Restorative Justice and Social Media: Hate and Harm Solved?

In our volatile and tumultuous social mediascape, outrage and frustration are seemingly becoming more common as we descend deeper and deeper into a post-truth rabbit hole. Outcries over so-called "cancel culture" - who knew holding people to account for their views was so divisive - and the genuine, democracy-threatening issues of mis- and disinformation have, over recent months, made an already heated marketplace of ideas an inferno. Technology experts race to keep up by thinking of new and ingenious algorithms and ways to tackle online fractures and harm. But, maybe the solution to the dark side of the internet may not be in the future – in fact, we may have to look at an ancient practice that is used around the world: restorative justice.

The [Restorative Justice Council,](#) a body promoting the practice and setting standards for its implementation, describes it as bringing "those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward". This sums up the two-way nature of restorative justice, emphasising finding a path forward to reducing reoffending and increasing victim closure. Restorative justice practices have been popular amongst ancient and indigenous cultures for centuries, but restorative justice developed into the modern form that we see today in the 1970s.

It's clear that restorative justice is a powerful process, but translating it to a digital context is unchartered territory. However, [UC Berkeley's Assistant Professor Niloufar Salehi](#) is delving into the issue in the new research. Arguing against moderation and speedy removal of harmful material as the main ends of media policing, she proposes the idea of restorative justice, focusing on repairing harm over punishing offenders. This means offenders interacting with the victims, learning about the impact of their actions, and having the opportunity to apologise personally. This sounds extremely promising in a fast-paced online world where misunderstandings and confusion run rife – heavy moderation and de-platforming don't look like they're making the virtual world more inviting or pleasant, so restorative justice appears to be a valid alternative.

Is this the right way forward, particularly for victims? For these kinds of questions, we must look to philosophical thought on the topic. Thinkers have diverging views – contemporary philosopher Joel Feinberg's offense principle would suggest that we have a right not to be offended, but I think this is too simple. Instead, we should look to apply restorative principles to situations where harm takes place, in line with John Stuart Mill's Harm Principle:

THE ONLY PURPOSE FOR WHICH POWER CAN BE RIGHTFULLY EXERCISED OVER ANY MEMBER OF A CIVILIZED COMMUNITY, AGAINST HIS WILL, IS TO PREVENT HARM TO OTHERS.

So, this is the realm of stalking, hate speech, harassment, and "fake news", among some of the more serious crimes on social media. There's not much discourse in the philosophical world about restorative justice, even more so in the context of social media, but there are some things that we must think about to get the best outcomes. Firstly, the perpetrator must admit guilt, and both parties must be willing and enthusiastic to take part. Secondly, it should take place in a safe space, with a moderator, for the best outcomes.

As is inevitable with most things these days, the question of cost arises. Once again, there's not much evidence for restorative justice in the context of social media, but in real-life settings, there's a strong economic case for the practice. In an era when public services are being increasingly stretched and cut back, it's reassuring to hear that in an economic analysis carried out in 2009, it was calculated that over 10 years, restorative justice will lead to a [net benefit of over £1 billion to society.](#) This takes into account the cost of diversion (diverting offenders away from the criminal justice system), the cost of alternative sentences (prison, for example), and the economic impacts of changes in re-offending (healthcare cost of treating a victim, for example). While the costs of restorative justice in the context of social media are going to be slightly different, it's very likely it'll mean cost-cutting for firms and governments with increases in wellbeing for offenders and victims – everyone wins.

While restorative justice is a promising and exciting prospect, it's important to remember that it's not always the solution. It's not appropriate for a serious crime, and not worth the time if the offender is not willing to admit guilt. What it does pose is an opportunity for reconciliation and understanding; qualities that are scarce in today's world.

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