

# ***Ubuntu and Indigenous Restorative Justice***

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## ***Ubuntu* and Indigenous Restorative Justice**

Mechthild Nagel

The *Ubuntu* principle of interconnected humanity is a widespread and foundational component of African conflict resolution and peacemaking, which has been popularized by Archbishop Desmond Tutu's use of the concept in the South African Truth and Reconciliation Commission.

In a seminal 2006 paper in the *Journal of Pan African Studies* on the topic, Tim Murithi notes that among “the languages of East, Central and Southern Africa the concept of *Ubuntu* is a cultural world-view that tries to capture the essence of what it means to be human. In Southern Africa we find its clearest articulation among the Nguni group of languages.” Tutu renders his own approximate definition of the complex term in his book *No Future Without Forgiveness* (1999, 34-5):

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’; he or she has Ubuntu. This means that they are generous, hospitable, friendly, caring and compassionate. They share what they have. It also means that my humanity is caught up, is inextricably bound up, in theirs. We belong in a bundle of life. We say, ‘a person is a person through other people’ (in Xhosa *Ubuntu ungamntu ngabanye abantu* and in Zulu *Umuntu ngumuntu ngabanye*). I am human because I belong, I participate, and 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 has a proper self-assurance that comes with knowing that 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.

With the publication of his book, Tutu certainly hoped a) to garner support for his leadership of the TRC and b) to spread this worldview to other areas of the world so that other peoples might be inspired to engage in meaningful peacemaking—in the way of *Ubuntu*.

In this paper I offer two examples (from West African and North American contexts) of small yet significant acts of restoring harmony, which share the elements of *Ubuntu* outlined by Tutu.

In 2002, I visited Mali for the purpose of studying its conflict resolution practices, and one of my goals was to find out if I could learn something about a society that does not use prisons as a measure of “first resort.” I assumed that Mali's low incarceration rate had to do with an activist society which is adamant in holding on to pre-colonial custom of restorative justice, but I was not prepared to experience such custom even within the confines of a prison. In the women's prison (Bollé centre) I was an inadvertent witness of a conflict between prisoners on the courtyard. Since I was in prison, a colonial invention, I expected the resolution to happen in a “colonial” way, i.e. that both parties would be written up and punished for their altercation. However, what occurred instead was a

conflict resolution in the “African way” as our guide explained. The two women, who just had quarreled, were kneeling and apologizing to each other. One woman was crying profusely, expressing her remorse.

Atlanta, USA, hosted the first country based Social Forum, which was a tremendous gathering of immigrants, trade unionists, Native Americans, African Americans, Latinos, and Euro-Americans. At the closing plenary, a Native American speaker was interrupted for not adhering to the procedural rule of time limitations. Other Native Americans were insulted but channeled their anger by going on stage and performing a healing ceremony. This conflict could have torn the convention apart, instead, by the way it was resolved, it brought participants closer together.

I tell these narratives to point to the power of counter hegemonic practices. They are performed in nonhierarchical ways, not involving experts, and they stand as a useful corrective to the overwhelming vindictive character of the penal discourses of the West. Even within a prison environment such as the one in Bamako the prison guards are not robed in uniform to set them apart from prisoners (who also wear regular street clothes). Certainly, the material hierarchical structures cannot be denied, and prisoners are usually in the carceral against their will, but the staff of Bollé centre is committed to a spirit of imbuing humanity and turning prisoners from objects of corrections into agents responsible for their own ethical and spiritual self-development.

But how do we get to this level of trusting the other that conflict or quarrel that breaks out can be mended? How do we educate the young in any society to fee a respect for elders, the environment and socially marginalized people? What are the key principles in traditional societies for educating the young child and ensuring social integration?

We may look at the “Circle of Courage” for a peacemaking model. It is indebted to Native American values and was started by educators working with the Lakota Native Americans. It has also found resonance with school administrators around the world:

The Circle of Courage

The spirit of belonging: “I am loved” (attachment).

The spirit of mastery: “I can succeed” (achievement).

The spirit of independence: “I have the power to make decisions” (autonomy).

The spirit of generosity: “I have a purpose for my life” (altruism).

Example for belonging: Among Native America, belonging means to honor that we are all interconnected with each other and the earth. Children learn from each other (peer-groups, age mates) and from adults about the value of interdependence and community. Blood relations are not valued above other types of relations: “you belonged if you acted like you belonged.” (Brendtro et al 2002, 46). Being exiled then, as form of discipline/punishment, is considered social death—or “hell” in Christian vernacular.

Example of mastery: Achieving competence has to be seen in a holistic light, not just with respect to work-related talents, but also with respect to character-formation. Children learn mastery through games, and adults reinforce the notion that striving is prized over rivalry or display of arrogance (by the winner or winning team) (Brendtro et al 2002, 51)..

Example for independence: Personal autonomy and responsibility is prized among Blackfoot Indians. A toddler tried to pry open a door to a cabin. He struggled and pushed and shoved. No avail. But nobody intervened in his struggle. Finally after half

an hour, he was able to open it up and was praised for it (Brendtro et al 2002, 53). To Western observers an adult's non-intervention might be seen as callous and uncaring, but if one looks again, one sees that the Blackfoot elder has utmost respect for the child and teaching him autonomy, perseverance and independence.

Example of generosity: French philosopher Bataille has studied with curiosity the potlatch rituals of the North West Native Americans. Gift-giving is taken to another level by people in so far each potlatch is a ritual of exaggerated (so it seems to Western eyes) showering of expensive gifts to a visitor, including a house. However, all Native cultures emphasize to their children the importance to let go of dear possessions and offer it to somebody who may be in need. Children are thus instilled with the power of giving and caring for others. In U.S. colleges, this has taken the form of service-learning, where students are required to perform 30-100 hours a semester of good work in the community. In contributing to others' needs, children are steered away from self-centered, self-destructive, or anti-social attitudes and towards the peacemaking ideal that they matter because they make a difference in some others' lives (Brendtro et al 2002, 125).

Completing the circle, from generosity to the sense of belonging, is accomplished through the feeling that we are all connected, and if I give a priceless gift to another, I am aware that I am really giving to myself. The circle of courage, which embodies a powerful peacemaker's philosophy, overlaps with the African socio-centric tenets of *ubuntu*, i.e. a principle of human interconnectedness, which foregrounds respect for elders and compassion with less fortunate people.

What if the circle of courage is disrupted? The examples mentioned above illustrate a hope for repair and healing the individual-in-community. The circle commands us to engage into a leap of faith; this is what Desmond Tutu demands when he speaks of *ubuntu*: no matter how horrible the crime we need to continue to see the humanity in each other and realize that the lives of offender and victims are intertwined: "My humanity is caught up, is inextricably bound up, in yours." It is at this point that true restorative justice may begin.

Mechthild Nagel is professor of philosophy at the State University of New York, College at Cortland. Her most recent co-edited books are *Prisons and Punishment: Reconsidering Global Penalty* (Africa World Press, 2007) and *The Hydropolitics of Africa* (Cambridge Scholars Press, 2007).

### **References**

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