

Global Restorative Justice

The new paradigm

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The world we live in presents itself as a harsh place these days. 2009 began badly, with renewed killing in Gaza and Israel, conflicts over gas supplies in Eastern and South Eastern Europe, the financial crisis continuing unabated and climate change a major concern. We feel, ever more deeply, that we need to fundamentally shift our thinking to find solutions. But we are not yet sure how.

In December 2008, the Quaker Council for European Affairs (Brussels) and Quaker Peace and Social Witness (Britain YM) jointly hosted a conference in Brussels under the title 'Not privation but appropriate living' which was intended to help us do some of the thinking necessary to find answers to the questions about the 'new paradigm'. At the beginning of the conference, we presented some thoughts on what the issues are, what Friends might have to say about them and what sort of action all of us might need to take. This article sets out some of the thinking – especially around the concept of 'Global Restorative Justice'- which we feel might help us in this endeavour.

What is global restorative justice?

Let us begin with a few words about restorative justice, a concept which comes from the field of criminal justice but is by no means restricted to it. One definition is given as:

Restorative justice is a broad term which encompasses a growing social movement to institutionalize peaceful approaches to harm, problem-solving and violations of legal and human rights.

These range from international peacemaking tribunals such as the Truth and Reconciliation Commission of South Africa to innovations within our criminal justice system, schools, social services and communities.

Rather than privileging the law, professionals and the state, restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to re-establish mutual responsibility for constructive responses to wrongdoing within our communities.

Restorative approaches seek a balanced approach to the needs of the victim, wrongdoer and community through processes that preserve the

safety and dignity of all. ⁱ

This makes it clear that there are four equally important points of focus in this approach to justice: the harm, the person/the people who have done harm, the person/the people who have suffered as a result of the harm that has been done and the community as a whole.

Translating this to the global level is not an easy task. We do not claim that this attempt to do so is comprehensive; but it is intended to stimulate discussion.

The harm

Overuse of energy: globally, people are using unsustainable amounts of energy for all sorts of purposes, notably: transport (especially air transport), industrial production, agricultural production, and for domestic and leisure use. Harm is done to the environment because the pollution caused is one of the key drivers of climate change. Harm is done to social cohesion because of the different levels of access to and consumption of energy. Harm is done to future generations because as non-renewable energy resources are depleted, future generations will have to do without these without having had a say as to how these non-renewable resources should have been used. This can also be a cause of resentment

Overuse of resources other than energy: globally, people are using other resources, which may also contain significant amounts of non-renewable materials. Harm is being done to the environment because the manufacture of products creates waste and pollution – some of which is toxic; and because when a lot of these products have been used, they are thrown away and can pollute the environment for many years to come. Harm is being done to social cohesion because of different levels of access to and consumption of such products, but also because often the waste products (both from the manufacture and eventual disposal) affect populations differently. The west often ‘ exports’ its most toxic waste products to be dealt with by people who are so poor that they have to do this to survive. Harm is being done to many people engaged in manufacturing these products because of the conditions they have to work in. Harm is being done to future generations because they will have access to fewer raw materials and they will have to deal with the after-effects of our waste. To put it bluntly: we can no longer ‘afford’ to throw things away, because there is no ‘away’; we simply store up the problem for someone else. In addition, some of the raw materials we use are rare, expensive and dangerous to mine, grow or produce; harm is being done to peoples whose way of life and whose habitat is threatened by this; harm is being done to the environment because the mining, growing and producing of such materials degrades it; harm is being done to societies because the nature of the processes and who gains from them financially leads to further inequality and to conflict.

Inequality: globally, people have access to very different levels of wealth; the differences are widening rather than narrowing and extreme levels of poverty continue to blight the lives of a large proportion of the world’s population. Harm is being done to individuals who suffer because of poverty; harm is also being done to their societies because of it. Harm is being done to the environment because

poverty is often coupled with exploitative industrial production which does not pay the same level of attention to both the health and safety of its employees or to the environment as it does to profit. Harm is being done to future generations because they continue to lack access to the basic minimum requirements for an acceptable quality of life. Harm is being done too because poverty also leads to inequality of power which divides the world into the powerful and the powerless; this can and does act as a driver for conflict.

Climate change: driven by a number of factors (population growth, the growth of global wealth, the increased use of energy, the increase in CO₂ and other greenhouse gas emissions, and the increase in mobility of people and goods) climate change is happening - notwithstanding the ongoing discussions about how much of this is man-made and how bad it is and whether we can still do something to stop it. Harm is being done to the environment because climate change leads to loss of habitat for humans and other species and because climate change becomes its own driver with changes to the global ecology. Harm is being done to people living in parts of the world which are negatively impacted by climate change because they lose their homes, their livelihoods and at times their lives. Harm is being done to communities because the consequences of climate change are conflict drivers which set one community against another. Harm is being done to future generations as we put in doubt the basis of their very existence.

The 'harm-doers'

It is always difficult to point the finger; the popular pastime of 'naming and shaming' which has become pervasive in modern society, is not something that we would want to be part of; but if we are talking about justice, to get to first base we have to talk about who is suffering and who is causing that suffering.

There have been a lot of different studies which show how the causes of the harm listed above is distributed across the world. We do not want to rehearse all this in detail here. But there are some things which it is useful to remind ourselves of: the environmental footprint – in other words the impact each of us has on the environment in very broad terms – varies greatly from one part of the world to another. There are countries, notably in North America, Europe, parts of the Middle East, which have a much higher footprint than their geographical areas can support. And there are other countries, notably in South America, parts of Africa, Australia and in the Pacific, which have an ecological footprint which is far lower than their geographical areas can support. Those whose footprint exceeds the capacity of the part of the earth that supports them can be seen as the 'harm-doers' in the context of several of the harms identified above.ⁱⁱ

Of course it is not quite as simple as that because in all parts of the world there are inequalities which need to be taken into account. The poor in the rich parts of the world are not in the same category as the rich in the rich parts of the world. The rich in the poor parts of the world also make a contribution to the harm.

Global restorative justice requires from all of us that we examine our contribution to the harm that has been caused as a result of our behaviour - acknowledgement of

that is a first step. A second step is then about engaging with those who have been harmed and with the (global) community. It requires that we hear from those who have been harmed as a result of our behaviour about the consequences of that harm and about their views of how that harm can be made good.

Those who have been harmed

We do not want to speak of victims here; but we have to put into the centre of our discussions and our concern those whose lives are fundamentally affected by all this: those who live in unspeakable poverty, those who have no access to health care, to education, to clean water, to a decent quality of life; global restorative justice must put right the harm done to them.

Those who have been harmed must have the opportunity to tell their story and to be heard; they must have the opportunity to set out their view on how that harm can be repaired; they have a right for this view to be the focus of attention and the right not to be fobbed off with what the 'harm-doers' are prepared to do or give in compensation.

The community

Who is the community? At a global level this can only take the form of some kind of global governance structure which must meet the following criteria: it must be based on fundamental human rights, it must be democratic, it must have a mechanism for the transfer of power in a democratic way, it must be open and transparent, and it must focus on the greatest good for the greatest number of people as its frame of reference.

The community must be able to ensure that agreed approaches to making good the harm are implemented and that there are sanctions in place where this does not happen.

But the community also exists on the local, regional, national, and international (but sub-global) level. At all these levels, structures of governance must be in place to deal effectively with the harm done and empowered to implement a restorative justice approach to it.

Is this realistic?

The obvious and immediate answer to the question is, of course, no. But if we do not dare to think the impossible then what we truly want will remain unachievable. This is not a blue-print for tomorrow; this is not a solution in the short term. It is an attempt to change our thinking so that justice becomes our frame of reference.

First they ignore you, then they laugh at you, then they fight you, then you win. (Gandhi)

We share a planet with each other and with other species. This planet is limited in its space, in the resources it offers and the abuse it can take. This must be our starting point. People in the developed world may all want more and more and we may all feel that is perfectly acceptable for us to have an unfair share of the riches

of our planet for ourselves (after all we have worked for it, haven't we?), but the question we must ask and answer is whether there is enough for everyone at the level we wish to consume at. We know the answer to this is a resounding 'no' and we must act accordingly.

As Friends, we believe in 'that of God in everyone'; both our testimony to equality and our peace testimony are based on this belief. We concur, on a faith basis, with Article 1 of the Universal Declaration of Human Rights: 'All human beings are born free and equal in dignity and rights'. In the face of the reality of the gaping inequalities in our world and the suffering which arises from them, we have no choice but to move our thinking towards a means of restoring some balance; of acknowledging the harm that has been done, of acknowledging our part in causing it, of accepting the need for compensation and restitution, and the need for us to learn and accept that it is those who have been suffering who must be in the driving seat when it comes to decision-making about what is to be done.

Friends have been in the forefront of moving the spirit of the age; we are called upon to do so again and with an ever greater urgency.

2217 words

ⁱ University of Suffolk, Centre for Restorative Justice, accessed on 16 January 2009 at: <http://www.suffolk.edu/research/6953.html>

ⁱⁱ For more detail on this, please see the 2003 World Consumption Cartogram available at: <http://pthbb.org/natural/footprint/>