

Restorative justice is green justice

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1. Restorative justice is an old system of justice which focuses on reparation for the victim.
2. It was replaced in the mediaeval period but was revived in the 20th century.
3. Anglo-Saxon RJ involved communities recommending levels of reparation and mediators negotiating a settlement and taking a fee for brokering the settlement.
4. Henry II abolished private settlements, created courts and turned the reparation to victims into fines to the Crown; victims became bystanders.
5. There are two main theories of justice:
 - Process – or behavioural correctness: justice is achieved through correct processes, and
 - Consequences: justice is achieved through its consequences.
6. Shakespeare compares the two approaches in:
 - *The Merchant of Venice*
 - *Measure for measure*
7. In the 17th century Locke ensured the dominance of process theory and in the 18th century RJ was suppressed in North America, Africa and Australasia.
8. There are individual rediscoveries of RJ in the 20th century but it is generally credited to a Canadian probation officer.
9. Since the 1990s there have been developments in many countries mostly by voluntary organisations but also through police departments.
10. Mediation may be:
 - Between individuals
 - Between individuals and communities
 - Between individuals and families

- Between families or communities
 - Between organisations.
11. Key findings:
- Benefits victims who become central to the process
 - Victims and offenders are often from same group
 - Older offenders respond slightly better than younger offenders
12. Some examples:
- Sex offending
 - School discipline
 - Hate crime
 - Terrorism
13. Sex offending in the 1990s:
- Had highest guilty plea rate
 - Few victims had to appear in court
 - Very low re-offending rate for those who had only committed sex offences.
14. Sex offending in 20th century
- Punitive sanctions imposed
 - Dramatic reduction in guilty plea rate
 - More victims have to appear in court
 - Reduced level of conviction
15. Sex offending and RJ
- Offenders have to explain themselves
 - Victims are able to share their pain
 - Offenders have to accept responsibility
 - Reparation can be made to the victim
16. Principles have been applied in:
- School discipline
 - Hate crime
 - Terrorism
 - A wide range of offences against the person/property.
17. Why green justice:

- Focus on the victim(s)
- Focus on the consequences
- Focus on reparation — not just polluter pays but polluter puts right.

18. Applications to green issues:

- Greenhouse gas release
- Pollution release
- Environmental destruction/loss of biodiversity

19. And finally:

- RJ is not a solution to everything
- Some situations will require process justice
- Use the law as the last resort, not the first – Confucius.