

BOOK REVIEW WITH A FOCUS

Carla Zamith Boin Aguiar, João Salm and Katia Herminia Martins Lazarano Roncada (eds.), *Justiça restaurativa e o meio ambiente [Restorative justice and the environment]*. Brasília: Associação dos Juizes Federais do Brasil (AJUFE), 2022, 108 pp.¹

This book, edited by Carla Zamith Boin Aguiar, João Salm and Katia Herminia Martins Lazarano Roncada with the support of the Brazilian Federal Judges Association, aims to present the talks, discussions and other verbal contributions from a virtual seminar on restorative justice and the environment held on 6-7 August 2020. The book is concise and to the point, yet unquestionably innovative. It consists of eleven chapters, each offering a unique perspective on applying the restorative justice philosophy to various socio-environmental issues.

The authors in this book demonstrate how the core concept of restorative justice can serve as a foundational framework for providing new perspectives on addressing conflicts related to the natural world. The book highlights the importance of raising awareness about environmental issues and challenges the traditional belief that restorative justice only applies outside coercive social systems due to insurmountable constraints. This approach is commendable for departing from the long-standing resistance some restorative justice theorists and activists have towards initiatives that are not considered ‘fully restorative’.

Additionally, the book offers a perspective on restorative justice inspired by the wisdom of Indigenous peoples from the Amazon and Riverine peoples from rural Brazil. It advocates for using restorative justice to address long-standing socio-environmental conflicts, underscoring the need to foster greater harmony between urban and rural communities and the natural world (beyond humans). The text emphasises our collective responsibility to recognise and legally protect the environment as a ‘common asset’ vital for everyone, everywhere. The book also inspires readers by tackling the contentious issue of climate change from a hopeful perspective, stressing the importance of uniting forces, free from academic or theoretical barriers, which might otherwise hinder us from efficiently embracing new approaches to environmental challenges.

The book is remarkable in its inclusivity, allowing individuals from diverse countries and backgrounds to contribute, rather than relying solely on conventional ‘experts’ from Brazil. In doing so, it gives a voice not only to those with academic degrees or legal credentials but also to contributors who have directly experienced the impacts of historical prejudices and domination, such as the Indigenous and rural populations of Brazil, who suffered under European colonisation.

Moreover, the book acknowledges the perspectives of those involved in agribusiness, presenting a comprehensive view of large-scale land exploitation issues. It also examines conflicts arising from economic exploitation and their impact on traditional lands used by riverside populations in central-west Brazil.

1 The book can be downloaded via https://www.uninsubria.it/sites/default/files/Siti_tematici/centri_ricerca/cr_CeSGReM/Restorative%20Justice%20and%20the%20environment_14_12.pdf.

The inclusion of in-depth, real-life examples adds a unique and compelling dimension to the content, making it a worthwhile read. My critical yet concise overview of each section aims to provide readers with valuable insights for those interested in exploring the book's concepts further.

Janet Murdock's opening chapter focuses on UN-supported projects in Guinea-Bissau, West Africa, exploring the implementation of restorative justice philosophy in the country and its impact. Murdock highlights efforts to address political instability, the widespread deprivation of fundamental rights, and low employment rates. She emphasises how social norms restrict women and youth from participating in decision-making processes, with the patriarchal family structure further marginalising women. The author details small grant projects targeting youth and women's organisations, outlining their activities and methodology. Murdock comprehensively enumerates the positive outcomes of each initiative, justifying the need to understand approaches that have positively impacted the lives of those affected by the conflicts she references. This chapter underscores the importance of restorative justice projects in underdeveloped countries grappling with social inequality, as they can significantly improve living conditions and help individuals manage daily socio-environmental conflicts. The chapter aligns with the book's central theme by examining projects developed under the guidance of restorative justice philosophy. Its key contribution lies in demonstrating how restorative approaches, in a society shaped by deeply rooted patriarchal conventions, can empower women and young people from rural areas to better address the challenges associated with daily economic activities.

In chapter 2, 'Justice after the dam breaks', Ben Almassi introduces a perspective from his work as a university professor in Chicago, where 'environmental injustice is as old as the city itself' (26). He also presents the compelling idea that the environment is 'where we live', arguing that the scope of environmental justice has expanded and that restorative principles and practices can help heal damaged ecological relationships in various contexts. Almassi also emphasises that the consequences of wrongdoing create a context for justice and that restoring healthy connections is just as important as addressing the initial offence. This is a powerful assertion, as it draws attention to the relevance of dealing with problematic situations in order to achieve meaningful and compassionate outcomes.

Chiara Perini wrote chapter 3, 'Individuals, communities and the environment: restorative justice as an inclusive structure'. Perini notes that European and Italian laws, including the country's Constitution, recognise the environment as a 'value' to be safeguarded, involving various stakeholders in its protection. She also highlights that the Italian Constitutional Court has ruled that the environment holds a constitutional value, which the Italian legal system is obliged to protect. Moreover, Perini argues convincingly that the focus of green criminology aligns with the principles of environmental restorative justice. She emphasises the importance of considering the perspective of individuals and communities directly affected by environmental crimes in order to fully grasp the context of such offences. From a socio-legal standpoint, she advocates for restorative justice as a potential integrated approach, complementing the insights of green criminology, to effectively address environmental crimes.

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In chapter 4, 'Agricultural production and sustainability: paths and experiences', Eduardo Delgado Assad emphasises the need to balance one of Brazil's primary industries, agribusiness, with the concept of sustainable development. He discusses the importance of this sector for Brazil, presenting detailed data and key concepts – economic, social, environmental and territorial sustainability – that should guide agricultural practices in the country. Assad also considers socioeconomic aspects, such as its impact on national wealth and job creation. However, he cautions that it is essential to align agribusiness with restorative justice principles, concepts and objectives to prevent land exhaustion, income loss and environmental harm. This chapter provides a fresh perspective on Brazil's agribusiness, a dominant industry in other key regions of the southern hemisphere as well. Rather than vilifying this type of enterprise, it is important to learn from agricultural entrepreneurs striving for balanced practices. Understanding how to integrate commercial agricultural activities with sustainable development is crucial, especially within the broader framework of environmental restorative justice. The practical knowledge presented in this chapter can help bridge the cognitive gap between the northern and southern hemispheres and enrich the discourse on more ecologically sound solutions to current environmental challenges in food production.

Grazia Mannozi and Viola Molteni authored the fifth chapter, 'Methods of restorative justice in conflicts related to environmental crimes'. They confidently assert that human rights and restorative justice are among the most significant legal developments following World War II. The authors outline key elements of their approach, highlighting both the theoretical and the practical contributions of restorative justice to environmental issues. They emphasise its potential to: a) empower victims, b) identify the parties involved, c) address needs, d) foster accountability, e) promote restitution and f) adopt a reconciliatory perspective. Mannozi and Molteni conclude that restorative justice can contribute to environmental healing by raising awareness, facilitating inclusive conflict resolution, encouraging accountability, and representing the community through collaboration with the conventional criminal justice system.

Josineide Gadelha Pamplona Medeiros wrote chapter 6, 'Restorative justice, peacebuilding and sustainable development'. Drawing on her practical experience as a judge in the Amazon region and her academic background, she offers insightful reflections on the impact of restorative justice in addressing complex, real-life conflicts. She highlights the Amazon as a region fraught with multifaceted conflicts, advocating for restorative approaches to address both social and environmental issues.

Maike Kumaruara, a representative of *quilombolas* in the Brazilian Amazon, gave a keynote address at the meeting, which is featured in chapter 7. He emphasised how his people have endured a genocidal war for over 500 years, underscoring the importance of restorative justice in recovering values and reclaiming their story. Kumaruara compared the colonisation and enslavement of Black and Indigenous peoples in the Amazon to the Holocaust caused by the Nazis, highlighting the role of non-violent communication in restorative justice for conveying this history. He also stressed the deep connection between identity, ancestry, acceptance and the relationship with the land. In conclusion, he acknowledged the importance of his

talk at the seminar and how the meeting helped to strengthen a network of facilitators and supporters of restorative justice within the communities.

In chapter 8, 'Restorative justice and socio-environmental conflicts in the Brazilian Amazon', Professor Nirson Medeiros da Silva Neto explores the challenges of applying restorative justice in the Amazon's diverse and complex socio-environmental context. He highlights the Amazon as a region rich in natural resources, often viewed as a potential saviour for humanity's abusive and exploitative relationship with nature. Drawing from his experience as an activist, university professor, anthropologist and coordinator of the Restorative Justice Clinic of the Amazon, he describes how addressing internal conflicts within communities can strengthen them, enabling them to better confront socio-environmental conflicts in the region and counter the divisive effects of political and economic pressures.

Chapter 9, the longest in the book, is entitled 'A proposal for environmental restorative justice to repair the relationships that adorn the Pantanal biome' and is written by Brazilian Judge Raquel Domingues do Amaral. From the outset, the author clarifies her aim to propose an alternative to Western conventional justice, focusing on the application of restorative justice to socio-environmental conflicts in the Pantanal, one of Brazil's most important ecosystems. Domingues do Amaral provides a comprehensive literature review on injustices committed against the Guatós Indigenous People and riparian communities inhabiting the Pantanal. She explains how the unjust deprivation of ancestral lands and the restriction of cultural practices may have contributed to the current degradation of the Pantanal biome. The author delves into a specific case involving the Riverside Community of Barra de São Lourenço, offering detailed insights into the approach taken to address the issues faced by these communities. The extensive practical information provided significantly enriches the book's content. This chapter primarily introduces empirical insights gained from analysing a specific case through a new, restorative justice lens, further enhancing the book's value. It is worth noting that, in addition to its empirical contributions, the book offers formal and academic perspectives on environmental restorative justice, presenting a cohesive, rewarding and concise collection for readers to explore.

Two judges currently serving on the restorative justice management committee of the Brazilian National Council of Justice authored the next two chapters. Brazilian judges have institutionally recognised restorative justice philosophy as a valid alternative to conventional litigation, reshaping conflict handling and impacting the organisational structure of the Brazilian judiciary at various levels.

First, Judge Egberto Penido authored chapter 10, 'Restorative justice and the environment: restoring senses'. In a more academically elaborated discussion, he examines how the dominance of an epistemological conception of law in Western postmodernity has contributed to environmental imbalance. He emphasises the need to revise this conception, suggesting that the science of law should engage in dialogue with spiritual traditions to effectively uphold the value of justice. Given the quality of the author's contribution, this chapter effectively demonstrates the potential to harmonise the deep-rooted values of restorative justice within a formal

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judicial environment, provided that institutional and procedural actors skilfully navigate the new paradigm in their professional practice.

Next, in the eleventh chapter, entitled 'Restorative justice: connection, responsibility, and care for humans and the environment', Judge Marcelo Nalesso Salmaso argues that restorative justice seeks to cultivate societies where the caring logic of interconnectedness governs relationships. In such societies, individuals recognise and embrace their responsibility towards themselves, others and the environment. This approach fosters shared responsibility, collaboration and empowerment with others, rather than exerting power over them, which often leads to dissatisfaction and violence. According to Salmaso, restorative justice strives to restore fairness and morality in social interactions, creating space for individuals from diverse social backgrounds to be fully integrated into the community.

The book emphasises the importance of integrating diverse perspectives on the implementation of restorative justice within institutional and social systems, particularly in the context of global environmental protection. Many academics researching restorative justice agree that the conventional retributive model has been ineffective and requires a complete overhaul to meet contemporary expectations. One of the book's key messages is that restorative justice could gradually be integrated into the legal operations of the Brazilian justice system, particularly in cases involving environmental harm and crimes. Some proponents of restorative justice, who believe it should function only outside the boundaries of conventional social systems, may criticise this integration due to concerns that it could lead to the co-option or dilution of restorative values. However, it is important to note that, in Brazil, the judiciary does not outright reject the application of restorative justice methodology in addressing environmental issues. On the contrary, it may endorse it as part of a broader judicial policy aimed at providing alternative solutions to effectively manage conflicts.

As such, incorporating a degree of coercion and institutional structure may attract a broader range of perspectives, provided that it still firmly upholds the core principles of restorative justice – prioritising victims' needs, facilitating repair and involving both offenders and communities in addressing environmental harms and crimes, framed as normative guidelines in an institutional but also dialogical manner. This collection of concise contributions offers an alternative viewpoint that supports the adoption of restorative justice in addressing environmental challenges. Far from weakening the practice, this approach strengthens its implementation and could help to challenge the dominance of retributive systems that have historically governed conflict resolution, including in socio-environmental matters. It is crucial to consistently uphold the philosophy of restorative justice yet

remain vigilant to distinguish between programmes that genuinely embody its principles and those that deviate from its core values and principles.

*Carlos Frederico Silva**

* Carlos Frederico Braga da Silva is a State Judge and researcher affiliated with the Judicial School of the State Court of Appeals of Minas Gerais, Brazil.
Corresponding author: Carlos Frederico Braga da Silva at carlosfrebrasilva@gmail.com.