

## BOOK REVIEW WITH A FOCUS

**Gema Varona Martínez, *Justicia restaurativa medioambiental y animal: guía de aprendizaje y acción a través de la narración de casos. [Environmental and animal restorative justice: a learning and action guide through case narratives]*. Madrid: Dykinson, S.L., 2024, 147 pp., ISBN: 978-84-1070-038-3.**

In July 2024, Charlotte Dujardin, the British equestrian and three-time Olympic champion, announced her withdrawal from the Paris Olympics. Her decision followed the release of a video showing her whipping a horse up to 24 times, which sparked widespread criticism from both animal rights activists and the equestrian community. In response, the International Equestrian Federation (FEI), British Equestrian (BEF) and British Dressage (BD) provisionally suspended Dujardin pending an investigation.<sup>1</sup> The news spread quickly, drawing significant attention and outrage, largely due to Dujardin's esteemed reputation. However, this incident reflects a larger, more troubling trend: a growing disregard for animal welfare and the natural environment, both of which continue to suffer from human actions.

In contrast to humans, this category of victim faces significant obstacles when attempting to initiate legal proceedings, largely due to their limited awareness and ability to communicate (Varona & Hall, 2018). This further complicates efforts to ensure their protection and representation within the legal domain. In Spain, authors such as Nieto and Calvo (2023) have questioned the efficacy of criminal law and the legal system in addressing cases of environmental and animal harm – an issue also raised in the book under review. In recent years, new ideas have emerged regarding educational measures and alternatives to imprisonment, which promote offender awareness and responsibility while also recognising the victim and the damage caused (Bernuz, 2020). In this context, the book highlights the lack of opportunities for learning, reparation and restoration offered by fines and imprisonment while also addressing the potential and risks of using restorative justice to respond to these types of conflicts.

Before exploring the potential applications of restorative measures, the book provides an overview of the intersections between green criminology and restorative justice. As Lynch et al. (2017) note, criminology's focus on environmental harm is a relatively recent development (cited in Tourangeau, 2022). Indeed, it was not until 1990 that the field of green criminology emerged, beginning its investigation into the threats posed to the planet and its inhabitants (Tourangeau, 2022). Since then, experts in this field have worked to define the harm caused to non-human species and the environment. It is from this perspective that the book's introduction examines the relationship between green criminology and restorative justice, showing how they complement one another. While restorative justice has conventionally focused on interpersonal relationships, green criminology, with its emphasis on repairing harm to ecosystems and animals, provides a framework for

1 More information can be retrieved from <https://www.bbc.com/sport/equestrian/articles/cxw21n90w41o> (last accessed 26 August 2024).

'greening' and 'animalising' restorative justice, allowing it to be appropriately applied to these issues.

While the concept of restorative justice may be unfamiliar to some readers, especially in relation to caring for the natural environment, the book provides a definition of restorative justice and outlines its fundamental principles in the first chapter. This chapter explains the key restorative measures that can be applied to offences against ecosystems and animals, exploring both their potential and limitations in this context.

To demonstrate the potential of restorative justice, chapters three through eight present real cases that were prosecuted in Spanish courts. These cases have been adapted in a fictional manner to illustrate how they could be handled using a restorative approach. Some offenders were convicted, while others were acquitted; however, each chapter includes a fictional account of how a restorative process would unfold. These fictional cases are presented from the perspective of different figures that may be involved in such processes, including activist associations, facilitators, human victims, offenders and even government administrations. To highlight the versatility of restorative processes, the book covers a range of crimes, all involving harm to animals and the natural environment.

As the book illustrates, these crimes can be perpetrated by a variety of actors, including individuals who mistreat or kill animals, and individuals or corporate entities that pollute the environment. The penalties typically imposed on those individuals found responsible, in the absence of a not-guilty verdict, include prohibitions such as bans on animal ownership, prison sentences, disqualifications or fines. However, these penalties are not restorative in nature and do not contribute to repairing the damage caused or to the re-socialisation of the offender. By incorporating fictional representations of restorative processes for each case, the book explores potential measures that could foster empathy in offenders towards victims (whether individuals, animals or the natural environment), with the aim of repairing the harm and preventing the recurrence of such behaviour.

To promote the reintegration and social rehabilitation of the offender, the author proposes the implementation of restorative circles, involving, whenever possible, all parties affected by the conflict in an environment that facilitates tranquillity and conflict resolution. The goal of this process is to ensure the offender is held accountable for their actions and to resolve the matter in a way that allows for the recovery of all affected parties. While the sanctioning process sometimes faces difficulties due to the inability to identify and sanction all perpetrators of harm, restorative justice through these circles offers the possibility of involving a larger number of participants. However, the reliability of this methodology is called into question when there are too many participants, as this can turn the process into an informal setting and hinder progress. In the proposals presented in the book, though, it seems the number of participants does not affect the effectiveness of the process.

The environment in which these circles are conducted is crucial to the overall relevance of the process. Unlike the often oppressive and uncomfortable atmosphere of courtrooms, which can be particularly traumatic for victims, natural settings and the presence of animals can make the process more bearable and less

traumatic. These settings benefit not only the victims but also the perpetrators, who are able to gain a deeper understanding of the extent of the harm caused, which, in turn, aids their reintegration into society.

An example of this approach is found in chapter seven, which deals with a littering offence that occurred on a beach during a leisure activity involving young people. The case involved 26 individuals, all aged eighteen, who were drinking alcohol on a public beach. They failed to dispose of their waste in the designated litter bins, prompting concern from both neighbours and an animal welfare group. The litter left on the beach posed a potential threat to dogs walking in the area, local wildlife and especially the marine environment as the tide rose. In this case, the author proposes a restorative circle involving the young people responsible for the damage. In her proposal, the circle would take place on a small island located in front of the beach where the incident occurred. The proposed process begins with listening to the sounds of the sea and includes utilising a piece of art created by a local artist from recycled materials found on the beaches and in the water as a symbolic object for communication. These small details facilitate the development of empathy for the natural environment and its fauna, fostering greater environmental awareness and respect among the circle participants. However, given the different perspectives on the importance of preserving the environment, a relevant question arises: do these kinds of restorative measures lead to an extension of social control? From my point of view, and according to the book, restorative justice does not seek to increase the control of the penal system but rather to complement it with an approach based on education and respect for the natural environment.

In contrast to the preceding chapters, chapter nine addresses a case of environmental contamination caused by a corporate entity in which restorative justice measures were employed. This incident took place in Australia, a country known for its pioneering implementation of restorative justice in environmental disputes. In this case, a sewer lining company was responsible for contaminating a river with chemical substances, resulting in the death of numerous fish species, some of which were already endangered and legally protected. The company was prosecuted by the local government and, when the case reached the courts, requested that it be referred to a restorative justice process, accepting responsibility for the damages and making extensive efforts to mitigate the consequences of its actions.

Voluntary participation is one of the core principles of restorative justice. The book alludes to this principle and highlights that, unlike in Australia – a country with a strong culture of respect for the natural environment – offenders are not always motivated by ethical reasons. In fact, offenders may choose to participate in restorative processes to avoid prison or to protect their reputation. Restorative justice is a tool that seeks more constructive solutions, focusing on promoting accountability and repairing harm; it is not a way of avoiding criminal consequences. This strategy can thus be an initial motivation to engage in a more honest and committed way.

Chapter ten offers readers a detailed overview of a restorative process, including a template of key questions for conducting such a process and a comprehensive description of each of its phases.

Chapter eleven presents a summary that highlights the wide-ranging opportunities offered by restorative justice. It stresses the necessity of considering not only the perspectives of the scientific community and activist groups but also the needs and voices of indigenous communities.

The book concludes with two epilogues, one by María José Bernuz<sup>2</sup> and the other by Felicity Tepper.<sup>3</sup> Bernuz's epilogue focuses on the facilitation of restorative processes in cases of animal cruelty, with particular emphasis on the role of the facilitator. In contrast, Tepper's epilogue presents a restorative circle addressing the environmental damage caused by a mining project, which led to deforestation and water pollution, threatening the habitat and survival of the endangered koala population.

As restorative justice gains ground and is used more widely, this book is an excellent choice for those who wish to deepen their knowledge of the topic, especially in the environmental context, an area of great relevance today. In addition, introducing new generations to these concepts at an early stage in their academic training can foster a greater openness and willingness to meet the challenges of the future, thus contributing to significant progress in the response to crime in general and in the environmental field in particular.

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