrative of meaning. When there is no recourse to external criteria thinking and judging become the conditions for the possibility of just action. One can have no preconceived notion of what the outcome will be, or even how the process will proceed. Justice becomes an essential and ongoing process. "We are," writes Lyotard, "in dialectics" (Lyotard 27).

I mean by this that dialectics cannot present itself as producing a model that would be valid once and for all for the constitution of the social body. On the contrary, dialectics allows the judge to judge case by case. But if he can, and indeed must (he has no choice), judge case by case, it is precisely because each situation is singular, something that Aristotle is very sensitive to. This singularity comes from the fact that we are in

matters of opinion and not in matters of truth...It is a calculating reason, as in strategy; it is a mode of strategy, but one in which the issue is not how to conquer but how to achieve parity between people...In every instance, one must evaluate relations: of force, of values, of quantities, and of qualities; but to evaluate them there are no criteria, nothing but opinions. (Ibid)

Neither society, nor justice, according to Lyotard, has a "true being." The philosopher king cannot rule mimetically. Politics cannot follow a set prescription based on some essence of justice. Justice can only be a practice

Hannah Arendt with a similar understanding of justice writes that, we must "think what we are doing" (Arendt 1958, 5). Further, thought should proceed "without banisters."⁵ To think without banisters is a process whereby thinking does not rely on set formulae or adherence to a particular theoretical construct, but rather takes up each instance of thinking anew. This is not to say that each moment of thought is to be divorced from other thought or that prior conceptual or philosophical grounding is discarded, but rather that we must think rather than simply subsuming an instance under one or another preconceived notion—be it in the sphere of ethics, justice, economics or any other realm of inquiry.

Although Arendt never argues this as such, when the unpublished writings of 1952-3⁶ are taken into account, an argument can be made that judgment and thus justice is founded on the ability to live in a friendly relationship with and endure the insecurity

⁵ In the longer version of this paper, I take up Arendt's analyses of a) ideological thinking and b) judgment in support of the claim that justice is a process rather than a product.

⁶ These writings were to be published under the title: *Marx and the Tradition of Western Political Thought*. Although the manuscript was never finished a great deal of the work appears as freestanding essays or as parts of longer works. When read as a whole, the manuscript point to lines of thinking that I believe would have come to fruition had the third part of *Life of the Mind*, "Judging," been written.

of *thaumazein*. In this manuscript Arendt writes an analysis of what she considers to be a "Socratic" way of being in the world.⁷

Thaumazein, wonder or awe, can be frightening; it can cause us to lose our secure footing in the world in that it is intimately tied to that which we do not know or understand. In her understanding *thaumazein* and the Socratic "I do not know" are intimately related. *Thaumazein* as experienced in the person of Socrates was a moment of wonder unbound by its context. In other words, the experience could occur in any moment and in the course of any activity. *Thaumazein* was so far from being bound to philosophy that Arendt claims it as manifestly distinct from any mode of contemplation. Wonder, where philosophy begins, is not the mode of contemplation. Socratic philosophy begins *in* the world.

What Arendt is actually claiming is that *thaumazein* so far from being separate from lived activity was actually inextricably bound to it. Out of life comes wonder. This is perfectly in keeping with the idea that the Socratic dialogues are primarily concerned with understanding the "good life" on every level of human life. We must remember that the progression toward the Beautiful on "Diotima's ladder" is begun through the wonder generated through the attraction to physical beauty (Plato 1989f, 210b).

Arendt describes the Athens that Socrates faced. It was individualistic and competitive. She writes that Athens:

consisted of an intense and uninterrupted contest of all against all, of *aei aristeuein*, ceaseless showing oneself to be the best of all. In this agonal spirit, which eventually was to bring the Greek city-states to ruin because it made alliances between them well-nigh impossible and poisoned the domestic life of the citizens with envy and mutual hatred (envy was the national vice of ancient Greece), the

⁷ In agreement with Lyotard, Arendt reads Aristotle as having a Socratic affinity that was lost in Plato.

commonweal was constantly threatened. Because the commonness of the political world was constituted only by the walls of the city and the boundaries of its laws, it was not seen or experienced in the relationship between the citizens, not in the world which lay *between* them, common to them all, even thought opening up in a different way to each man. (Arendt 1954)

In opposing this way of life, Arendt reads Socrates as asking that each recognize the wonder of the every-day world of living together in friendship. That there are as many perspectives as there are individuals *is* wondrous and should be recognized as a source of awe. The ability to talk about such matters, to be able to exchange perspectives is, in fact, magnificent. In his attempt to bring the polis together as friends Socrates asks three things of the citizen. First, the citizen must recognize that the expression of one's excellence and community need not come into conflict. Second it demands that each be truthful with himself⁸ and each other. Third, one must not only recognize but also endure *thaumazein*—that wonder of that which is—in daily and public life. John Llewellen explains the wonder that I speak of:

Interrogative or aporetic wonderment is based then on a sense of one's ignorance, where the ignorance is not any absence of knowledge, but an ignorance that challenges us to dispel it because it is presented dramatically in the form of an apparent contradiction or dilemma and is therefore difficult to live with. The object of the wonder is incredible. The stupidity we feel before it is not the stupor of dull indifference... (Llewellen, 59)

We do not rest in "dull indifference," but rather encounter our world with engaged consideration.

⁸ I retain Arendt's gendered language in order not to cover over her problematically gendered understanding.

Out of this, I contend that restorative justice is a practice with a guiding principle of creating, maintaining and fostering "right relationships," and that is to say relationships based on respect and with the Socratic attitude of wonder.

Restorative Environmental Justice

Since Restorative Justice is inherently relational and participatory, and if the more-than-human is to be considered as "rights bearer" then the question of how we give voice to "nature" comes to the fore. In other words, the project of enriching notions of Environmental Justice through concepts and practices of Restorative Justice brings up the thorny question of not just moral consideration for the more-than-human environment, but also the question of how it can be included in the process. Thus, one of the central philosophical problems to be addressed in my project is the status and position of the non-human world within the (to this point) human centered paradigm of Restorative Justice.

With respect to law and the assignment of rights, Christopher D. Stone's 1971 essay "Should Trees Have Standing" begins to address the question of representation. Stone argues that in order for the more-than-human world to have legal standing, special guardians must be appointed to represent its interests. Stone goes on to argue that there are relatively simple ways to ascertain the "interest" of an entity that cannot speak for itself. Plants need to be watered; a tree has an "interest" in persisting in space and time. Stone's quasi-Aristotelian reliance on "*teleological interest*" is certainly useful. However, ontological and epistemological investigations/interrogations concerning how we are to understand any particular *telos* is missing from his analysis. He does, however, point to a starting place.

In a relatively brief discussion of the human place in the world, Stone first turns to Hegel as exemplifying the human attitude toward nature and property. From Hegel's

Philosophy of Right, Stone quotes:

A person has as his substantive end the right of putting his will into any and every thing and thereby making it his, because it has no such end in itself and derives its destiny and soul from his will. This is the absolute right of appropriation which man has over all 'things.' (GWF Hegel. *Philosophy of Right* T. Knox transl. 1945, quoted in Stone, 38)

Critical of the attitude of appropriation and domination, Stone then turns to the Carson McCullers' short story, *A Tree, A Rock, A Cloud*. In this story McCullers' hero, or perhaps 'madman,'⁹ perfects what he describes as his "science of love." Through a practice of experiencing love for everything from found objects of the street to a goldfish, a tree, a rock, or a cloud, the nameless hero/'madman' becomes a master at love. The hero/"madman" can love anything—without even thinking about it. Stone writes:

To be able to get away from the view that Nature is a collection of useful senseless objects is, as McCullers' 'madman' suggests, deeply involved in the development of our abilities to love—or, if that is putting it too strongly, to be able to reach a heightened awareness of our own, and others', capacities in their mutual interplay. To do so, we have to give up some psychic investment in our sense of separateness and specialness in the universe. And this, in turn is hard giving indeed, because it involves us in a flight backwards, into earlier stages or civilization and childhood in which we had to trust (and perhaps fear) our environment, for we had not then the power to master it. (Stone, 39)

Through McCuller's story, Stone asks us to become like the 'madman'—perhaps a heroic gesture of trust and love—such that we become a part of rather than claiming dominion over the wholeness¹⁰ of our world. In this way, and only in this way, can the

⁹ Stone refers to him as a 'madman.' In the story, however, when the young boy asks the café owner—a man who prides himself in "being a critic of craziness"—whether he is crazy, we are left in suspense. No answer is forthcoming.

¹⁰ A discussion of wholeness is found in the section on *ubuntu*.

more-than-human begin to have authentic standing in a world where human decisions have such extensive and overwhelming impact.

McCullers' hero seems to have an overwhelming need to share his story with a young boy. His own life, for its first 51 years was 'out of joint.' He had experienced many pleasures, but somehow nothing fit together. In his words, everything "was laying around loose in me" (McCullers 146). And then he found love and it all gathered together. It gathered around the woman he called Dodo. After one year, nine months, three days, and two nights, Dodo left him. The man became sick. He describes it as something like smallpox, but of the soul. His attempt at a cure began with an incessant search to repossess his former wife. After five years, somehow the man, transforming into our hero, got "tangled up with peace," and his science came to him. He needed to practice love. He came to master his science through loving rather than possessing the beloved and relying on her to fulfill his need to be whole.

The man's need to tell his story to the young boy, his attempt to pass on his science of love to one who was not yet fully formed as a person should not be overlooked. Which traditions do we pass on? What inheritance do we pass to the future?

Restorative Justice, Identity and *Ubuntu*

Restorative Justice, as I understand it, holds the most promise when it is understood as more than simply a participatory process where individual and autonomous actors come together to decide on the just course of action. As I read accounts of restorative justice in action a pattern emerges: those who conceive of themselves as inherently *in relationship*, i.e., their identities are integrally tied to those with whom they live are more open to and "satisfied" with the process than those whose identity is

perceived in an individualistic way. I fully admit that at this point my "evidence" is somewhat anecdotal and needs further research. I could instead turn to theories of communitarian identity formation in relation to justice in order to argue my point. For every communitarian account, however, there is a countervailing liberal account. For now I claim that restorative justice is most promising when we understand that each individual is partly formed through her/his relationship to others. This support for this part of my project is yet to be filled out. I would note, however, that even John Stuart Mill understood that the "noble" sentiments only flourish in a society that promotes such sentiments.¹¹

In the Western philosophic tradition, *ubuntu* would be considered as a communitarian understanding of identity. It is based on the understanding that "I am because *we* are." Simply put, one's identity is formed intimately and inextricably to those with whom one is in relationship with. I turn to *ubuntu* rather than some other possible understanding of identity because the concept has already made its way into the heart of restorative justice through Archbishop Desmond Tutu and the South African Truth and Reconciliation Commission.

Ubuntu

Archbishop Tutu describes *ubuntu* as "the essence of being human," and alternatively, the African *Weltanschauung*. He writes:

Ubuntu is very difficult to render into a Western language. It speaks to the very essence of being human. When you want to give high praise to someone we say, 'Yu, u nobuntu'; 'Hey, so-and-so has *ubuntu*. Then you are generous, you are hospitable, you are friendly and caring and compassionate. You share what you have. It is to say, 'My humanity is caught up, is inextricably bound up in yours.' We belong in a bundle of life. We say, 'A person is a

¹¹ See *Utilitarianism* chapter 2.

person through other persons' It is not, 'I think therefore I am.' It says rather: 'I am human because I belong, I participate, I share.' A person with *ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are. (Tutu, 31)

Archbishop Tutu continues by emphasizing that the community in harmony, real harmony and not the mere absence of outward conflict, is the greatest of goods. Humans are inherently relational, and thus, "What dehumanizes you inexorably dehumanizes me." (ibid).

Like Bishop Tutu, Mogobe Ramose explains that *ubuntu* is "be-ing human (human-ness)", that is characterized by "respectful and polite attitude towards others" (Ramose, 52). In fact, merely being human is only a beginning, one must become a human being, i.e., must manifest as or embody *ubuntu*. According to Ramose, "The affirmation or negation of *ubu-ntu*...is a metaphor for ethical, social and legal judgment of human worth and human conduct" (ibid 53).

Arguing that *ubuntu* has both ontological and epistemological significance, Ramose explains that *ubuntu* is best understood as a hyphenated term: *ubu-ntu*. The prefix *ubu* suggests "be-ing" in general. "It is enfolded be-ing before it manifests itself in the concrete form or mode of ex-istence of a particular entity" (Ramose 50). As enfolded, *ubu* is always potentiated toward unfolding into concrete and particular manifestations. *Ubu* is always oriented towards *-ntu*—"the nodal point at which be-ing assumes concrete form"(ibid). *Ubu* can be thought of in terms of becoming; *ntu* in terms of having become. However the "become" is impermanent in that the process of being becoming is ongoing. Note that the expression is *being becoming* and not being and

becoming. It is not one and then the other, but always a process of the becoming of being. Ramose is emphatic about this point. "*Ubuntu*" he writes, is always a –ness and not an –ism" (Ramose 51). The ism implies fixations to ideas, are dogmatic and unchanging. Although social processes may crystallize into law or social practice, *ubuntu* is necessarily fluid as it indicates inter-relationality.

In the spirit of ubuntu, to be a human being is to be a relational human being. The Xhosa proverb "*Umntu ngumuntu ngabantu*"¹² means "that to be human is to affirm one's humanity by recognizing the humanity of others and, on that basis, establish human relations with them...Neither the single individual nor that community can define and pursue their respective purposes without recognizing their mutual foundedness; their complement-tarity" (Ramose 154). This "humanness" is a principle of wholeness that also includes the more-than-human. Ramose contends that "Humanness regards being or the universe as a complex wholeness involving the multi-layered and incessant interaction of all entities" (Ramose 155). [Without going into detail, it is also the case that the *we* of *ubuntu* includes ancestors as well as those who are yet to be born. The past and the future are also constitutive of identity.]

Understanding humanness as *Ubuntu* means considering existence as a "complex wholeness involving the multi-layered and incessant interaction of all entities" (Ramose, 155). Humans and the more-than-human are interdependent. The "wholeness" is not limited to human existence, but rather is inclusive of the surrounding environs and all that is within it. Therefore, to care for one another "implies caring for physical nature as well" (ibid). My claim is that not only are humans and the more-than-human interdependent, but that human identity is constituted through this interdependence.

¹² The Sotho equivalent to the Xhosa proverb would be: "*Motho ke motho ka batho*" (Ramose 52).

Humanness is thus constituted not only through other humans, but also through the more-than-human. "I am because *we* are" is only fully understood when the *we* is inclusive of the more-than-human. I become who I am not only through my interactions with other human beings, but also through my relations with the more-than-human.

Finally, while for the liberal individualist, it is often thought that such collectivist understanding of identity would result in a subsumption of the individual to the community, such undermining of individual identity is not a moment of *ubuntu*. "*Ubuntu* as an orientation to life is opposed to individualism and insensitive competitiveness. Neither is it comfortable with collectivism where collectivism stresses the importance of the social unit to the point of depersonalizing the individual." (Christie, Lessem, and Mbigi quoted in Masina, 169). Individualism and "insensitive competitiveness" contradict the spirit of *ubuntu*. At the same time, *ubuntu* does not stress collectivism to the point where the individual is completely subsumed under or depersonalized by the collective (Masina, 170).

Ubuntu, at the philosophical level seeks to find a balance between self and other, the destructive and the creative, good and bad. It moves away from the thinking of social relations in dualistic oppositions, that is, and either/or situation, good versus bad, black versus white, self versus other, in seeking to resolve conflict. The purpose of *ubuntu* is to work toward a situation that acknowledges a mutually beneficial condition. Its emphasis is on cooperation with one another for the common good as opposed to competition that could lead to grave instability within any community. (Masina 180-181).

According to Ramose, being as understood in *ubuntu* is the "originary simplicity" that is an "insuperable indivisibility." However as being unfolds, this "insuperable indivisibility is capable of assuming a plurality and diversity of forms which manifests its character" (Ramose, 156). The *I* and the *We* are neither identical, nor immutable.

A Moment of Caution

We must take care when appropriating understandings from another culture. Because of its popularization, *ubuntu* has already been co-opted in ways inappropriate to its meaning. For example, in 2006, former President Bill Clinton addressed the annual meeting of the Clinton Global Initiative with the following:

Bishop Tutu reminded us that sort of the essential wisdom of Africa about the human condition is captured in the word *ubuntu*. He didn't give you the literal translation because it is almost mystical. The literal translation of *ubuntu* in English is "I am because you are." (Youtube)

In actuality, and this is important to understanding the meaning of *ubuntu*, there is no literal translation of *ubuntu* in the English language.

To his credit, Clinton does say that "*Ubuntu*, for us it means our world is too small, our wisdom too limited our time here too short to waste any more of it in winning fleeting victories at other people's expense. We have to now find a way to triumph together." We must ask, however, what Clinton's "triumph" would look like.

Prior to the above statement, however, Clinton spoke about the human genome project and how genetically humans are more than 99.9% the same. The problem as he frames it is that we spend far too much time concentrating on the ways in which we are different from others. He concludes that we should be concentrating on how we are the same. He does not ask, "What values are we, in this sameness, to espouse?" He does not ask: "Whose notion of human flourishing are to take precedence, if we are the same?"

Instead, Clinton seems to assume that his neo-liberal values are those to be properly valued. Note the speakers at the annual meeting in (2007): Archbishop Tutu was there, but so too were Former Vice President Al Gore, Arch Bishop Desmond Tutu, President

Hamid Karzai of Afghanistan, President Gloria Macapagao-Arroyo of the Phillipines, Robert B. Zoellick, President of the World Bank and Lee Scott Jr., President and CEO of Wal-Mart Stores. Where were those who might counter the neo-liberal (at best) ideas at this table?

I know that neither the Wal-Mart, nor the World Bank vision is representative of my own understanding of world flourishing and what is "good." So too do I know that the so-called free-trade agreements put into place during Clinton's time as president do not promote any version of human flourishing much less an inclusive world flourishing

*Ubuntu*¹³ is neither mystical nor inexplicable. It is, however, somewhat foreign to the western ideal of individualism and the autonomous self. And so, former President Clinton did not understand that his ideal of *ubuntu* had been reduced to or incorporated into his own notions of "the good" without having comprehended that his ideal was but one among many. And, the voice of the many would undoubtedly challenge his Neo-liberal ideal. Even the progressive *Constitución de la República del Ecuador* runs the risk of becoming less than meaningful with respect to the more-than-human as well as the human if individualistic, materialistic and competitive value systems (and that is to say the values of the market) dominate.

A very small instance of restorative justice

Rather than trying to take on some monumental problem and show how a restorative environmental justice might function, I offer a small and quite insignificant event from my own life where an issue of competing interests needed resolution.

¹³ I am restricting my discussion of *ubuntu* to a general understanding of the concept and those aspects of *ubuntu* that, in my opinion, allow for expanding our understanding of it to include the more-than-human as an aspect of being and becoming human. For a more detailed account of *ubuntu* I highly recommend *African Philosophy Through Ubuntu* by Mogobe Ramose.

After two years of unsuccessful attempts to attract orioles to my birdfeeder, this spring I finally succeeded—not one, but two pairs of orioles have made the land surrounding my house their home, the grape jelly filled orange in front is now a dining area of choice.

Now, I have had ongoing differences of opinion with one or more raccoons over dining areas in general. In the winter the raccoons competed with my barn cats for food, which meant that if I was to be out of town I couldn't simply leave food for them, but had to impose on my neighbor, Kay, to set out food each day. Because of our friendship, my relationship to and responsibility for my cats became Kay's to the point where when on occasion I asked a young neighbor to feed the cats, Kay still looked in on them to be sure that they were adequately taken care of.

The most recent disagreement is over whether bird food is also raccoon food. When s/he prevails, I, with some irritation, refill the feeders in the morning. While I was away from home for a week the raccoon triumphed over my best attempts to restrict the feeders to birds. While all of the birds were without this particular source of food for 2-3 days, my special concern was for the orioles—or more precisely the pleasure I derive from having orioles share this space that I call home. A neighbor (not Kay) suggested that I shoot the raccoon. I shook my head and walked away.

In the 1960's many Black South Africans, frustrated with years of unsuccessful, non-violent struggle and after the Sharpeville massacre where police opened fire into a crowd of non-violent protestors, concluded that purely peaceful means of protest were insufficient. In response, South African "authorities" stepped up their efforts to maintain the "balance of pleasures" of South African society. "Authorities" proceeded to kill,

maim, imprison and torture Black South Africans implicated in their struggle for freedom.

I do not equate the act of killing a raccoon with the murder of those who died at the hands of the South African police and paramilitary. The logic, however, is similar: eradicate the threat to *my* pleasure, *my* position, *my* authority and power over *my* domain.

"I am because we are." *Who* is this man who thinks nothing of killing an animal because it interferes with bird watching pleasure. In the end, I came to the conclusion that really I have no obligation to feed the raccoon, as other sources of food are plentiful. I thought of and rejected the solution of coating the pole that supports the feeders with motor oil because the oil would wash into the soil at the first rain. And so, I will bring the feeders into the garage at night and put them back out in the morning. If I want the pleasure of watching the birds while at the same time preserving right relationship with the more-than-human world, then I will have to make the effort that it takes. When I go away again, I will either have to impose on Kay to watch out for my feeders, or risk losing the pleasure that the orioles' presence brings to me. (I know that they have adequate alternative food supplies.) The raccoon should not be sacrificed to my small, albeit quite satisfying pleasure.

In winter when food supplies are scarcer, perhaps it is just that the raccoons share with the cats. I must also ask, however, whether I am doing the raccoon a disservice by allowing her to become dependent on "cat food." In summer when food is plentiful, the raccoon's appetite over extends my ability to provide food. As the movement of being and becoming continues, the relationship will be reconsidered as conditions and understandings change.

I cannot ask the raccoon to participate in the process of creating right relationship with me. I can however, understand that the raccoon has an interest in living and even in eating well. I can ask myself what type of person I am, what type of person I want to be, and what my relationship with humans and the more-than-human should be. (Yes, in my version restorative justice ventures into the realm of virtue ethics—justice as virtue with regard to all others. I will develop this further in the future.) If I am who I am through *all* my relations, then I am a more selfish, more uncaring, and more callous person if I merely got rid of the raccoon through whatever means most convenient to me. (To this, even Kant would agree.) In fact, I might say that to kill the raccoon would result in my living with a murderer.

This may sound to some like overly human centered approach. I am human and as such my actions tend to have disproportionate impact on my surroundings. Injustice is a human centered problem. To make it sound otherwise would, in my opinion, diminish the extent to which most of the devastating problems of our times are at least in part if not fully human caused. Those problems that have no human element, e.g., the hurricane, tornado or earthquake (that are not a result of global warming) will be. The raccoon may become coyote food, but no coyote kills for pleasure beyond necessity. And to think differently, that humans can change bring the more than human into justice through any means other than human only brings us back to the hubristic notion that humans are *apart from* the whole and not *a part of* the whole.

Works Cited

- Arendt, Hannah. _____. "Karl Marx and the Tradition of Western Political Thought," lectures, Christian Gauss Seminar in Criticism, Princeton University, Princeton, N.J.---First drafts---(folder 1- 4). Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C. 1953a
- _____. "Karl Marx and the Tradition of Western Political Thought," lectures, Christian Gauss Seminar in Criticism, Princeton University, Princeton, N.J.---Second draft (all folders). Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C., 1953j
- _____. "Philosophy and Politics: the Problem of Action and Thought after the French Revolution," (2 of 4 folders). Hannah Arendt Papers, Manuscript Division, Library of Congress, Washington, D.C., 1954.
- _____. *The Human Condition*. Chicago: University of Chicago Press, 1958.
- Constitución de la República del Ecuador*
- Llewellyn, John. *Seeing Through God*. Bloomington: Indiana University Press, 2004.
- Lyotard, Jean François, and Jean-Loup Thébaud. *Just Gaming, Theory and History of Literature* Translated Wlad Godzich. Minneapolis: University of Minnesota Press, 1985.
- Masina, Nomonde. hosa Practices of Ubuntu for South Africa. in *Traditional Cures for Modern Conflicts: African Conflict "Medicine"* I. William Zartman, ed. Boulder: Lynne Rienner Publishers, 2000.
- McCullers, Carson. "A Tree – a Rock – a Cloud" in *The Ballad of the Sad Café and Other Stories*. New York: Bantam, 1971.
- Ramose, Mogobe B. *African Philosophy Through Ubuntu*. Harare: Mond Press, 1999.
- Stone, Christopher D. *Should Trees Have Standing and Other Essays on Law, Morals and the Environment*. New York: Oceana Publications, 1996.
- Tutu, Desmond. *No Future Without Forgiveness*. New York: Doubleday, 1999.
- Youtube. "Bill Clinton: I Am Because You Are"
<http://www.youtube.com/watch?v=6YswUI-yqXo>. Accessed 5/1/09.