



Sustainable Justice Charter¹

*Improving social harmony, quality of life, and transparency,
through integration of values of social sustainability into justice*

Introduction

Sustainable justice is the approach to justice that aims to improve social harmony, wellbeing, the general feeling of safety within society, and furthers personal and societal development, within a framework of human rights and principles securing legal uniformity and equality. In order to enable the justice system to intervene effectively, justice is vested with power and independence and acts in the pursuit of social sustainability of society and its members.

Consciousness of sustainability is rapidly spreading around the world and gradually improving every sector of society. Social sustainability is nowadays interconnected with ideas like love, empathy and compassion.

In the recent decades criticism has been growing that existing justice systems do not appropriately and effectively meet societal needs. Many innovations have developed in justice and legal practice and theory aiming at serving values of social sustainability, like different forms of Problem Solving Courts, Restorative Justice, Intercultural Justice, Procedural Justice and Therapeutic Jurisprudence. These innovations have proven to be effective contributors to solving societal problems and seemingly unbridgeable intercultural gaps.

A justice system which acts on principles of social sustainability to guide its remedies for conflict resolution, will have a positive impact on conflict resolution outside the legal system.

Context of Sustainable Justice

Social sustainability

The main goal of Sustainable Justice is increasing the quality of life by improving the quality of relationships and social networks. This cannot be enforced by coercion, punishment or deterrence. Mature inter-humane relationships, mutual respect, empathy and understanding, and an ability to transform negative emotions into creativity and constructive behavior are essential requirements to improve the level of social sustainability.

Values of social sustainability complement judicial values and contribute to the effectiveness of judicial systems.

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Conflicts, criminal acts, and social networks

Sustainable justice sees conflicts and criminal acts as opportunities to restore and improve social harmony. These incidents can occur easily as people and society develop and are seen in the broader context of an individual or societal problem, abuse or wrong. Conflicts and criminal acts not only affect the people directly involved, but also their relatives. They pervert and destroy more than one relationship and social network.

Socially sustainable conflict resolution solves the problem of the people directly involved in a way that benefits all the other stakeholders involved. The individual case is seen as a vehicle to reduce the individual and societal burden of these problems.

Sustainable judicial toolbox

Judicial power is given by society to the justice system on the assumption that this is beneficial to society. Judicial officers using judicial power are societal change agents, who can act as a catalyst for a better society.

Prestige, independence, and the position as ultimate decision maker drapes judges with a kind of magic that enables them to accomplish outcomes that others cannot achieve. Judges have the potency to change mindsets and behaviors that were interfering with the resolution of problems. Postponement of the judicial decision opens a rich array of opportunities for sustainable intervention by judges to effectively make use of their transformational magic. This quality grants to judges a key position to procure socially sustainable outcomes.

Socially sustainable outcomes are achieved by using a minimal, but effective, dose of power. Any unsolicited exercise of power breaks down the balance in social relationships and networks, but a well-chosen and well-directed slight corrective impulse of power can restore and heal harmony that has been disturbed.

Judicial systems and regulations, including budgeting rules can either support or impede the opportunities for the justice system and for judicial officers to achieve socially sustainable outcomes.

Application of Sustainable Justice

The general principle of sustainable judging is to turn bad into good, contributing to social harmony and personal and societal development. This asks for reconsideration of some basic principles of law and justice concerning the function of judicial decision-making and punishment.

Sustainable intervention and decision-making

Judicial decision-making often removes responsibility from a person, which does not support social sustainability. The passive decision-making judge focusing on what went wrong in the past gives perverse incentives to the litigants to play games with their responsibilities.

From the perspective of social sustainability people should not escape responsibility but rather accept personal responsibility and learn from that process. Societal wellbeing and sustainable interests of the parties are served if the judge actively confirms the parties' responsibilities, strokes up mutual respect, enhances mature behavior and the parties' capacity to deal with their problems constructively, focusing on the best sustainable future for all, including society. Sometimes it can be useful to involve other stakeholders and social service providers in the process of conflict resolution in order to achieve socially sustainable outcomes.

Restorative practices can be applied which bring the parties and other stakeholders together into a collaborative process that aims to restore harmony in affected social networks.

Sustainable punishment

Sustainable punishment aims to bring or restore harmony in socially valuable networks, including those of victims, offenders and their relatives. It enables offenders to become valuable members of society, stimulating and supporting them to develop constructive pro-social behavior, and to reduce unhealthy and anti-social behavior.

Punishments that include a form of social isolation are breaking down social networks which often causes severe, sometimes lifelong irreparable harm to relatives of the offenders who are innocent. Punishment that harms socially valuable networks should be avoided whenever possible.

Social sustainability does not reject the principles of retribution and deterrence if the results of the application of these principles support values of social sustainability for society and those involved. Great difficulties that ex-prisoners and people with a criminal record experience in getting socially accepted again contribute to their return to criminal behavior.

Judicial officers using therapeutic techniques and assisting other stakeholders to bring about constructive behavioral change in the offender make use of judicial power as a catalyst to build a socially sustainable society. This method of 'punishing' is sometimes honored with the nickname 'Smart sentencing'.

Accountability and Transparency

The contribution of the justice system to the quality of life and social sustainability of society should be clear, transparent and measurable from a material, social, and psychological point of view. A system for measurement with solid parameters should be scientifically developed, concerning the structure of the justice system and the contribution of individual judicial officers.

The changing perspective of Justice

Social sustainability provides valuable guiding principles to justice systems encouraging them to gradual change so that they contribute to social harmony more effectively. Conflicts about material interests and criminal behavior should be used as a vehicle to foster improvement of relationships and social networks, realizing the best sustainable future for everybody involved. This can be realized by enhancing responsibility and accountability of those involved, improving their capacity to manage conflicts and problems in socially constructive ways. This way of working avoids legalization of conflicts and an adversarial attitude.

A starting point for the whole of the system should be an indissoluble interconnectedness between law and interpersonal respect. This will result in less victimization and less escalation of conflict, less imprisonment and less bankruptcy.

Justice systems based on principles of social sustainability are role models guiding people in the best ways to manage conflicts and other challenges constructively without harming others.

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