

Restorative environmental justice: An introduction

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We live in the Anthropocene, the era of history when humankind dominates nature, when human kindness to nature withers, especially as machine bureaucracies of production lines, commodified institutions and blitzkriegs of war machines displace organic organisations that flourished relationally through interconnections among and between human worlds and the worlds of the land and the sea.

Climate change, species loss, growing and urbanising populations, diffuse sources of pollution and predatory capitalism are all placing increased pressures on our natural and built environment, often leaving the most marginalised communities to bear the worst of the burden of environmental pollution.

Repairing harm

Restorative environmental justice is philosophically much more than a set of techniques for doing justice for the environment in a more relational and emotionally intelligent fashion, though it is that as well.

It is about repairing the harm of the Anthropocene. It is about healing earth systems and healing the relationship of humans with nature and with each other. Because the relationship of human domination developed during the Anthropocene, restorative environmental justice should also be about humbling humans' domination of nature. It is about tempering human power over earth systems and domination of the powerful over the less powerful. It seeks to advance the imperative to harness collective human power to forge a new vision of humankind as bearing a harmonious, restorative relationship with nature and with each other. It is about a humanly articulated future that is healing and relational.

This must involve a transformative mobilisation of the restorative power and the restorative imagination of humankind. It involves the insight that, by being active

citizens of the planet, by participating in the project of healing our natural world, we heal ourselves as humans who only have meaning and identity as part of that natural world.

Restorative environmental justice means, for example, a massive human-led reforestation of the planet and investment of human resources in seeding those renewed forests with species that have become endangered thanks to human domination. It means following the Chinese example of building 'sponge cities' that capture and clean every bit of run-off from the city's paths, roads, buildings and gutters and returning some of that city water to river systems that need more water to survive. It means more circular systems of using water in agriculture that take less water from those same endangered river systems. It means more circular re-use of waste so it does not find its way into rivers. It means restorative human steering the circle of warming that links the sun to the earth — steering some of the sun's heat to human projects of cooling the earth system.

Transformation

Restorative environmental justice requires a human-led transformation of the shape of our economy, so we grow our well-being and continuously grow non-exploitative employment — not by increasing the consumption of goods, but by increasing the consumption of services. Increased consumption of health, education, care and disability services is structurally critical to shape-shifting. More teachers, nurses, child care, aged care and environmental care workers do not carbonise the atmosphere in the way more cars, coal, houses and plastic straws do.

By restoring nature through economic shape-shifting that favours growth in services over growth in goods, we can better restore ourselves with enriched human services. The type of linking of guarantees of universal human welfare with environmental goals by leaders such as those developing the Green New Deal demonstrates a commitment to the entanglement of human and planet well-being that is at the centre of restorative environmental justice.

When it comes to environmental regulation, *restorative environmental justice* is about strategies that motivate businesses with this ethics of care for the environment. It invites business to a cultural transformation at the restorative base of responsive environmental regulatory pyramids, where whole workforces commit to environmental stewardship, to healing the hurts of business domination of nature.

That in turn requires conversational regulation as the preferred initial modality of regulation, over hectoring or punitive harassment of business.

This means that when environmental harm occurs, the environmental regulator harnesses the power of motivational interviewing with questions like: '*Why do you think you would want to commit as a workforce to this form of environmental stewardship?*', '*What would be your preferred pathway to that stewardship?*' Of course, when firms are ruthlessly committed to a trajectory that fails to come up with credible answers to these questions, as coal-fired power-plants are bound to do, then environmental regulation must shut them down at the peak of its enforcement pyramid.

Enforced corporate capital punishment is something the restorative environmental regulator hopes will be averted by the ethical choices of corporations to steer their investments away from carbon to renewables, and through leadership with green innovation that takes the economy up through new ceilings of environmental excellence. Corporate leaders might then become moral exemplars of the rewards of the shape-shifting economy that eventually drags corporate laggards up through those same ceilings.

The motivational interviewing approach to restorative regulation is about seeing the inferiority of dragging business kicking and screaming to environmental compliance compared with the superiority of business commitment to the virtue of being custodians of the earth. As more businesses make that commitment shift, laggards eventually become dinosaurs, outliers of an old economy that renewable markets eventually drive to extinction.

Regulation

Regulation is imperative, however, because the markets adapt to looming crises too slowly to avert them, whether they are environmental or economic crises, and those harmed first are the most marginalised and leading the most precarious lives. While *restorative environmental justice* is about the idea that steering markets is imperative, its key hypothesis is that a presumption in favour of relational steering works better, but only if it projects the inexorability of regulatory pressure that will get more and more relentless until a stewardship shift occurs. It also creates space to question and challenge our regulatory institutions to respond to new challenges in courageous and impactful ways, rather than to rely on risk management strategies that lose sight of the overall goals.

Fertilised

Restorative environmental justice sprouts from soil tended and fertilised by generations of indigenous communities, community activists, creative judges and lawyers, visionary corporations and committed conservationists. Those seeking to expand *restorative environmental justice* would do well to heed the successes and failures of these groups in their experiments with restorative values such as meaningful participation in decision-making, inclusion, respect, dialogue, trust and seeking accountability. These histories are documented by scholars in the fields of environmental justice, participatory conservation, green criminology, new environmental governance and social license to operate.

They have shone the spotlight on the tentacles of power and privilege and social injustice entrenched in existing political and economic structures and highlighted the re-distributive imperatives associated with sustainable climate action. Aiding these diverse actors toiling towards the ultimate goal of restoration of the planet is one of the greatest tasks for *restorative environmental justice*.

Restorative environmental justice is a richly hybridised and pluralised endeavour in which new ways to think about scale and complexity require interdisciplinary flexibility and drawing from ancient Indigenous traditions as well as cutting edge scientific developments.

New questions

The context of the environment poses particular new conceptual considerations for restorative justice. These include questions such as:

- *Who are the victims of environmental harm?*
- *Who should have a voice in restorative processes?*
- *Who can speak on behalf of future or past generations and of nature/ more-than-human (animals, plants, rivers, land, places)?*
- *How is harm measured, and what account can be made of future harm?*
- *Can irreversible environmental degradation be healed, and if so, how?*
- *Can restorative justice simultaneously safeguard communities and the environment when their interests seemingly diverge and even collide?*

Many of these questions are addressed by others who came together at KU Leuven in April 2019 for an inspiring meeting of many thoughtful minds. They sought to share in

the project of building a restorative environmental justice. That project is being further developed both in the scholarly context and in real-world practices where innovation and the seemingly impossible are always, magnificently, present.

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