

Victims and Responsibility

Restorative Justice: a New Path for Justice towards Non-human Animals?

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ABSTRACT

In this paper I argue that restorative justice is a prolific and innovative way for reformulating the problem of justice towards non-human animals. First of all, I show that the most influential theories of political philosophy (Utilitarianism and Contractarianism) are inadequate for this purpose, as all the speculative perspectives on justice that try to define a normative concept of justice. Changing perspective and focusing on the actual victim's experience of injustice can redefine the discussion about justice. For animals injustice is the result of the denial of their agency and a violation of their vulnerability. To think of animals as victims allows us to define humans' responsibility for animals' condition. This responsibility started with domestication and continues until the present domination of animals in our society. Therefore restorative justice, start from this responsibility: it is, first of all, a form of humans' admission of guilt, but not only. I argue that restorative justice provides us with the chance to repay the victims of our wrongdoing. In this way, this compensation should be thought of not as punishment to those who have done wrong but as a way to re-establish the bond with a world of alterities commanded, submitted and dominated.

Keywords: non-human animals, animal ethics, political theory, justice, Martha Nussbaum, responsibility, restorative justice, domestication, contractarianism, utilitarianism.

1. INTRODUCCION

Let us, however, now examine the point whether we really have no compact of justice with animals

(Plutarch 1957, 579)

In *The Eating of Flesh*, with his celebrated moral subtlety and with criticism towards Stoic concepts, Plutarch was set to tackle a key issue in the relation between human and non-human animals. Despite this, what goes by

the name of “Animal Question” starts to emerge, at least in philosophical terms, only from the 1970s through the works of Peter Singer (1975) and Tom Regan (1983). According to these authors, our relationship (if we can call it such) with animals opened a strong ethical issue: from animal testing, to the food industry, and to all those areas where animals are objectified, human beings damage subjectivities that must be taken into consideration. With the development that followed in Animal Studies, even political philosophy was compelled to test its theories on justice: is it legitimate to talk of justice towards non-human animals? Or should we limit ourselves to compassion? In this paper I’ll attempt to analyse the answers given to these question by utilitarianism and contractarianism and then to elaborate an innovative approach to the problems of justice which could open a new path in the *demand for justice* of non-human animals: restorative justice.

2. UTILITARIANISM AND CONTRACTARIANISM: MARTHA NUSSBAUM’S PARS DESTRUENS

In *Frontiers of Justice* (2007) Martha Nussbaum proposes her theory of the *capabilities approach* in order to tackle three unresolved issues of justice, i.e. issues that contractarianism has not been able to deal with: justice towards people with disabilities, problems of global justice and justice towards non-human animals. Before implementing her approach, the author shows the limits of utilitarianism and contractarianism to settle the issue that is being analysed: her *pars destruens* is particularly effective and shows in an interesting way, some evident limits in the theories mentioned above.

2.1. *Utilitarianism and animal ethics*

Historically, the utilitarian perspective was the first to draw attention to the issue of the pain suffered by non-human animals. Initially through Bentham¹ ([1791] 1970), but then in a more structured way with Peter Singer (1975), utilitarianism set the course for a moral reflection regarding animals: the capability to feel (pleasure and pain) qualifies the presence of morally relevant interests in any living being, regardless of the species to which they belong. Despite this, such a perspective seems unsatisfying

¹ “The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *Suffer*?” (Bentham 1970, 283).

under some aspects, which are directly implied by the foundations of the utilitarian perspective: as a consequence, Nussbaum's critique draws upon a wider critical perspective on utilitarianism, a perspective that moves from (not only) Rawlsian arguments. Let us see some of the criticism:

Utilitarianism is a moral theory of consequentialist origin: it is the consequence of actions that determines moral lawfulness. But can the production of the best consequences be considered as the best starting point for a theory of justice? According to Nussbaum, politics shouldn't encourage us to deal with maximisation (both in terms of preferences and community benefit) because by doing so "the political actor would trespass the territory that the liberal wants to reserve to personal choice". (Nussbaum 2007, 341)

In addition to this, utilitarianism, refuses the distinction and inviolability of moral patients; aggregation, related to maximisation, cannot avoid that some groups, inevitably end up with paying the price for the good of the majority; and it is clear that when these groups are discriminated it is much easier for them to be sacrificed: and in the case of animals this is even more evident. Once again, Nussbaum takes a further step: "Utilitarian sum-ranking seems to have no way to rule out, on grounds of basic justice, the great pain and cruel treatment of at least some animals" (2007, 343). We therefore cannot consider basic rights as values that can be crushed through calculation.

The last criticism made to utilitarianism is what Nussbaum calls "substantive conception of good". Be it utility, pleasure and pain or preferences, utilitarianism finds itself capable of combining together feelings, the calculation of which pushes towards the maximisation of a certain good, regardless of potentially regrettable outcomes: every right can be exchanged with another. In this view, the capability approach is based on the idea by which every fundamental right belongs to a separate set of functions, and therefore no right can be obtained or given in exchange for others, even when the advantage gained in this way is remarkable. "Aggregating the pleasures and pains connected to these distinct areas [friendship and affiliation, freedom from pain, mobility, and many others] seems premature and misleading: we may want to say that animals have distinct entitlements to all of these things, based on justice" (2007, 344-5).

2.2. *Animal and social contract*

If utilitarianism is to be considered inadequate, what are the limits of contractarianism for what concerns justice towards animals? In this case the issue is more relevant and the criticism more pressing. Following the

author, we shall first of all try to distinguish classical contractarianism from its contemporary interpretations (among which Rawls' name stands out as prominent).

2.2.1. Classical contractarianism and the limit of social contract

In traditional social contract theories (Nussbaum briefly deals with authors such as Hobbes, Locke, Kant but also Hume and Grozio) the demand for justice towards animals is excluded by principle. The reason for this exclusion lies actually on two separate matters that I believe should be distinguished.

On the one hand, the exclusion is the result of a certain idea of what an animal is². Authors such as Hobbes, Grozio, Locke and Kant, consider humans and animals as metaphysically different: notwithstanding the variety of positions that justify such difference, all these authors agree in considering animals as being inferior. This belief immediately entails excluding animals from social contract: they are not "free, equal, and independent" (Nussbaum 2007, 25) subjects that participate in the choice (and therefore to the benefit) of the principles of justice. The only way out, in this perspective, is to think in terms of benevolence or, in Kant's case, of indirect duties (which rest on direct duties towards humanity). I would move on from this first point which could rightfully be reconsidered in the light of recent discoveries in ethology: such a vision of animality is a cultural product, and we can consider some species (think of great apes) as individuals far more complex than these authors could acknowledge. We should consider that even a different understanding of animals could not bring contractarianism to an adequate elaboration of the principles of justice. Let us see why.

In comparison with other authors, Hume seems to be more sensitive to the suffering of animals, and precisely for this reason he appears to grasp the essential meaning of the issue. The crux of the matter revolves around two characteristics that imply the elaboration of a contract as it is intended by all social contract thinkers (including present day exponents). In the words of Nussbaum we are speaking of the circumstances of justice, and of the motivation that underlies the subscriptions to the contract.

Hume defines specific circumstances by which justice may have a function, that is circumstances starting from which we can legitimately hypothesise an incentive to reach the conclusion of a social contract: "Justice,

² Evidently, even before ethology and the Darwinian revolution, knowledge regarding the abilities of non-human animals were (and in part still are nowadays) vitiated by relevant anthropocentrism.

then, is a convention whose utility is directly related to the circumstances, physical and psychological, in which we are placed” (Nussbaum 2007, 47); it is Hume who, by drawing our attention on the issue, inevitably shows that the cardinal circumstance is the presence of an approximate equality between the contracting parties, an equality which is neither present in non-human animals (inferior because totally dominated by our control³) nor in individuals with severe disability. This is why Hume emphasises the need to exercise benevolence towards non-human animals, dominated beings that nonetheless are capable of perception and feelings; but at the same time he denies that there can be a state of justice, *since it would make no sense to stipulate a contract with those who are under total domination*.

What, according to Nussbaum’s critique, is the motive that pushes the imaginary contracting parties to agree on the principles of justice? The answer, in all forms of contractarianism is one: mutual benefit. Exclusion is therefore not related to the fact that animals lack some notion of good or rationality, but rather determined by the impossibility for them to draw from these notions an advantage (guaranteed precisely by approximate equality and therefore finally by the circumstances of justice).

By considering these two principles only (Nussbaum acknowledges more) we understand that there is no way of thinking of a form of contractarianism able to include other individuals that do not correspond to the purpose of a contract as it is intended: individuals that can guarantee a mutual benefit through approximate equality.

2.2.2. Rawls and the structure of the social contract

I believe it appropriate to extend these reflections to Rawls’ contractarianism (1971), which is certainly more complex; it is worth pointing out that, overall, it is the absence of mutual gain that makes Rawls deny any possibility of a demand of justice both for animals and individuals with serious disabilities.

Let us quickly consider Nussbaum’s critique of this. First of all, it is interesting to consider how Rawls does not ignore the issue of animals: he speaks of “duties of compassion and humanity” which are determined by

³ “Were there a species of creatures intermingled with men, which, though rational, were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance [...] I think, is that we should be bound by the laws of humanity to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess any right or property, exclusive of such arbitrary lords. Our intercourse with them could not be called society, which supposes a degree of equality; but absolute command on the one side, and servile obedience on the other” (Hume [1777] 1998, 8-19).

their capability to suffer. But we cannot define animals as beneficiaries of principles of justice: “[...] it does seem that we are not required to give strict justice anyway to creatures lacking this capacity [...]. Our conduct toward animals is not regulated by these principles” (Nussbaum 2007, 331-2).

The reason for this exclusion is based both on Rawls conception of person (inspired by Kant) and the structure of contractarianism itself. Surely his idea of person is enough to rule out the idea that non-human animals partake in the formulation of the principles and for them to be subjects of those principles. In *Political Liberalism* Rawls defines “the two moral powers” that define the contracting individuals: the ability to have a conception of good and that of having a sense of justice, at least in a certain minimum measure. These, in his conception, pertain only to human beings: in this perspective, animals and people with serious (mental) disabilities fail the definition of people.

In my opinion, the problem arises from the structure of the contract itself: no redefinition of the abilities of animals could ever bring to the inclusion of the *forma mentis* of the social contract! Indeed, even if we were to recognise the ability for reciprocity in animals, this would be found only in some of them (even though the problems concerning unjust and cruel behaviours relate to all animals). Although there can be reciprocity, this is not the type of reciprocity described by Rawls, based on the possession of complex reflexive capabilities of rational and moral kind⁴.

It would also be useless to bracket Hume-like circumstances of justices (something that, as Nussbaum notes, Rawls makes his own): it does not matter if we share a world which is poor of resources, and it does not matter if there is rivalry among species (comparable to the rivalry in the state of nature); “[...] the asymmetry of power between humans and non-human animals is too great to imagine any contract we might make with them as a real contract” (2007, 334). Certainly, we cannot understand that contract as truly based on a mutual advantage; we therefore lose the Rawlsian condition by which none of the contracting parties are strong enough to dominate and kill the others. In Nussbaum’s words:

So there is no good analogue of the Circumstances of Justice, no good analogue to the contractarian account of the purposes of social cooperation, no good analogue to the account of the abilities of the parties in virtue of which a contract is possible, no good analogue to their situation as “free, equal, and independent” parties. (2007, 334)

⁴ It is interesting to see how the weak points in Rawls’ theory are very similar to those that Nussbaum criticises in traditional contractualist authors: it is the structure of the contract itself that supports this criticism.

The impossibility of a contract, both in the traditional and contemporary sense, is simply based on Hume observation: why establish a contract with creatures that are firmly controlled and dominated? It is precisely the imbalance of power that has brought us to a complex machinery of self-justifying domination in which there are no qualms in doing of animals whatever we want.

3. ZAGREBELSKY AND THE CRY OF INJUSTICE

3.1. *Justice and fault*

After having shown the limits of the theories we have here analysed, Nussbaum develops a *pars construens* in which the concept of flourishing becomes the core element to think of animal rights, which by protecting the ten fundamental animal capabilities, would guarantee to each of them a fair life: the idea of flourishing is what Nussbaum suggests as the unifying element for a political theory about animals. However, I would rather not tackle Nussbaum position and pause instead on a problem that I consider crucial to deal with the animal question in a satisfactory way. Overall, we could ask ourselves why to refuse a contractarian structure in which the benevolence towards animals would grant them a satisfactory form of life. Here's what Nussbaum says about compassion:

So compassion, all by itself, omits the essential element of blame for wrongdoing [...]. It would seem that analyzing the harms we do to animals in terms of duties of compassion alone entails blurring the important distinction between the compassion we might have for an animal who dies of a disease *that is nobody's fault* and the response we might have to the sufferings of an animal *who is being cruelly treated by humans*. (2007, 336; emphasis added)

So we are facing a case of *injustice* for which we must find a culprit. Where does the injustice stem from and where should we look for its perpetrators? The question, baring a rhetorical tone, actually finds an interesting starting point in an essay by Zagrebelsky, *La domanda di giustizia*⁵ (Martini and Zagrebelsky 2003).

⁵ The English translation of the title is *The Demand for Justice*.

3.2. Zagrebelsky: a different idea of justice

An attentive and thorough writer, Zagrebelsky heavily criticises “conceptual” and theoretical definitions that reduce justice into merely formal definitions, subordinated to certain interests or subdued to political ideas. Zagrebelsky denounces the great limit of these representations of justice thought up by Euclidean geometers: “[...] as all purely formal definition, this definition of justice refers to those who have the power to establish it. Rather than a formal of justice it is a principle of power” (Martini and Zagrebelsky 2003, 9).

Along with criticising utilitarianism – “I think we would agree, in believing that justice speaks in favour of ‘the smallest number’ of those excluded from happiness, and we certainly reject the idea, [...] that the good of the many is just even when it contemplates the unhappiness of a few” (Martini and Zagrebelsky 2003, 7) – Zagrebelsky, actually speaks out against Rawls himself: “Justice does not show its (disfigured) face with an aseptic ‘initial position’ or on the cold table of the anatomy of concepts but instead in the infections of society whence it calls out to the sky and to men” (Martini and Zagrebelsky 2003, 11). The weak point of these formal-theoretical conceptions of justice is precisely the speculative element: “[...] speculative, both as in what mirrors within the intellect something which is outside of us – that which is just – and as in a reasoning that autonomously constructs its object- the ideas of justice. But justice is neither of these things” (Martini and Zagrebelsky 2003, 15).

Where does justice originate from? The best way to think of justice is to perceive it as a *question*, a true cry of suffering, a demand for recognition, that originates from a personal experience of injustice, or in the authors words: “[...] the aspiration to justice that originates from the experience of injustice and the pain that derives from it” (Martini and Zagrebelsky 2003, 16).

Zagrebelsky’s proposition proves very interesting when it calls for “a move from the field of definitions of justice to that of the experience of injustice” (Martini and Zagrebelsky 2003, 19). With this move we open a series of unprecedented issues in the field of theories of justice: a simple shift in perspective can nonetheless radically modify our way of understanding justice towards non-human animal. That’s to say that we are not discussing the principle of justice that parties, approximately equal, stipulate via a contract; we are not developing a calculation that weighs pleasure and pain; we are on the contrary focusing our attention of something more *original* but at the same time more effective: a victim that suffers violence, objectified, enslavement. While Zagrebelsky actually does speak of infra-specific forms of injustice, it is also undeniable that we cannot arbitrarily

exclude also other forms of life: injustice materialises as forms of exploitation and destruction both of physical vulnerability and *agency*⁶; both these characteristics disappear the zoological lines that differentiate species and that give us back an image of the world as a constellation of individuals who have agency and are vulnerable to violence.

It is precisely the focus on the victims that allows us, in my understanding, to deal, in an original way, with the issue of justice towards non-human animals: it is necessary to recognise vulnerability and agency as conditions for the possibility of injustice (which gives rise to a legitimate demand for justice) but at the same time an admission is required of the responsibility of the fault on behalf of the culprits.

4. A NEW HYPOTHESIS: ZAGREBELSKY AND GARAPON'S RESTORATIVE JUSTICE

4.1. *Human responsibility and historical guilt*

The admission of responsibility is a fundamental element that can only emerge in this perspective: indeed if Nussbaum⁷ develops a complex system of legal rights intended to protect those who have been excluded from the social contract, we are once again facing a choice that sublimates

⁶ I would like to note a very important point: I have indicated the violation of agency and of physical vulnerability as two elements that define the onset of injustice. This choice is far from arbitrary and is instead based on some reflections about animal ethics. On the one hand, Acampora (2006) taking up some reflections of Merleau-Ponty's phenomenology defines the field of ethics around the idea of vulnerability perceived in the other; on the other hand, vulnerability by itself can be considered as an element on which to develop a series of only negative duties: not to damage those who are vulnerable. The problem, which even Nussbaum sees, cannot be reduced to this alone: and *agency* can be considered as a starting point even to think about possible positive obligations or duties, something that encourages protection and the flourishing of capabilities to act. To block and repress agency is a serious violation of the wellbeing of all individualities, but at the same time can be considered as an element to protect and encourage from a legal point of view.

⁷ Although Nussbaum's theory places itself on the lines of Rawls', it is also true that the solutions that she deals with are extremely concrete. Despite this I believe it is important on the one hand to focus on the conceptual pair responsibility-reparation and on the other to notice how the solutions offered in *Frontiers of Justice* are problematic in that they focus exclusively on guaranteeing a minimum limit to make life worthy of being lived. Despite some reservations on some suggestions made by the author, I believe her work is noteworthy.

in a Freudian manner the responsibility of our action, a responsibility which is individual and collective (and, may I add, historical). This new perspective on justice allows us to focus on an element which I consider fundamental in the process that leads to recognising justice towards all forms of injustice: that is, our responsibility⁸.

Indeed, in the case of animals, what should be taken into serious account is our responsibility for what concerns their condition: the structure of domination that we have built around many species is the result of a historical process of domestication, one that allows us to think of “faults” towards animals. In this perspective we may consider the domestication process and its subsequent developments (such as the creation of the zootechanical industry) as a form of “historical” guilt.

4.2. *Justice and history*

One author who has tackled these questions is Antoine Garapon who in *Chiudere i conti con la storia*⁹ ([2008] 2009) analyses some recent examples of “historical faults” (colonisation, Shoah, comfort women, apartheid, *stolen generation* etc.) from a judiciary perspective, showing how restorative justice has operated during these processes (analysing the advantages and drawbacks of this approach to justice).

Let us try and quickly understand which is the logic underlying this “coming to terms”: firstly, the goal of restorative justice is, in Garapon definition, to “return to *status quo ante*” ([2008] 2009, 125-38) that is a state of things that injustice has irremediably disrupted. Coming to terms with this

⁸ The rhetoric of responsibility has been the basis of Hans Jonas thought, and opened the way to bioethical and environmental considerations; in his *The Imperative of Responsibility: in Search of an Ethics for the Technological Age* (1979) Jonas pointed at ethics as taking responsibility with regards to our actions: given how human *techné* had become capable of disrupting the order of planet Earth, it was obvious how new dimension of agency implied new responsibilities. The core of Jonas’ idea is a crucial element in ethical thought in general: the pair action-responsibility is in my view is a useful guide to follow even within animal ethics, and could for example be used against some of Nussbaum’s ideas regarding intervention aimed at defending weaker animals from those more threatening; it is our actions (as individuals and societies) that should be taken into account from an ethical and political point of view. At the same time, I believe it would be interesting to think of Jonas’ suggestion and to consider the reach of our actions as the source of our responsibility: this consideration allows in my view, to notice how *techné*, with respect to non-human animals, in that it has created new forms of mistreatment towards animals – has now appeared in breeding mechanisms aiming at taming species that have still not been domesticated.

⁹ The English translation of the title is *Coming to Terms with History*.

history means attempting to repair the mistakes of the past. This restitution, obviously, most come from those who are guilty, who only *after admitting their responsibility* (that is, we should emphasise, the responsibility of a fault) must try and calculate the amount of the damage, which via a civil procedure, (not penal) leads to the payment of money given to the victims.

We can consider this frame work as a blueprint to which to refer for experiences of reparation justice, by this also considering its difficulties. The first difficulty, as Garapon notes, is that a return to the *status quo anterior* is impossible, also because often the trauma is too indelible in the life of the victims or simply because the victims are no longer alive (think of colonisation and of the victims of the Shoah). The second problematic point is, in my view, the financial restitution, but, once again Garapon analyses the matter carefully. However I would like bypass the problematic aspects of restorative justice as Garapon describes them, and to look at the crux of this approach.

4.3. *Restorative justice and non-human animals*

The approach of restorative justice allows to emphasise two points that may be fundamental in treating our historical fault towards animals. Admitting our responsibility is in my view the crucial point: in the legal battle that saw the Japanese government opposing comfort women, the denial of responsibility on behalf of the government, provoked enormous grief in the victims, who refused the money coming from private enterprises: “In this way the government actually did recognise the terrible damage suffered by the victims, without however connecting these to a crime perpetrated by the state, and instead to the sphere of private justice, thus avoiding to account for its responsibility” (Garapon [2008] 2009, 154). In this instance we understand more than ever how rather than a true official reparation in financial terms, what restorative justice aims for is a form of recognition:

The code of debt is used not so much to obtain money [...] but to obtain a representation of what exceeds formal political relation, of the injustice which is impossible to represent otherwise. The metaphor of debt is used to bridge a political gap and to attempt to repair it. (Garapon [2008] 2009, 100)

I have described the domestication of animals as a historical fault. There is something however that makes such a fault peculiar in comparison with those that Garapon speaks about: it is peculiar because it still not over ¹⁰. It

¹⁰ This peculiarity deletes, or at least diminishes, the great problem of historical faults and collective responsibility. Sandel in *Justice: What's the Right Thing to Do?* (2009)

is a historical dynamic which continues and has actually improved the technique by which the reproduction of animals is perpetuated and controlled, and is a process that happens in accordance the principles of legality, as many of the crimes of which Garapon speaks about. Now if we insist on the rhetoric of reparation and recognition, we can use the spirit of restorative justice to make us bring such circumstances to an end, recognising a debt of responsibility that can lead to a way of repairing the injustice.

I would like to immediately underline this: restorative justice, through a request for recognition, allows a reconfiguration of the problem of justice towards non-human animals: a reconfiguration which also lends new resources to think of possible forms of reparation of the injustice.

4.4. *Reconnect the tie*

How to go about the injustice? By putting in relation responsibility and injustice, a new perspective opens on how to think of our relation with the non-human world: the possibility of compensating the victims of evil; this recognition should be thought of as *not to punish those who did wrong* but to *reconnect the tie* (Martini and Zagrebelsky 2003, 31-2) with a world of otherness which has been controlled, submitted, subjugated and dominated. Stressing the historical responsibility allows to think of forms of justice that have never been thought of in relation to animals. As Garapon asserts:

Acts of reparation aim at the creation of a new bond through the recognition of a debt [...]. Reclaiming a debt is nothing but the sign of the will to abandon a relation of hostility, clearing the third type of relation, the denial of the other, from the face of the earth. (Garapon [2008] 2009, 118)

We can use the African idea of justice, *ubuntu*, of which Desmond Tutu spoke during apartheid in South Africa: he distinguishes

the European idea of justice, aimed at retribution, or more simply at the victors justice from the spirit of African justice, aimed instead at reconciliation and mutual acceptance, at the recognition of the humanity of a person, to make it resurface after it was humiliated, not just by the crime that was suffered but also by that which was committed. (Martini and Zagrebelsky 2003, 37)

shows us the conflict between those who ask for retribution of historical faults and those who refuse to acknowledge their responsibility for actions perpetrated, for example by their ancestor. In this sense, domestication is an event that culminates – historically speaking in every plate and every moment of use of animals for human purpose, if which we still make a vast use today. Surely, an indication like this can be useful in solving issues that critics of collective responsibility place against restorative thought.

5. CONCLUSION

The spirit of restorative justice, through the idea of reparation, that is the admission of responsibility and of a tie to reconnect, may be a useful guide to rethink the question of animal rights. Obviously, many problems need to be solved: I believe there are a variety of difficulties, pointed out by Garapon himself, in the structure of restorative justice itself and even more so when this is applied in the case of animals: surely, including animals in this procedure rises even further problems to the difficulties of restorative justice. We can think of questions such as: can animals make requests, claim rights, demand recognition? Would it make sense to speak of an economical reparation towards animals? These are difficulties that animal ethics has already confronted and still has to solve. Despite this, I believe that the admission of our responsibility for the condition of non-human animals, determined by the imbalance in power is a first crucial step to start a rethinking of justice that should not fall back on previous theories that prove to be inadequate. Even within the idea of reparation as recognition of an otherness (that has been negated) the issue of animality can find a strong foothold, both for the philosophical question and the reformulation of solutions for coexistence, that can revolve around the attempt of reconnecting the tie that we have broken, precisely by the domination started with domestication.

To conclude we can consider restorative justice as a fruitful way to reconsider the theme of justice towards non-human animals: it is a radically different approach to the idea of justice, and it is precisely its peculiarity that allows to shed light on some passages that no theory of justice seems to have considered, passages which in my view are instead crucial to the understanding of the question of animality and that concern our behaviour; furthermore not just in acknowledging but also in elaborating a series of duties or rights, restorative justice might be an interesting point of reference for an ethic of care that can retie the communal bond with beings whose belonging to our community has always been denied.

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