

CONVERSATIONS ON RESTORATIVE JUSTICE

A talk with Rob White

Albert Dzur*

Rob White is Distinguished Professor of Criminology at the University of Tasmania, Australia. The author/editor of over 40 books and over 250 articles and book chapters, White is a leading figure in Australian criminology and a pioneer of green criminology internationally. His research is focused on social and ecological justice, criminology and youth studies. He collaborates on transnational law enforcement and is also interested in innovative justice, particularly restorative justice, rehabilitation and desistance from crime. White is a founding member of the International Working Group on Green Criminology, a former executive member of the Australia and New Zealand Society of Criminology, former member of the Tasmanian Sentencing Advisory Council and editor-in-chief of *Forensic Science International – Animals and Environments*.

1 A passion for environmental justice and increasing support within criminology

Dzur: When did you first start thinking about green criminology and environmental justice?

White: I have been interested in questions related to the environment for decades. As an academic, you tend to get pigeonholed quite early in your career. I started off doing a lot of stuff in youth studies and juvenile justice, which ironically enough exposed me to restorative justice in a variety of ways, particularly here in Australia and New Zealand. I made a career decision to move to Tasmania just over twenty years ago precisely so that I could more directly pursue my interests in the environment. That turned out to be a really good move – to follow my passion. That's a lesson that I learned a bit later in life I guess, but I think it is a true lesson. Especially for young scholars and researchers, while it may seem strategic to work with what other people are putting forward as a key agenda, at the end of the day it is better to follow *your* passion because ultimately that will not only make you happy but also bring out your expertise.

Dzur: Was there an event or person that catalysed this shift? Something that helped spark the realisation, 'I need to devote more time to environmental justice?'

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White: At one level no, because I've always been interested in the environment. I was born in Germany, grew up in Canada, lived most of my life in Australia, and for 21 years now, I have been a proud Tasmanian. The importance of that brief biography is that I tend to have a cosmopolitan view of justice and of the world in general. I did not grow up with a punitive regime in mind, and I am used to looking around at different kinds of systems. In the world map in my study, Australia is in the centre and I view the two halves of the world from this perspective. I like to show people from the Northern Hemisphere this because often your maps show us as being on the periphery. In my map, we are at the centre and I am looking at the whole world – the Americas, Europe, Africa and Asia. Cosmopolitanism is really important to my perceptions of environmental issues as well as notions of justice.

There is a specific event that helped trigger some of my interests in dedicating academic time to environmental issues. Around 1997 to 1998 there were a series of warnings issued to the people of Sydney affecting between two and three million people. These were warnings to 'boil your water' because it had cryptosporidium bacteria in it. I thought it was extraordinary that just a few years before the Sydney Olympics in 2000 they were telling the Sydney residents that the water has been contaminated. My first environmental piece was on Sydney's water. That was a defining moment in the sense of putting this broad perspective into tangible outcome.

Dzur: Criminology is an unusual base to pursue this agenda, simply because the discipline typically focuses on harms done to other human beings. Have you faced resistance within criminology or rather is it a welcoming environment to pursue environmental justice?

White: Let's contrast twenty years ago. Just by chance, the Australia and New Zealand Society of Criminology conference was here in Hobart some twenty years ago and I was the convener. I organised a green criminology session on environmental issues and two people showed up: myself and the other presenter. Now, if you go to a criminology conference in the United States, the United Kingdom, Europe and elsewhere, there will be multiple workshops. And our work has featured in the presidential plenaries of the American Society of Criminology and I was a keynote speaker last year at the British Society of Criminology conference, presenting on the topic of climate change.

These issues have come up not just because of the people who have been working in the area; it's because the issues have become so dire that nobody can ignore them. I've seen in the last twenty years a tremendous growth in research and scholarship in the area of green criminology. This is partly driven by a few motivated people who have been doing this stuff for twenty years and trying to build networks and communities. That's an important part of the picture, but really it is that the global situation has changed so dramatically in the last 50 years, but particularly in the last two decades, that we just cannot ignore it. There is still resistance within criminology and certainly within criminal justice, but worldwide you find pockets where there is a greening of justice in terms of

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institutions, and you see much more integration of eco-centrism in legislation and in judicial decision-making.

Dzur: Where you do sense resistance and what are the causes? Does it stem from a kind of humanitarianism: let's focus on the people hurting people first and then once we've gotten that sorted out let's move to the environment? Or are there other sources of resistance?

White: I think the resistance is mainly institutional inertia. In the opening pages of my book, *Climate Change Criminology* (White, 2018), I talk about how in mainstream criminology everybody is tied up in their particular area of interest, similar to the way I started out mainly focusing on juvenile justice. You get locked in early in terms of career trajectory and it can be hard to break out. And likewise, institutionally – when people think of criminology they think of human victims, perpetrators and offenders. It took many years before we could get a sustained discussion of white-collar crime and state crime. I think it is institutional inertia within the field, but the field is also influenced by having to respond to trends such as hyperincarceration in countries like the United States and more recently in Australia.

People have not been able to pivot quickly to the other key issues of the day. That is partly an indictment of academia, but it is also a manifestation in my mind of a narrow research focus within academia. Academia is defined now by grants and by very narrow research boundaries for your particular project. The role of academics as *intellectuals* has been diminished substantially in the last 20 to 30 years. What the area of environmental issues and eco-justice does is that it allows us – it forces us – to delve into broader areas of thinking and intellectual spaces so that we start looking outward and beyond the ordinary boundaries. Going back to my map analogy, when I look at the world now, I look at the whole world and I have to think about how all the components fit. There are philosophies that I am confronting, such as indigenous worldviews, southern theory, southern criminology and so on, that I have been forced to grapple with. There is a lot happening.

But to answer your question directly, the resistance, or institutional inertia, is a sign of the problematic nature of intellectual life generally in academia.

2 Environmental harm and voice: recognising multiple types of knowledge

Dzur: How do we circumscribe the concept of 'environmental harm', given different types of problems and responsible agents, from a citizen violating garbage rules to a multinational mining company? In the face of academic inertia and the scholarly tendency to count, measure and focus narrowly, how do you draw lines around environmental harm in a way that it can be productively studied?

White: I have developed a model of eco-justice that has three components. We have *environmental justice*, dealing with humans and questions of equitable use of

the environment. We have *ecological justice*, dealing with ecosystems and specific biospheres – in essence, the rights of the environment as such. And then there is *species justice*, which initially was mainly oriented to non-human animals but which is increasingly now incorporating plants into that sphere, especially in the context of biodiversity. These are the three parts that together constitute what I refer to as ‘eco-justice’.

But there are tensions within each domain, and there are conflicting rights and conflicting social movements around these different spheres of environmental justice, ecological justice and species justice. Our job in part is to weigh up the harms in any given situation. I am not one who adopts a totalising or absolutist world view. For me, *context is everything*.

Dzur: This gets to the issue of determining who can speak for those entities that don’t have a voice. How do you sort through the legitimate proxies and spokespeople for entities that can’t otherwise articulate their claims? How do you approach that issue?

White: I have done a lot of work and a lot of thinking on this. It is actually incredibly complicated, and I think that we have to be very, very careful how we approach these issues. The way I approach it is to initially describe those who speak *for* nature as advocates and those who speak *about* nature as experts.

There is an overlap between those two groupings, and the composition of each is diverse. In terms of who is going to speak for or about nature, we have to ask, ‘How do we institutionalise this?’ I have a restorative justice example of one way it has been institutionalised here in Australia. Indigenous rights and standing are embedded in legislation in some jurisdictions and this then provides a legal platform for recognition of their relationship with the land, thereby opening the door to official acknowledgement of their voice. But these issues are rarely uncontentious.

Abstractly, when we talk about speaking *for* nature, for example, why do we privilege one group over another? And who should it be? The environmental activist? The indigenous person? The government? Whose voice should we privilege in that process of speaking for nature? There are hunters who know the woods and who want to protect what they do in the woods. And there are fishers who want to protect the oceans and the fish, even though to others they are seen as part of the problem. But they, in fact, have intimate knowledge and can be experts for their particular environments and the species within them. So, this is really an open question that really has to be fleshed out; to me, it is really about dialogue and making sure we listen to the variety of voices when we talk about speaking *for* nature.

And in regard to speaking *about* nature, we also have to recognise that there are many different types of knowledge. For example, a river is defined quite differently by an ecologist and by a geomorphologist and by an indigenous person. They each have a very different construct of what the river means. And so even when we talk about expertise, that is contentious, and I think the key in

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both areas – in speaking for and about nature – is that we have to walk softly and listen carefully.

Dzur: It is interesting that you bring up indigenous communities because many have been powerful voices for environmental justice. I am curious, speaking as a political scientist, if you think some existing political procedures or institutions are better at registering environmental harm than others or whether we need some new kind of process or forum for hearing these kinds of voices?

White: There are necessarily going to be multiple forums and multiple ways in which we can express concern for the environment. There are also multiple types of knowledge and I think that we can't simply appropriate certain ones as gospel truth or authentic just because somebody says, 'This is the world as I see it.' There has to be some cross-checking of knowledge regardless of where it comes from. There are some communities where people view calamities to nature (such as lead contamination) as an act of God, whereas I might look at it as a calamity fostered by the local transnational corporation running the industrial plant down the road. We have to weigh up and assess each situation. I don't care if it is indigenous, non-indigenous, traditional or scientific; it's our job as intellectuals to weigh things up and to exercise our critical faculties.

Dzur: Tasmania has had many conflicts over the use of natural resources, with logging in particular. Are there examples in your mind of instances where the kind of dialogue you are talking about between these conflicting parties has been successful?

White: In fact, there was a forest agreement that was hammered out between forest activists and the industry and government actors. However, an incoming government decided to rip it up. All the good work that had been done to get this in place was unilaterally shredded by the incoming government. All these things therefore have to be viewed as processes and they all have to be extended and defended on a constant basis.

Dzur: All the time.

White: All the time. There is no end point. There are, quite honestly, some really stupid decisions being made by governments. Not just my government in Tasmania, but also in Queensland, by our federal government, and of course, dare I mention, governments such as that of Trump in the US and Bolsonaro in Brazil.

3 The challenge of joining restorative and environmental justice and the need for reparative justice

Dzur: I want to turn to the question of how to join environmental justice with restorative justice. What good will come of that and what sort of tensions remain? It strikes me that environmental justice advocates support some things restorative justice advocates oppose, such as widening the criminal justice net and

increasing the severity of sanctions. How do you balance the imperatives of environmental and restorative justice?

White: We have to ask what is it that we are trying to achieve. What is the purpose of whatever it is that we are trying to do? For me, the marriage of eco-justice and restorative justice should lead to *good environmental outcomes*. I don't have space here to go through all the ins and outs of different models and approaches of restorative justice and communities, victims, offenders, different procedures and so on, but basically for me we have to always ask the question: 'What's the point?' That's what provides some of the direction, but that's at a philosophical and abstract level. Then you have to look at how something is getting institutionalised. What we find, for example, is that the institutionalisation of environmental restorative justice in New Zealand has tended to mean that environmental harms are treated less seriously than other kinds of harms. And it has ended up with a trivialisation of many of these environmental harms.

Dzur: Why do you think that is? In what concrete ways have restorative processes trivialised environmental harm?

White: Because it has moved the discussion away from criminal justice and put it in the sphere of administrative and civil justice. That is my understanding of what has happened in New Zealand. The discussions and the mediations have occurred in that kind of context rather than a criminal context.

Now having said that, I'm also by nature an abolitionist, so I do not believe in prison. There are different levels of intervention and abstraction that we have to talk about. From a legislative point of view, I am in favour of notions like an *environmental duty of care* that pertains to every single person in that particular society, so we are all bound by that with strict liability. Regardless of your intent, you have an environmental duty to not harm the environment.

One of the fault lines for me in considerations of environmental restorative justice is that it doesn't always confront the issue of *power*. We end up with a focus on a process that is inappropriate if we don't talk about power. We can still have some ideas that are associated with restorative justice, but I would reframe it if it involves powerful actors. For example, a non-human entity like a corporation perpetrates harm against non-human environment entities like rivers, non-human animals and plants. They're both non-human entities, but it's very hard to nail that corporation. Even where you have directors' duties and all that stuff, what we know about the transnational corporation is that they will offer up in sacrifice directors or members of the board, but the corporation itself still does what it does.

The appropriate way to tackle corporate environmental crime is through what I call *reparative justice* so that they are mandated to do something to repair the harm. There's no pretence that there's somehow a circle sentencing process or a mediation process. Those just end up being the lawyers having a chat. Reparative justice means getting them to repair the harm and make it serious enough in terms of the penalty or the sanction so that we can dissuade them from doing that harm in the future. Reparative justice draws on some elements of

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restorative justice, such as repairing the harm, but it addresses that key issue of power.

On the other hand, environmental restorative justice as a process really makes sense where you've got individualised criminality or where you've got a small company, as when the CEO is the company. There've been a couple of cases in Australia where the head of a small mining company was put into a restorative process and it had a meaningful impact because the company was essentially him. The process made sense. In this case, it meant getting together with an indigenous community that were deemed to be the victims because some of their land had been destroyed. There's a unity between the indigenous people and their land, and that was acknowledged by the court and it's also acknowledged by legislation. In this case, that individual CEO was emotionally moved. The process made sense and also the outcome made sense.

In other instances, we have to bear in mind that where you have people committing different types of crimes, often the offender is a victim, which is a truism of mainstream criminology. Frequently, the offenders are themselves victims of circumstance or victims of a system that is unequal and it just doesn't make sense to adopt a punitive approach.

An example I'm thinking about right now is how do we deal with our anger in the case of someone who kills six penguins in the north of Tasmania. People here were loudly saying, 'Jail the bastard!' But he was a 19-year-old with an intellectual disability and hanging out with his mates. He got on the piss [alcohol] and they were just mucking around, and as part of this they killed the penguins. Putting this guy inside will do *nothing*, for him, for the community, for the penguin colony. This is a prime example of where we could rely instead on a restorative justice process. We could bring him into the fold, talk about these issues, then the possible outcome might be to put him into an animal rehabilitation facility so that he can get to know the animals more intimately and thereby become more empathetic in relation to them. This is not always a suitable response, but it highlights the importance of thinking laterally about possible productive alternatives that might make a difference in the future.

4 Power and purpose: institutionalising environmental restorative justice

Dzur: You've talked about the New South Wales Land and Environment Court as a good example of a specialised environmental justice court. When you write about it, it's the reparative side that is front and centre with restorative justice playing a minor role. Reparative justice is for the large corporate entities and restorative justice is for the individual offenders. Can you think of other ways that restorative justice might be integrated into a court like that?

White: I don't think restorative justice should be reserved just for courts. The methods, procedures and methodologies of restorative justice can be quite useful in dealing with, for example, wider community tensions. There have been cases in the US where there've been instances of racism in the community and the

community has been brought together in a restorative process. One can envisage restorative methods being used to bring together environmental protagonists, say in the forestry industry where there are anti-logging activists, to work through the issues together. Court is only one place where you can utilise restorative justice.

Part of my critique of restorative justice has to do with the way it's been institutionalised. Every state and territory in Australia has juvenile conferencing, for example, but the problem is that it's mainly at the front end of the system. It's basically reserved for first-time offenders and for less harmful offences. To me, this is a waste of time, money and resources. I think restorative justice should go towards the serious cases where you can really delve deeply into the issues and allow all the parties to get a sense of what's at stake.

If it's a criminal case of environmental harm, I probably wouldn't go to a restorative justice procedure for most of the cases I've looked at. It's appropriate in some circumstances, but I think it's better if you've got in place a specialised court because they know what they're doing and they're used to repeat offenders.

Also, another offender we haven't talked about is the state itself and here, too, restorative justice has its limitations.

Dzur: Can you speak to that issue?

White: When we talk about restorative justice, we tend to have certain types of offenders in our mind and if we look at what's happening in many jurisdictions, often one of the worst perpetrators of environmental harm is the state itself. This has two harm aspects. One is by omission: not doing anything or enough to enforce the laws that are ostensibly there to protect the environment or species or whatever. And then, of course, by commission. It astonishes me no end that today we are still providing subsidies to fossil fuel industries worldwide. Governments are still consciously and actively subsidising various 'dirty' industries, the effects of which they are simultaneously trying to stop through the Paris Accords.

If you're going to talk about environmental restorative justice, you also have to look at what the totality of the sanctioning process and regime is. Where does restorative justice fit? Does it drive your system or is it just a little piece of the system? Part of the critique of, for example, juvenile conferencing in Australia has been that it's used at the front end for mainly white, middle-class kids because they're first-time offenders. Basically, it provides a funnel to move indigenous kids into the harsh end, prison. It hasn't transformed the system – it's provided a filter for the system that in a sense legitimates the harshness of the punishments to the most vulnerable and marginalised in our society. One of the key questions for restorative justice is: where does it fit within that totality of sanctions, regimes and processes?

Dzur: You said that you were an abolitionist, but also want a more severe kind of treatment for those committing environmental harms. Is that part of the argument, that you need to use criminal justice as a way of leveraging change, but not use imprisonment?

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White: You use whatever mechanisms are available, and it's multipronged. Criminal justice is really about enforcement. It's part of the armoury of intervention, that includes administrative, civil and criminal mechanisms. We need to use all of the above, plus do education, encourage volunteerism and try a range of other interventions around the environment. But at the end of the day, the whole point of criminal law is that you're dealing with serious harm and the importance of criminal law is that it says, 'This is serious, and we'll intervene in such a way that you won't be allowed to do this again.'

Dzur: You would like to see restorative justice woven into a criminal justice response in a more serious way with respect to environmental harms. How do you see this happening?

White: Part of the next step is to go from abstract conceptualisation to institutionalisation. A lot of people have written about it, but in fact there are very few instances of on-the-ground environmental restorative justice. We have to talk about why that is the case and how we might best institutionalise restorative justice with regard to environmental issues.

In Australia, it's been the exception for criminal cases involving serious harms. In New Zealand, by contrast, one of the effects of the way it's been institutionalised is to diminish the sense of the seriousness of the harm because it's seen as requiring a lower level civil, rather than criminal, process and response. These are the kinds of issues we need to consider as we move from abstract pronouncement to actual practice.

There are a whole bunch of these practical questions that we need to ask about restorative justice, whether it's in an environmental context or not. In the end, though, we have to take into account the dual questions of power and purpose.

Dzur: Institutionalisation isn't enough. It has to be done in a serious way, meaning with adequate funding, and targeting the right kinds of cases. It may be hard to point out specific cases of that in practice because they don't exist right now.

White: We need to think about how we can apply aspects of restorative justice in the best ways possible within the legal system. Fortunately, the law is evolving. In the Australian state of Victoria, for example, there is soon going to be a legislated environmental duty of care that will help transform the landscape. In places like New South Wales, we have specialist courts talking about how the whole point of their intervention is to provide good environment outcomes. These initiatives are addressing important issues.

Nonetheless, there is a conflation sometimes of the distinction between a restorative *process* that involves participants, actors and stakeholders, and a restorative *outcome* which sometimes is seen simply in terms of repairing the harm. I think we can build on both of these, but for me it's highly contextual. It comes back to my double Ps: *power* and *purpose*. Recognise the power relations in

any given situation and be very clear as to what the purpose of the intervention is.

5 International institutions and the symbols and rhetoric of environmental justice

Dzur: Speaking of power, do you think something like a court of international justice might be useful?

White: I do, but as long as we view it, at least initially, as aspirational and symbolic. If we look at the International Criminal Court (ICC), it's been consistently hobbled at every turn. It's been criticised for its apparent bias in who it prosecutes and then convicts (for example, African leaders), and is seen as inherently antagonistic to the interests of superpowers such as the United States. But from a symbolic point of view, the Court is important.

It is also important from the point of view of expertise. At the very least, an ICC provides an opportunity for specialists' expertise to be mobilised. I am a fan of the idea of specialist expertise in environmental issues, not necessarily always in the form of a specialist court, but certainly within the context of courts there needs to be specialist expertise. When you study those tribunals and courts that have specialist expertise, they have a completely different take on the issues and it's generally much more eco-centric in orientation. They're more sensitive to the dynamics of nature itself and how to measure the quantum of harms to nature. An environmental specialist court, such as an International Environment Court, would be a step forward. Or we could have a branch or wing of the ICC designated as an environment specialist tribunal.

To be very clear, however, to have the ICC or an International Environment Court engaging in these matters is all about politics. What we want is to keep fostering the idea that the planet counts. We need institutions that will help protect the planet. There are in some jurisdictions 'Commissioners for the Future' or 'Guardians of the Future' and their role, again, is mainly symbolic, but they're trying to say that there are questions of intergenerational equity that we need to address in order to protect what we have left for the future. Anything we can mobilise along these lines is good. Not sufficient perhaps, but certainly a step in the right direction.

For me, a concept like *ecocide* is really important from a symbolic point of view. How it would be translated into actual institutions and criminal laws is another question. But symbolically it is really important to say that we are killing the planet. I do view these potential institutions and laws as problematic, but very important from the point of view of aspiration and political change.

My colleague and I have written a book called *The Extinction Curve* (van der Velden & White, 2021) published in January of this year. We argue that if you really want to deal with climate change, then you need to understand capitalism. Everyone is criticising capitalism. Even the Pope has criticised capitalism. We've said, OK, let's take this seriously and analyse it and see what it means. For

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instance, how do we get to a post-capitalist society? What are the ingredients? In the context of the present environmental crisis, there are three key ingredients at least. First, a handful of billionaires run the planet – take it out of their hands through *nationalisation*. The second is *eco-centrism* insofar as the philosophy that informs what we do should be eco-centric in nature. And a third one is *public interest*, so the driving force is not about private profit but about public interest. It's when we get into that realm that we then can start to locate different conceptions of justice and where they would fit in as well.

Dzur: It's interesting that you point to a broader movement because what's been so surprising to me in the past decade is a kind of wilful ignorance about climate change. You can say that there's been a lot of public relations on the part of the fossil fuel industry and deliberate confusion, but there's also a lot of populist scepticism about the expert and specialist. I'm curious how an environmental harm movement might address those kinds of populist concerns about elites and specialists.

White: Part of the attraction of the concept of ecocide is that it translates very well into populist rhetoric: 'You're killing the planet!' I think part of the problem with progressives and the Left has been the inability to translate useful policy proposals into slogans. Think of the effectiveness of Greta Thunberg. She's been able to translate the student strike into something significant: it's simple, it's doable, we can understand it. Part of the attraction, again, of the concept of ecocide is not the reality, the practicalities, the institutionalisation. It's that it provides a focus where you can say, 'That's rubbish and what you're doing is killing our planet.' It gives you a political hook and moral command.

In terms of climate denial, there's a big movement in Australia at the moment that is spearheaded by some ex-prime ministers to have a Royal Commission (a high-level public inquiry) into Rupert Murdoch. If you want to talk about disinformation, the Murdoch press in this country, in Australia, has been unbelievable.

Dzur: A notorious Australian global export.

White: He's everywhere in the global metropole. He's in the UK, the US and here. The kind of rubbish and the one-eyed, anti-climate change rhetoric is just so systematic and so concentrated. It's interesting that there is a movement afoot by former prime ministers from two different parties. The initiative was from a former labour prime minister, but the support for it has come from a former liberal prime minister as well. They have over half a million signatures on a petition that went to Parliament saying we want a Royal Commission into the Murdoch media domination. It is so damaging to our country. When we talk about issues of nationalisation, we are glad that we have in Australia a public broadcaster in the form of the Australian Broadcasting Corporation.

Dzur: That's an important public resource, to be sure.

White: Well, we pay for it and as poll after poll consistently tells us, we're happy to pay for it. What we need is to nationalise the media in the same way elsewhere, so that organisations like the PBS in the US don't need to put the hat out to beg for a few pennies here and there. When we talk about nationalisation, we're talking about nationalisation of the energy industries, healthcare, education, banking and finance – that is, the fundamentals – but part of that nationalisation has to be in favour of a proper free press, one that should be taken out of the hands of the small handful of billionaires who currently control the field.

How we do this is food for thought, but maybe, for example, we can increase the facility and survival of local newspapers. We've had a lot of them close around the country because of Covid-19, but many have been restarted by people at the local level saying we need a voice. They're putting in their own money and they're not money-making enterprises at all. The new proprietors are insisting that we need something that reflects our community, our needs and our viewpoints.

6 Issues on the horizon: earth jurisprudence and rights in conflict

Dzur: What do you see on the horizon for environmental justice?

White: This goes back to the question of speaking for and about nature. Recall that the notion of eco-justice incorporates environmental justice, ecological justice and species justice. We've had laws in Australia and New Zealand where, from an environmental perspective, indigenous peoples have been granted stewardship over particular rivers and lands. But we've also had other legislation that gives a river itself the right to run free. The second is thus about river rights, not indigenous rights. This latter kind of legislation was subsequently overturned in Queensland because the local indigenous people said, 'We are the stewards, we determine what needs to be done and in fact we want to have industry on those rivers.' In such circumstances there is a conflict between so-called nature rights ('the rights of nature') and group rights ('the rights of indigenous people'), a classic case where distinctive elements of eco-justice clash.

It's an interesting problem and conundrum. To talk seriously about environmental restorative justice, we've got to talk about these kinds of complexities as well because there's a huge movement around Earth law and Earth jurisprudence. Sometimes they call it wild law. But once you start getting into these issues it begs the question, what about the indigenous identity with country (the land) and where does that fit in with the rights of nature perspective? And what about non-indigenous relationships with nature? There are multiple actors and interests at play here.

There are a lot of really interesting issues of this sort that we urgently need to address. For now, though, I'll go back to an earlier part of this conversation: walk softly and listen carefully.

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