
EXPLORING SOCIAL RESTORATION IN TAIWAN STRAIT RELATIONS THROUGH A RESTORATIVE JUSTICE PERSPECTIVE: DIALOGUE AND THE POSSIBILITIES OF PEACEBUILDING

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ABSTRACT

Taiwan and mainland China have remained politically divided for decades. Cross-Strait relations have long been shaped by the interplay of memories of war and conflict, divergent political perspectives, and social divisions. Consequently, the challenges confronting the Taiwan Strait extend beyond the domains of politics, security, and international relations to encompass divergent collective memories of history, group identities, experiences of victimization during wartime, emotional trauma, and a lack of mutual understanding. These factors have contributed to divergent narratives concerning who has suffered harm, what constitutes justice, and how the other should be understood, thereby generating mutual distrust, adversarial perceptions, and fractures in interpersonal and social relationships. Accordingly, approaches to peace in the Taiwan Strait that focus primarily on military deterrence, political negotiation, and the prevention of armed conflict may remain insufficient to address the relational harms and social fractures accumulated through prolonged conflict and political division. This article adopts Restorative Justice (RJ) as its primary theoretical perspective and draws on Soulou & Matczak's (2023) discussion of RJ in wartime to examine the potential extension of RJ beyond its traditional domain of criminal justice into the broader fields of social conflict, relationship restoration, and peacebuilding. RJ is not limited to responding to harm through the attribution of responsibility; rather, it emphasizes dialogue, listening, the assumption of responsibility, recognition of lived experiences, and the rebuilding of relationships, thereby enabling affected groups and societies to confront and reflect upon the consequences of conflict. In situations of conflict and war, societies are particularly prone to developing binary narratives that divide actors into opposing camps. By creating spaces for dialogue, RJ may provide an opportunity to move beyond such dichotomous narratives and return attention to the interpersonal and relational dimensions that precede, underlie, and are transformed by war and conflict, thereby facilitating a deeper understanding of the suffering and

relational harms produced by conflict.

Building on the foregoing analysis, this article argues that social restoration should constitute an important dimension of understanding peace in the Taiwan Strait. Social restoration should not be equated with political reconciliation, nor does it require the two sides to reach consensus on questions of national status, political systems, or historical interpretation. Rather, it focuses on addressing and repairing the interpersonal, intergroup, and broader social harms generated by prolonged political division. Its core components include the reinterpretation of historical memories, the recognition and attentive listening to experiences of collective victimization, the pluralization of truth and historical narratives, the cultivation of mutual understanding, and the rebuilding of social trust. When societies develop the capacity to acknowledge differences, endure conflict, sustain dialogue, and transform adversarial relationships, they are better positioned to develop more resilient social structures. Finally, this article proposes a theoretical linkage among RJ, social restoration, peacebuilding, and Transitional Justice (TJ). RJ can be mobilized at the micro level of interpersonal and social relationships even before political conflicts have been resolved, or indeed before they escalate into full-scale armed conflict. Through dialogue, attentive listening, recognition of lived experiences, and relationship rebuilding, RJ may contribute to the accumulation of social trust and the relational foundations necessary for peacebuilding. Should significant political transformation occur in the future, these restorative processes could further connect with transitional justice mechanisms, including truth-telling and truth-seeking, accountability, official apologies, reparations, institutional reform, and social reconciliation. This perspective is consistent with contemporary scholarship on transitional justice, which emphasizes the importance of connecting micro-level experiences of conflict and harm with broader processes of societal transformation. Accordingly, this article argues that peace in the Taiwan Strait should not be understood solely as the “negative” peace of avoiding war. Rather, it should be further developed toward a form of “restorative peace” grounded in dialogue, the critical engagement with historical memories, the understanding of collective experiences of victimization, relationship restoration, and social resilience. From this perspective, RJ may serve as an important theoretical intermediary linking the individual, social, and political levels, while providing a conceptual pathway from interpersonal and relational repair toward broader processes of peacebuilding and, potentially, future Transitional Justice.

Keywords: Restorative Justice (RJ), Transitional Justice (TJ), social restoration, peacebuilding, dialogue.

I. Introduction

In recent years, tensions across the Taiwan Strait have intensified. In Taiwan, Cross-Strait relations are governed by the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. Nevertheless, Cross-Strait relations have long been shaped by the interplay of historical memories, political identities, differing conceptions of the status and meaning of the “state,” experiences of war and conflict, and social and cultural divisions. The resulting tensions are not confined to the political and security domains; they are also deeply embedded in the divergent ways in which people on both sides of the Taiwan Strait remember history and understand one another’s political identities and conceptions of statehood. After decades of political separation, these differences have also contributed to accumulated emotional wounds and a lack of mutual understanding within and across the two societies, resulting in divergent cultural perceptions and interpretations. Such differences are further reflected and reproduced through social media and have increasingly influenced the values, perceptions, and attitudes of people on both sides of the Taiwan Strait. Historical and political divisions may, in turn, generate selective memories and divergent interpretations of experiences of victimization among different groups. Consequently, fear, loss, and perceptions of injustice experienced at the individual or collective level may persist within social memory and be reproduced through families, education, political discourse, and media narratives. Over time, these processes may contribute to declining social trust, mutual distrust between groups, and fractures in interpersonal and broader social relationships.

Accordingly, peacebuilding across the Taiwan Strait should not focus exclusively on military deterrence, political negotiations, or the prevention of armed conflict. It should also address the relational harms and social fractures that have accumulated through prolonged political division and historical conflict. Against this background, the central concern of this article is whether the principles of Restorative Justice (RJ), which have gained increasing international attention in recent years, can be applied to dialogue across the Taiwan Strait as a means of preventing the escalation of conflict, reducing the risk of armed confrontation, and facilitating conflict transformation. More specifically, this article explores whether RJ can provide a conceptual and practical basis for social restoration at the national level, particularly by addressing historical memories, experiences of collective victimization, mutual distrust, and damaged social relationships, thereby contributing to the development of more sustainable conditions for peace across the Taiwan Strait.

II. Applications of RJ in International Trends

Since the latter part of the 20th century, RJ has progressively evolved from an alternative disposition model within the criminal and criminal justice domains into one of the pivotal concepts informing contemporary international criminal justice reform.¹ At its core, RJ does not simply respond to crime through punishment; rather, it conceptualizes crime as a harm inflicted upon victims, offenders, and the broader social fabric. Through processes such as dialogue, assumption of responsibility, reparation, relationship restoration, and community engagement, RJ enables those affected by crime to participate actively in addressing its consequences.² This paradigmatic shift—from state-imposed punishment of offenders toward the restoration of harmed relationships³—has allowed RJ to progressively transcend the institutional boundaries of traditional criminal justice, establishing itself as a significant developmental direction in both international criminal justice reform and the protection of victims' rights.

From the perspective of international normative development, the United Nations Economic and Social Council (ECOSOC) adopted the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters in 2002, marking the first significant international instrument within the UN framework specifically addressing RJ in criminal matters.⁴ Although these Basic Principles do not possess binding treaty force and are intended to serve as guidance for States in developing RJ, their more profound significance lies in affirming that RJ can be integrated into existing criminal justice systems, while also requiring States to establish necessary legal safeguards and procedural protections when promoting relevant programmes. Furthermore, the United Nations Office on Drugs and Crime (UNODC), in its recent Handbook on Restorative Justice Programmes, has reaffirmed the guiding function of the 2002 Basic Principles in the development of RJ systems across States. This demonstrates that RJ has progressively transitioned from being an innovation in individual national practices to a subject of sustained discussion within international criminal justice norms and policy frameworks.⁵ Europe represents a significant region in the contemporary development of RJ. In 2018, the Council of

¹ Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press.

² Zehr, H. (2002). *The Little Book of Restorative Justice*. PA: Good Books.

³ Marshall, T. (1999). *Restorative Justice: An Overview*. London: Home Office.

⁴ United Nations Economic and Social Council. (2002). *Basic principles on the use of restorative justice programmes in criminal matters*. E/CN.15/2002/L.2/Rev.1.

⁵ United Nations Office on Drugs and Crime. (2020). *Handbook on restorative justice programmes* (2nd ed.). United Nations.

Europe adopted Recommendation CM/Rec (2018)8 concerning RJ in criminal matters, which explicitly encourages member States to develop and apply RJ within their criminal justice systems and extends its applicability to various stages of criminal proceedings. The Recommendation stipulates that RJ may be employed at different phases, including arrest, prosecution, trial, sentencing, and even after the execution of penalties. Moreover, its modalities are not confined to traditional victim–offender mediation but also encompass restorative conferences, family group conferences, sentencing circles, peacemaking circles, and other diverse models. It is therefore evident that contemporary RJ has progressively evolved from a singular "case-processing approach" into a comprehensive judicial philosophy that can permeate the entirety of criminal justice procedures.⁶

Furthermore, the European Union has further integrated RJ with the protection of victims' rights. The EU Victims' Rights Directive (Directive 2012/29/EU) requires Member States, when providing RJ services, to prevent secondary or repeat victimization, intimidation, and retaliation against victims, and mandates that RJ processes be based on the victim's free and informed consent. Victims are also entitled to receive sufficient and impartial information about the procedures in advance, while offenders are required to acknowledge the basic facts of the case, and any agreement reached must be founded on the principle of voluntariness. This development carries significant implications, as it demonstrates that the contemporary international understanding of RJ is no longer confined to merely "substituting for punishment," but places greater emphasis on victim agency, procedural safety, informed consent, dignity, and the prevention of re-traumatization. The European Union has also observed that RJ services can provide victims with a safe space in which their voices may be heard and their healing process supported, while the quality, accessibility, and professional training of practitioners are all essential conditions for the effective functioning of such systems.⁷

III. The Theoretical Turn of RJ: From Criminal Justice to Social Restoration

The contemporary international development of RJ is not merely an expansion of its scope of application, but rather a gradual formation of a developmental trend that takes "relationship

⁶ Council of Europe. (2018). Recommendation CM/Rec (2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters. Council of Europe.

⁷ European Parliament & Council of the European Union. (2012). Directive 2012/29/EU of the European Parliament and of the Council of 2012 establishing minimum standards on the rights, support and protection of victims of crime. Official Journal of the European Union, L 315, 57–73.

restoration as its core and rights protection as its precondition." The 2018 Council of Europe Recommendation defines RJ as a process in which those who have been harmed and those who have caused harm, on the basis of free consent and with the assistance of a trained and impartial third party, actively participate in the resolution of conflict. At the same time, it explicitly notes that RJ may develop innovative restorative approaches "outside criminal proceedings," implying that its core focus is progressively shifting from "cases" to "harms," and from "criminal responsibility" further toward "relationships, needs, and social impacts." The most evident example of this is the extended application of restorative justice to Transitional Justice (TJ), which emphasizes mechanisms such as truth-telling, official apologies, and reparations, to repair the fractures of trust between the State, its people, and society caused by historical injustices, thereby promoting social reconciliation and enhancing social resilience. In response to such needs, Taiwan has enacted the Act on Promoting Transitional Justice in 2017 and the Act to Restore Victim's Rights Infringed by Illegal Acts of the State During the Period of Authoritarian Rule in 2022, among other legislative measures. However, RJ remains distinct from TJ in an important respect. TJ is typically undertaken in a post-conflict context, that is, after the cessation of large-scale conflict, whereas grassroots RJ initiatives and foundational practices can begin during an ongoing conflict.⁸ This distinction points to a broader theoretical potential for RJ that extends beyond the conventional boundaries of criminal justice. When conflict is understood as causing harm not only to individuals but also to groups and social relationships, the purpose of RJ extends beyond the mere resolution of disputes. It also encompasses the recognition and processing of experiences of victimization, the assumption of responsibility, the rebuilding of trust and relationships, and broader processes of social restoration. In this respect, RJ can be theoretically connected with the concepts of peacebuilding, social restoration, collective victimization, social resilience, and transitional justice. This article argues that TJ can be understood, in essence, as a large-scale process of social restoration in which the broader social community constitutes the primary object of restoration, and thus as an extension of RJ principles to the national and societal levels. Particularly when the harms arising from conflict extend beyond individual victims to encompass collective memories, social trust, and relationships within the broader community, the RJ emphasis on dialogue, truth-telling, lived experiences, and the reconstruction of relationships may provide an important approach to addressing collective harm and repairing

⁸ Soulou, K., & Matczak, A. (2023). Restorative justice in a time of war. Conference: European Society of Criminology Conference Florence 2023. DOI:10.13140/RG.2.2.17977.95849.

social divisions. This argument resonates with the perspective advanced by Soulou and Matczak (2023), who suggest that RJ can be extended beyond the domain of criminal justice to broader forms of social conflict. Through dialogue, communities affected by conflict may confront and transform intense emotions, thereby creating a foundation for coexistence and laying the groundwork for future TJ processes.⁹

From this perspective, the contemporary international development of RJ has increasingly reflected a shift from “case-based restoration” toward “relationship restoration,” from an exclusive focus on “individual victimization” toward the recognition of “social harm,” and from the confines of “criminal justice procedures” toward the broader governance of social conflict. This development offers important implications for the study of Taiwan Strait relations. If Cross-Strait relations are understood solely through the lenses of national security, political status, or the prospect of military conflict, such perspectives may be insufficient to address the enduring challenges associated with historical memories, experiences of collective victimization, emotional and psychosocial trauma, mutual distrust, and the disruption of social relationships. RJ may therefore offer a “bottom-up” perspective on social restoration. In the absence of full-scale conflict or war, restorative approaches could facilitate the gradual development of social trust and the foundations necessary for peacebuilding through dialogue, attentive listening, mutual recognition, and the rebuilding of relationships.

IV. Drawing on the Literature to Rethink the Shift from “War Avoidance” to “Relationship Restoration”

Drawing on Soulou and Matczak’s (2023) discussion of “Restorative Justice in a Time of War,” this article extends RJ beyond its conventional focus on criminal justice and post-conflict processes to consider its potential application to the social restoration of Taiwan Strait relations. It develops this theoretical inquiry through the interconnected dimensions of historical memory, collective victimization, truth-telling, relationship restoration, and peacebuilding. In particular, this article draws on the ancient Greek concept of *parrhesia*, which refers to the practice of speaking openly and frankly, to argue that the notion of truth addressed by RJ should not be confined to objectively verifiable facts in the juridical sense. Rather, RJ should also recognize the distinctions among, and interactions between, personal truths,

⁹ Soulou, K., & Matczak, A. (2023). Restorative justice in a time of war. Conference: European Society of Criminology Conference Florence 2023. DOI:10.13140/RG.2.2.17977.95849.

collective truths, and media-mediated representations of truth. Providing safe spaces in which different groups can articulate their own historical experiences, experiences of victimization, and emotional responses may enable lived experiences that have long been simplified, marginalized, or excluded by dominant political narratives to become visible, heard, and understood. At the same time, processes of mutual listening may provide opportunities to reconsider entrenched perceptions of one another as adversaries and to challenge stereotypes associated with different groups. Through sustained dialogue and reciprocal recognition, RJ may therefore contribute not only to a more nuanced understanding of contested histories and experiences of victimization, but also to the gradual transformation of antagonistic perceptions and the reconstruction of social relationships. In this respect, RJ offers a potential framework for moving beyond the binary logic of “us” and “them” and for creating the relational and social conditions necessary for longer-term peacebuilding across the Taiwan Strait.¹⁰

This article further argues that “social restoration” does not entail erasing historical differences or obscuring political responsibility. Rather, it involves creating conditions through truth-telling, recognition of lived experiences, dialogue, and the reconstruction of relationships, through which different groups can develop a deeper understanding of one another’s historical experiences and experiences of collective victimization. Such processes may help reduce the social divisions generated by antagonistic relationships and mutual exclusion. Social restoration may, in turn, foster social trust and strengthen social resilience, enabling societies to maintain dialogue, accommodate differences, and transform conflicts even in the face of profound political divisions and persistent tensions. From this perspective, this article argues that peace across the Taiwan Strait should not be understood solely as the absence of war—that is, as “negative peace.” Rather, it should be understood as requiring the active pursuit of “positive peace” grounded in the restoration of relationships, social integration, collective understanding, and the rebuilding of social trust. This article refers to this broader conception as “restorative peace.” Restorative peace, in this sense, does not require the elimination of political differences or the achievement of complete agreement over historical interpretations. Instead, it emphasizes the capacity of divided societies to acknowledge different experiences, sustain meaningful dialogue, repair damaged relationships, and coexist with enduring differences. Such a conception broadens the meaning of peace across the Taiwan Strait from merely preventing armed conflict toward the long-term restoration of social relationships and

¹⁰ Soulou, K., & Matczak, A. (2023). Restorative justice in a time of war. Conference: European Society of Criminology Conference Florence 2023. DOI:10.13140/RG.2.2.17977.95849.

the strengthening of the social foundations of peaceful coexistence.

V. Conclusion

RJ can contribute to peacebuilding by gradually establishing the social foundations necessary for peaceful coexistence through micro-level and grassroots dialogue and relationship restoration, even before formal political transformation or the termination of a conflict. Understanding does not imply agreement, and acknowledging another group's experiences does not require accepting its political claims. If the political circumstances were to undergo significant change in the future, RJ could further provide a basis for connecting such grassroots processes with transitional justice mechanisms, including truth-telling and truth-seeking, accountability, official apologies, reparations, and institutional reform. From this perspective, the "Taiwan Strait issue" might be re-conceptualized, at least in part, as a problem of relationship restoration. "Social restoration" does not seek to eliminate political differences across the Taiwan Strait. Rather, it seeks to address and repair the interpersonal, intergroup, and broader social harms that have accumulated as a consequence of prolonged political divisions. Such an approach does not require consensus on political identity, sovereignty, or historical interpretation. Instead, it emphasizes the possibility of repairing relationships while allowing fundamental political differences to remain. The repeated reference to "war" throughout this article also requires further clarification. The fact that a full-scale war has not occurred in the Taiwan Strait in the present does not mean that there are no memories of war. The absence of contemporary full-scale warfare does not imply that the two sides have never experienced war in their shared and interconnected histories. Moreover, the forms and experiences of warfare have changed over time. In the Taiwan Strait context, even in the absence of contemporary full-scale war, war may continue to enter the social and psychological sphere through historical memories, military confrontation, family narratives, political education, and contemporary perceptions of security threats.

Accordingly, RJ should not be understood solely as a mechanism for addressing harms that have already occurred. It may also serve as an important theoretical bridge through which the Taiwan Strait context can move from conflict prevention toward peacebuilding, and ultimately toward broader processes of social restoration and transitional justice. By creating spaces for dialogue, recognition, truth-telling, and the reconstruction of relationships, RJ may contribute to building the social trust and resilience necessary for peaceful coexistence despite persistent

political disagreement. In this sense, the contribution of RJ lies not in providing a direct solution to the political or security dimensions of the Taiwan Strait issue, but in broadening the conceptual understanding of peace. Peace may involve more than preventing war; it may also require addressing the relational and social harms embedded in historical experiences of conflict, rebuilding trust across divided communities, and developing the capacity to live with enduring political differences. RJ therefore offers a potentially significant conceptual framework for rethinking the relationship between conflict prevention, peacebuilding, social restoration, and transitional justice in the Taiwan Strait context.

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