

A restorative approach to environmental conflicts^{*}

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ABSTRACT. This paper aims to further explore alternative ways to deal with environmental crisis. The restorative justice (RJ) approach looks promising for different reasons that are considered here, namely the offenders' acknowledgement of responsibility, a non-economic understanding of compensation and the possibility to manage justice among large groups of stakeholders. As RJ is a way of managing conflict that starts by focusing on the harm caused by an offence, a more detailed understanding of environmental harm is needed to pave the way for environmental RJ. This paper offers some preliminary insights to provide a more detailed overview of environmental harm. However, not all commonly used RJ practices seem suitable for dealing with environmental harm. The emerging field of study of environmental RJ needs to acknowledge which practices could be transferred from regular to environmental RJ and which ones would be ineffective.

KEYWORDS. Environmental ethics; restorative justice; climate conflicts; environmental harm.

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1. Introduction

Conflict management is a field of research and practice under constant development. The rising dissatisfaction with traditional forms of justice has inspired the investigation of alternative ways to deal with conflicts. For this reason, attention to restorative justice is now well established. Thus, it is not surprising how in recent years, restorative practices have been applied to the most widespread and pervasive conflict of all: environmental crisis¹. Nonetheless, this field of study requires much needed further development. Therefore, in this paper, I aim to focus on some of the most pressing theoretical questions concerning environmental restorative justice. As will be made clear in this paper, these issues are related for different reasons and on different levels. More specifically, in Section 2, I further develop the concept of environmental harm and the resulting different kinds of environmental conflicts. As highlighted in Section 3, acknowledgement of any harm done is a key element of a restorative process. A more detailed definition of environmental harm and renovation awareness of what restorative justice is will be useful in finding out how such an approach applies to environmental conflicts, as discussed in Section 4. Finally, in Section 5, drawing from what is highlighted up to that point, I provide some closing remarks on environmental restoration.

2. Different Kinds of Climate Conflicts as Examples of Environmental Harm

Being an expression of applied ethics, environmental ethics relies on a contemporary understanding of ethical thought. This means that it

1 At this stage, I refer to environmental crisis according to its broadest understanding, where many heterogeneous elements (climate change, environmental quality, biodiversity, air pollution, etc.) are taken into account. It could be argued that it is difficult to assess such a complex phenomenon by referring to a single label.

sets aside the ancient approach to ethics (for example, think of Aristotelian work) where moral inquiry played an existential role in an individual's life. According to its ancient origins, ethics was more concerned with questions about the meaning of life, how to live well and how a person should build one's own character. In contrast, a more contemporary understanding of ethics reflects on the nature and outcomes of specific acts. As a consequence, this role of action guidance assumed by contemporary ethical thought draws it nearer to policy-making. Environmental ethics is no exception. Therefore, its primary concern is pointing out which human behavior benefits or harms the environment. The case of environmental harm deserves further attention:

The term "environmental harm" is used broadly to include such actions, impacts and outcomes as: environmental crime; damage to the environment; degradation and despoilation of ecosystems; injury, death and illnesses caused to human and more-than-human species; pollution; damaging atmospheric emissions; thoughtless and excess use of resources; dumping of toxic materials; loss of biodiversity and habitats; and other similar eco-destructive actions and impacts².

Generally speaking, what combines all kinds of environmental harm is that they are caused by humans. Environmental harm, then, is an umbrella term that includes all the aftermath of the environmental crisis in which we are currently living. Nonetheless, if a more detailed analysis of the concept of environmental harm is outlined, it should clearly show how this concept is far from being unproblematic. The first reason why this is the case is that acts with negative effects on the environment are collective. Consequently, it is unclear who should be considered blameworthy for such harm. Air pollution is an interesting case to examine. We are well aware of which human activities have adverse impacts on the air quality of the places where we live. We also

2 FORSYTH ET AL. 2022, 2.

know that air quality becomes harmful only beyond a certain threshold of pollution. For example, if there were only a handful of petrol cars in a large region such as Northern Europe, that would not be a problem for air quality. However, when we approach (or surpass) the harmful threshold, a problem regarding distributive justice arises. How many petrol cars should be allowed in a given area? Who is entitled to use such vehicles, and who should be prevented from doing so? Feinberg originally addressed the issue of the threshold of harm:

The legislative problems have a common form. In each case, (i) a threshold of harm is approached, reached, or exceeded through the joint and successive contributions of numerous parties. (ii) These contributions are uneven in amount, and unequal in degree of care, and in social value. (iii) In respect to the harm of pollution, each contribution is “harmless” in itself except that it moves the condition of the environment to a point closer to the threshold of harm. (iv) When these accumulations cross the harm-threshold, they constitute *public* harms in that they set back vital net interests shared by almost everyone. (v) Most of the activities that produce these contributions toward pollution are so beneficial in other ways that if they were to be prevented entirely, as a group, the resultant harm to the public would be as great or even greater than the harm they now produce³.

For these reasons, accumulative harm seems particularly problematic from a moral perspective. Moreover, the relevant issues brought to our attention in environmental ethics are often of this kind. Collective agency is often entangled with problems of accountability, making it more difficult to identify who is the one to blame. Situations of accumulative harm stress the problems of collective agency to a greater degree. If we focus (granted that we can scientifically do so) on those specific acts responsible for surpassing the harm threshold, it

3 FEINBERG 1984, 30.

would be easier to determine who is accountable for making the circumstances generally harmful. This way, the accountability problem would be dispelled. Nevertheless, if we artificially narrow our attention to single acts in such a way, we would lose sight of the bigger picture of environmental harm. We would miss the relevant fact that blameworthiness for environmental harm applies to everyone who has made it possible to surpass the threshold. Since it is not possible to further specify “everyone”, the problem of accountability still holds because the collective nature of acts that generate environmental harm seems to be the most important aspect. Everyone is to blame for environmental harm.

Whatever definition of harm we adopt, we know that harming someone or something generates a conflict (this is further discussed in the next section). This applies to conflicts in general, and environmental conflicts are no exception. Thus, focusing on the harm–conflict correlation is a necessary step in the management of environmental harm. It is worth asking: What is an environmental conflict? It is evident that not all environmental conflicts are of the same kind. The answer to this question then requires further specification according to two main features: 1. the proximity with the harmed subjects and 2. the reach of the harmful behavior. First, environmental harm can be aimed at a specific subject who is directly affected by some environmental offence. This generates a *direct environmental conflict*, where it is quite clear who has caused the harm and who (or what) suffers from it. Environmental harm can also trigger conflicts that are by-products of the original wrong behavior, resulting in *secondary environmental conflicts* where it could be more complicated to point out relevant roles played in initiating the conflict. Moreover, environmental conflicts can be analyzed from the perspective of those affected by the harm⁴. To do so, we could refer to

4 White suggests, «Harm– an actual danger or adverse effect, stemming from direct and indirect social processes, that negatively impinges upon the health and wellbeing and ecological integrity of humans, specific biospheres and nonhuman animals.» (WHITE 2013, 13).

an established distinction among different environmental viewpoints⁵: 1. the *anthropocentric* perspective used when a conflict is analyzed according to how much it affects human lives, 2. the *biocentric* perspective when all forms of life (human and non-human) are taken into consideration and 3. the *ecocentric* perspective when harm to the environment as a whole becomes relevant. Accordingly, *anthropocentric*, *biocentric* and *ecocentric environmental conflicts* are all understood by the primary target (human or non-human) of environmental harm.

The combination of these features can be grouped into six different kinds of environmental conflicts. **Table 1** provides a visual recap of the combination of the two relevant features of environmental conflicts. Specific conflicts are mentioned here for a mere explanatory purpose. Other environmental conflicts could certainly be identified.

Table 1: Different Kinds of Environmental Conflicts		
	<i>Direct Conflict</i>	<i>Secondary Conflict</i>
<i>Ecocentric (harms the environment)</i>	Deforestation	Climate change
<i>Biocentric (harms human and non-human life)</i>	Fur clothing manufacturing	Species extinction due to lack of appropriate habitat
<i>Anthropocentric (harms humans)</i>	Land grabbing	Environmental migration

According to this outline, climate change is an example of a *secondary ecocentric environmental conflict*, where the reach of

5 HALSEY & WHITE 1998, 348

repercussions is as wide as possible (ecocentric perspective) and where specific offenders are not easy to identify. The reason for this is commonly attributed to the fact that this conflict arises as the aftermath of decades of collective acts that have ruthlessly exploited natural resources. A similar situation is provided in the case of environmental migrations. This example of *secondary anthropocentric environmental conflict* presents analogous difficulties in the identification of a specific offender, thus leading to the famously controversial issue of who is supposed to take care of environmental migrants. As I shall show in more detail in Section 3, traditional forms of justice rely on the attribution of moral and legal responsibility. If the determination of responsibility is complicated, then conflict-management practices that rely on this prove to face related challenges. In contrast, the three examples of *direct environmental conflicts* proposed in **Table 1** appear to deal with an easier task of identifying victims and offenders. Be it a specific company (in the case of deforestation), fashion apparel manufacturer (fur clothing manufacturing) or economic power (land grabbing), *direct environmental conflicts* are defined by a much clearer conflicting relation between offenders and those who are harmed by their behavior. These differences should also suggest how not all environmental conflicts can be tackled with the same approach to justice⁶. It is noteworthy that not all environmental harm is prohibited per se. For example, think of the *direct biocentric environmental harm* that is accepted in animal food production. Even if this view is increasingly controversial in western countries⁷, it has traditionally been the case where a certain degree of environmental harm (in terms of animal suffering, intensive farming, food supply of livestock, etc.) is permitted for the sake of omnivorous nutrition.

In fact, many of the environmental conflicts sketched here are related; thus, it is likely that reality presents a situation where it is

6 This is further explained in Section 4.

7 Plant-based food production has dramatically risen in recent years (see McCLEMENTS & GROSSMANN 2022).

much more difficult to distinguish conflicts according to these six categories. However, it is clear that we generally perceive these conflicts as forms of injustice, but then, at least two questions arise: again, who is to blame for these injustices? What can be done to render justice? The widespread (at least in western societies) approach to justice is retributive, consisting of tracing direct responsibility for the unjust deeds and then demanding (even coercively) a form of compensation. This form of justice is addressed as *retributive justice* and relies on the identification of a specific responsible subject called an *offender*, who is considered guilty and expected to pay what is due. As I shall point out in the next Section, the intuitions that constitute the theoretical framework of *restorative justice* challenge the retributive approach to justice. For now, it is important to emphasise that the climate conflicts outlined above would hardly be managed by a retributive approach to justice, mainly because of the lack of (or at least the difficulties in pointing out) a specific offender. This is a common problem regarding collective agency⁸. Again, who is to blame for climate conflicts, and which forms of compensation can be proposed? The need to identify explicit roles in the conflict challenges the traditional idea of justice, which seems to be particularly problematic in cases of climate conflicts. This is the case for at least two reasons. In climate conflicts, it is difficult to single out specific offenders due to their out-of-scale magnitude and challenging to define what a just sentence would require in order to render justice. This is the question that needs to be addressed: Which understandings of justice, alternative to the traditional one, are available?

8 This is quite evident in situations of transitional justice. The now-classic example is provided by the South African political transition in the post-Apartheid era. The racial segregation that took place in South Africa from 1948 to 1991 has all the elements to be considered a collective act that harmed entire communities. The unsatisfactory attempts to deal with the issue through a traditional approach to justice inspired the thought of Desmond Tutu and Nelson Mandela that led to the constitution of the *Truth and Reconciliation Commission* (TRC) as an innovative way to address collective harm in a restorative fashion.

3. A Phenomenological Approach to Justice

Over the past 50 years, we have witnessed the western scientific acknowledgement of restorative justice theory. This is a different approach to justice that many non-western cultures have adopted for millennia (most notably, but not exclusively, the North American First Nations and the Māori of New Zealand). Starting from the second half of the 20th century, western scholars in the field of criminology have started to reflect on the concept of sentencing, particularly on the experience of detention. Among them, Howard Zehr (even if not the first one to refer to such a theory⁹) is considered the godfather of the western theorization of restorative justice. His analysis of restorative practice relies on one major insight— crime is not primarily a matter of breaking the law but about harming victims. Accordingly, the justice process should be concerned with the acknowledgment of the needs of those who have been harmed in order to take care of such needs. In these terms, justice becomes restorative. Much more could be said to further define restorative justice, but for the present work, I focus on a specific element derived from Zehr's theory:

I would suggest that we define crime as it is experienced: as a violation against a person by another. Crime is a conflict between people, a violation against a person, not an offense against the state. The proper response ought to be one that restores. In place of a retributive paradigm, we need to be guided by a restorative paradigm¹⁰.

According to Zehr, a restorative approach to justice must be concerned with how a specific conflict is experienced by the victim. I think that such an approach can be defined in terms of a phenomenological method of addressing crimes. It is not a matter of an impersonal law upheld by an impersonal entity (the state); rather, it entails taking into

9 EGLASH'S (1958) study is regarded as the first one dedicated to the subject.

10 ZEHR 1985, 12.

account a specific victim's perception of a distinct crime. The opening question here is a consideration of what it is like to have experienced the conflict from the victim's perspective. Restorative justice then aims at the personalization of justice by focusing on conflict as perceived by those who have suffered the consequences of criminal behavior. For this reason, the starting point is not a question about broken laws but an acknowledgement of the victims' experiences, the harms they have endured and their needs. For this reason, I take restorative justice to be a phenomenological approach to conflict management.

The conceptual comparison with the traditional retributive justice system can be expanded to other core elements of a justice process. Let me briefly mention how conflict is understood in restorative terms. Following what I have called "a personalization of the justice process", a conflict does not constitute a mere infringement of an impersonal law. In restorative terms, conflict is better comprehended as relational malfunctioning¹¹. Given the aftermath of the conflict, the relationships of those involved are adversely affected and do not appear to work as in the pre-conflict situation. Rendering justice is a matter of acknowledging what factors affected these relationships and doing as much as possible to put things right. This is where restorative justice theory reveals its moral concern at its fullest. The core element of the transition from injustice to justice lies in the appreciation of others' value. If this is not the case, the process of doing justice cannot take place, and the support of a trained restorative justice facilitator is needed. This role can be briefly outlined as follows: Facilitating a restorative justice process involves applying different techniques that could help offenders acknowledge the value of those who have been harmed by their behaviors. Such a role, as it might already be apparent, would be useful in environmental issues as well.

Restorative justice entails acknowledging harm and identifying the most effective ways to address such harm. Bearing in mind the overview of the different types of environmental harm outlined in the previous section, we could now see how restorative justice can play a

11 GRIGOLETTO 2019, 78ff.

role in addressing the environmental crisis. In recognizing the eventual role of a restorative approach, we should also keep in mind that practices might have outpaced theoretical works such as the present one. As is often the case in restorative justice, practices tend to show restorative features, even without an explicit endorsement of restorative justice theory. It seems to be the case in the *Revive and Restore Project* that makes this statement as one of its core values: «We believe humans have a responsibility to do what we can to protect threatened and endangered species»¹². In pure restorative fashion, this is the endorsement of humans' responsibility for taking care of biodiversity as a consequence of the related acknowledgement of humans' perpetuated threatening of that very same biodiversity. We could argue further by claiming that this is not a mere acknowledgement of responsibility. Shame and contempt for one's own actions (collective action in the case of the biodiversity threat) could be major driving factors underlying offenders' restitution.

The increasing emergence of similar projects suggests that environmental restorative justice needs to be investigated further. As I point out in the next section, the current environmental crisis urges us to consider restorative insights in the environmental disciplines from both theoretical and practical perspectives.

4. Environmental Restorative Justice and Climate Conflicts

Environmental restorative justice is a fairly new subject of academic inquiry. It is safe to say that no more than six years ago, the term was not explicitly adopted in scientific debate. Nonetheless, as is often the case in restorative justice, practices have outpaced theories. We can find pioneering examples of environmental restorative practices even prior to more recent years. Still, these praiseworthy examples are far

12 <https://reviverestore.org/what-we-do/> (accessed on May 22, 2024).

from being the norm in environmental conflicts¹³. What is important to stress here is that in restorative terms, environmental conflicts show how our relationship with the environment is unsustainable. As of now, this relationship does not work and will not make life on earth endure at its present state. Table 1 shows different environmental conflicts that– through the lens of restorative justice– present different kinds of relationships that need to be addressed. Differences in environmental conflicts also suggest that we might want to adopt different tools of restorative justice in order to deal with them properly. In pure restorative fashion, not all conflicts should be addressed in the same way¹⁴.

Nonetheless, as asked by Victoria¹⁵, «how do you apologize to a river?». A promising starting point to further develop the theory of environmental restorative justice is this now-classic statement made in the early stages of applied ethics:

Every living thing is its own end which needs no further justification. In this, man has nothing over other living beings – except that he alone can have responsibility also for them, that is, for guarding their self-purpose.¹⁶

This means that while environmental ethics often urges the abandonment of an anthropocentric perspective and the adoption of a broader viewpoint, this is not the case when it comes to environmental responsibility. The issue of liability (whether moral or legal) in cases of environmental harm should always be addressed from an anthropocentric standpoint. However, what changes within a restorative framework is that responsibility is not attributed to

13 In December 2010, more than 400 manufacturing companies gathered in the Consumer Goods Forum claimed the following: «We pledge to mobilize resources within our respective businesses to help achieve zero net deforestation by 2020» (THE CONSUMER GOODS FORUM 2018, 4).

14 This might also suggest that it would be the case to open the floor to other approaches to justice, including a more traditional form of retributive justice.

15 VICTORIA 2021. I became aware of Victoria's short story by reading AMPARO ET AL 2022.

16 JONAS 1984, 98.

someone but always acknowledged *by* someone¹⁷. This then substantially changes the answer to the question of how to do justice. Restorative conflict management cannot be extorted; rather, it needs to be chosen by the affected stakeholders. This leads to a more general remark for environmental restorative justice: the first thing to be done is to increase social attentiveness to environmental harm. If awareness about the needs of the environment is not well established, then restorative justice cannot be applied. This point also leads to a general comment on the role of practitioners in the field of environmental restorative justice: the primary task of a facilitator is to help in developing a well-established attentiveness to environmental harm at all its levels. In sum, in environmental restorative justice, acknowledgement of responsibility is always anthropocentric, while attentiveness to harm should be ecocentric, biocentric and anthropocentric (**Table 1**).

Given these preliminary remarks regarding a theory of environmental restorative justice, it is now important to address the most evident theoretical problem. Restorative justice has become popular as an attempt to move away from the impersonal traditional approach to the conflict management provided by retributive justice. We shift from an offender-centred perspective to a victim-focused one, from law infringement to attentiveness to harms and needs. According to the restorative approach, justice can be managed in the encounters

17 This assertion constitutes one of the most evident differences from the widespread retributive justice system where responsibilities are determined by a neutral entity that is not involved in the conflict. Environmental issues are not excluded from this procedure of conflict management. Take for example the document of the *United Nations Framework Convention on Climate Change* issued in 1992, where it had been claimed that responsibilities may vary: «The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities» (Article 3). While this is certainly true, in the same document, we can find a precise list (Annex I) of countries that are considered to have greater responsibility for climate change and are consequently expected to do more in order to address the environmental crisis. It could be argued that this is closer to the retributive approach to justice rather than to a restorative one.

among offenders, victims and affected communities¹⁸. In this way, justice is personalized and embedded in specific relationships among the stakeholders in a conflict. The case of environmental restorative justice is then problematic as it pledges to address the widest conflicting collective act in the history of humankind. A similar theoretical challenge is recognized by Almassi, who highlights, in different ways¹⁹, the complexity of environmental conflict management:

We stand in different kinds of relationships with the members of what Leopold (1966) calls our *biotic community*. There is no one way to understand relational damage or enact relational repair that applies uniformly across all of our environmentally significant relationships. This is no less true for climate injustice than other environmental wrongdoing, where the relationships between perpetrators and victims cut across not only international, intercultural, and interspecies boundaries, but intergenerational ones as well.²⁰

The most considerable theoretical problem is then provided by my suggestion to apply a relational conflict-management procedure (restorative justice) to a conflict that extends across the globe and over different times.

I now provide a few theoretical insights that can help address this problem by focusing on the elements that define environmental conflicts as outlined in **Table 1**. First, how does environmental restorative justice cope with *direct environmental conflicts*? This sort of conflict appears to be less problematic than anticipated since it is possible to identify the different stakeholders that would ordinarily be involved in a restorative practice. In *direct environmental conflicts*, it is clear who should acknowledge responsibility (even if they do not),

18 The comparison between the two systems could go on. Again, for this focus on the theoretical shift between different systems, I am indebted to ZEHR 1985.

19 See also ALMASSI 2020.

20 ALMASSI 2022, 205.

who have been harmed and which are the communities where the conflict has taken place. Even if the large number of subjects involved could make the application of restorative justice tricky (further discussed in the following paragraphs), the regular subjects of a restorative encounter can be determined. In fact, restorative justice can here be even more effective than traditional forms of justice whenever they provide impersonal compensation:

We see this distinction most starkly when we note that compensation may be given to a victim by a third-party. Reparations, however, can only be successfully offered by those responsible for the harm; the injury creates an 'affinity' between them. In cases where certain agents are found to be responsible for some harm, third-party compensation may be insufficient.²¹

For example, think of a case of a car accident where someone, due to reckless driving, severely injures a bystander. The victim of such blameworthy behavior will certainly benefit from some sort of financial compensation administered by an impersonal entity (the state) and provided by a third-party (the driver's insurance company). However, this might not be enough for the victim to consider oneself at ease with what happened. The victim might want to know the reasons behind that reckless behavior by the driver or hear the offender acknowledge full responsibility or receive the latter's sincere apology. These are the regular outcomes of restorative justice; in fact, they are not limited to mere compensation (again, this can also be done by a third party). Unlike other conflict-management approaches, what restorative processes provide to victims is accountability for what they have suffered. According to this approach, the acknowledgement of liability is precisely what contributes to justice, which is also what occurs in environmental restorative justice.²²

Secondary environmental conflicts are harder to deal with according to

21 BUXTON 2019, 199.

22 ALMASSI 2022, 2012.

the restorative paradigm. The main reason for this can be that while victims and affected communities can be identified, it is more complicated to pinpoint offenders. This happens mainly because environmental conflicts expand over time to a point where it is more difficult to track down the originating causes of a specific harm. Moreover, even if we would be able to go back to what and who specifically initiated a given conflict, another problem would arise from a restorative perspective: there might not be temporal overlap between the offenders and victims of a particular environmental crime so as to make it impossible to implement a restorative encounter between the stakeholders²³. If this is the case, what then can be done from the standpoint of environmental restorative justice? To answer this question, I refer to two philosophical insights previously mentioned: 1. Collective agency entails collective responsibility (see Section 2); 2. As Jonas stated²⁴, human responsibility is open-ended in a way that non-human responsibility is not (see above in the present section). These remarks should pave the way for a community-based response to the question of what can be done with *secondary environmental conflicts*. Even if specific offenders are already gone (or difficult to identify), present victims can benefit from a whole community taking care of their needs. A social commitment to address environmental harm can then take the form of restorative practice in the offender's absence. In these terms, environmental restorative justice is all a matter of existing people who accept to take past responsibility upon themselves. The most common example²⁵ of this restorative behavior is represented by the many groups of volunteering eco-activists who pledge their free time to picking up litter from natural sites. Even if they are not directly responsible for

23 However, it is worth noting (as in ALMASSI 2022, 213–4) that this is precisely what Greta Thunberg questioned in her 2019 UN's Climate Action Summit: we live in a time where there is temporal overlap between climate offenders (older generations) and victims (younger generations). In these terms, a restorative encounter would be theoretically possible.

24 JONAS 1984.

25 Again, it worth noting how restorative practices often precede a possible theoretical explanation according to the theory of restorative justice.

the littering, they acknowledge human responsibility and address an environmental harm. Accordingly, as anticipated above, environmental restorative justice facilitators would perform the role of disseminating the need for social acknowledgement of past environmental responsibilities. In my opinion, this is where environmental restorative justice requires an extensive adjustment of regular restorative justice theory.

We can adopt a second perspective to address the main theoretical problem of environmental restorative justice by focusing on the different tools that are typically employed in restorative practices. Restorative justice guidelines tend to identify three main groups of processes that are usually adopted in restorative conflict management²⁶: 1. victim–offender mediation (VOM), 2. restorative conferencing and 3. restorative circles. Given the theoretical problems outlined above and the specificity of environmental restorative justice, it is necessary to ask which restorative processes are more appropriate for environmental conflicts. Despite being the primary restorative tool in European countries, VOM appears to be the least promising in dealing with environmental conflicts for at least three reasons:

1. VOM encounters would be too many. This is a process that, par excellence (and significantly more than the others), relies on a personal and definite encounter (or series of encounters) among the affected stakeholders. Given the extent of environmental conflicts, VOM seems hardly feasible.
2. VOM encounters would be difficult to arrange. This process is successful to the extent that a meeting is set up (whether direct or indirect) between the stakeholders in a given conflict. Given the difficulties in precisely tracking down environmental offenders, successful VOM seems scarcely attainable.
3. VOM encounters would not have appropriate timing. This is a

²⁶ Different guidelines are usually in agreement on this matter. See, for example, the *Handbook on Restorative Justice Programmes* (24ff) issued by the United Nations Office on Drugs and Crime in 2020.

process in which acting at the proper time is crucial. VOM encounters need to adjust to a schedule that favors the meeting between offenders and victims. Given the extended timespan of environmental conflicts (and sometimes the asynchronicity of the stakeholders), VOM appears to be hardly effective.

In the context of environmental restorative justice, more community-focused processes look more promising²⁷. This is the case of restorative conferencing and circles where the process is dedicated to involving a larger number of stakeholders. It is not the case that these processes have become popular in dealing with conflicts between communities (again, as in the case of *Truth and Reconciliation Commission* in the post-Apartheid era). According to what is outlined in this section, I suggest that environmental restorative conferencing and circles are better suited to generating a restorative outcome.

5. Conclusion: Some Remarks on Environmental Restoration

Up to this point, it is safe to claim that environmental restorative justice cannot simply implement regular restorative justice without any theoretical qualification. It is also clear how not all restorative processes are suitable for achieving an environmental restorative outcome. It is then important to acknowledge how environmental restorative justice not only firmly challenges the approach of western criminal justice, but it also revises, to a certain degree, restorative justice in itself. Nonetheless, I believe that the application of restorative processes to environmental conflicts (whether *direct* or *secondary*) is worth pursuing. As is often the case in restorative justice, it is not a matter of which conflicts are suitable for this alternative

²⁷ For a detailed definition of how these two kinds of practices work, see *Handbook on Restorative Justice Programmes* (2020, 27-33).

approach²⁸. Rather, it is about finding the appropriate combination of stakeholders that can endorse restorative principles and accordingly acknowledge what needs to be done to put things as right as possible.

However, environmental restorative justice does not fit easily in the theoretical debate. The very idea of environmental restoration has been the target of philosophical criticism for decades. Eric Katz outlined his original criticism of environmental restoration in his seminal paper, *The Big Lie: Human Restoration of Nature*²⁹ (1992). In a reprinted publication, he writes:

Nature restoration is a compromise; it should not be a basic policy goal. It is a policy that makes the best of a bad situation; it cleans up our mess. We are putting a piece of furniture over the stain in the carpet, for it provides a better appearance. As a matter of policy, however, it would be much more significant to prevent the causes of the stains.³⁰

The idea that preventing causes would be better than managing conflicts is an opinion that we can agree with. Nonetheless, in the current environmental crisis, we need to do both. Katz's critique of environmental restoration goes even further. The core of his argument against the restoration of nature is summed up well in these lines:

Nature restoration projects are the creations of human technologies, and as such, are artifacts. But artifacts are essentially the constructs of an anthropocentric world view. They are designed by humans for humans to satisfy human interests and needs. Artifactual restored nature is thus fundamentally different from natural objects and systems which exist without human design. It is not surprising, then,

28 In fact, there is a vast array of examples of restorative practices applied to different degrees of conflicts, from trivial quarrels to serious crimes.

29 KATZ 1992.

30 KATZ 1997, 106. I have consulted a later reprint of the paper contained in a later book. However, further essays by Katz followed his original critical insight, endorsing and developing upon it (see, e.g., KATZ 2012).

that we view restored nature with a value different from the original.³¹

And he reiterates:

Once we dominate nature, once we restore and redesign nature for our own purposes, then we have destroyed nature. We have created an artifactual reality, in a sense, a false reality, which merely provides us the pleasant illusory appearance of the natural environment.³²

Katz's argument relies on two claims: 1. the difference between natural and artificial entities and 2. the idea that restoration means going back to the original state. Regarding the first claim³³, the insight that we can draw is that natural and artificial (human-made) entities are different in nature. Hence, we cannot think of making up for the first one by introducing human-made elements (i.e., of a different sort). In brief, human restoration cannot but be an anthropocentric operation that converts the restoration of nature into a «big lie». For the sake of the present work, the second claim deserves a more detailed discussion.

In some aspects, Katz is certainly right. Many natural environments are irremediably compromised and cannot be restored. However, what I challenge here is the idea that restoration entails the goal of bringing back some original status. The theory of restorative justice can be helpful in this case. As I have claimed elsewhere³⁴, the idea of restoration that grounds restorative justice is quite different from mere renovation. To better understand this point, it is useful to resort to an analogy with the concept of health. In his book, *Le normal et le pathologique* (*The Normal and the Pathological*), Georges Canguilhem, a French physician and philosopher, describes health as follows:

31 KATZ 1997, 101.

32 KATZ 1997, 105.

33 This is a large area of philosophical inquiry that I would not be able to properly discuss here.

34 GRIGOLETTO 2019, 79.

The state of physiological plenitude (“the healthful condition” [in Ivy’s work]) is defined as a state of equilibrium of functions that are so integrated that they gain for the subject a large measure of security, a capacity for resistance in a critical situation or a situation of force.³⁵

Accordingly, recovering from an illness does not necessarily mean returning to the pre-pathological state. This might not even be achievable in cases of severe injuries. Being healthy is a matter of physiological balance. Similarly, I maintain that restoration is better understood in terms of regaining balance. When we stumble and ultimately regain balance, our posture is different from the one we had before stumbling. Restoration is then a matter of finding a new balance rather than bringing back the pre-conflict scenario³⁶. This applies as well to the idea of environmental restoration that grounds the present work. This theoretical remark is recalled in the very use of the word *restoration* in the English language. To restore *something* refers to the restoration of a former status. However, when we switch from an object to a subject, the meaning is slightly different: restoring *someone* (e.g., when recovering from an illness) alludes to the idea of finding a new balance, as I have recalled in this final section. Environmental restoration is then much more similar to the restoration of a subject than to the renovation of an object. The same conceptual remark can be made for the conflict-management goal set by restorative justice in general. Understood in these terms, environmental restorative justice can certainly play a role in addressing the current environmental crisis.

35 CANGUILHELM 1991, 266.

36 I realize that the notion of *restorative balance* would need further specification. At this point, it is sufficient to consider this a kind of ethical balance, that is, a situation where there is mutual respect and acknowledgement of the other’s value among those involved. Restorative justice is grounded on the belief that reaching a situation of ethical balance will give rise to restorative actions that address specific needs.

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