



Restorative Justice

Restorative Justice And The Law

George Pavlich



Restorative Justice And The Law:

Restorative Justice and the Law Lode Walgrave, 2012-12-06 Restorative justice has developed rapidly from being a barely known term to occupying a central role in debates on the future of criminal justice. But as it has become part of the mainstream of debate, so new tensions and issues have emerged. One of the most crucial issues is to find an appropriate combination of restorative justice based essentially on informal deliberation and the law. The purpose of this book is to analyse the several dimensions to this issue. It explores the social and ethical foundations of restorative justice, seeks to position it in relation to both rehabilitation and punishment, and examines the possibility of developing and incorporating restorative justice as the mainstream response to crime in terms of the principles of constitutional democracy. Amongst the questions it addresses are the following: How are informal processes to be juxtaposed with formal procedures? What is the appropriate relationship between voluntarism and coercion? How can the procedures and practices of restorative justice be combined with legal standards, safeguards and precepts? How can one balance restorative responses with legally sanctioned punishment? In this book, a distinguished team of contributors consider this crucial set of relationships between restorative justice and the law, building upon papers and discussions at the fifth international restorative justice conference in Leuven, Belgium, in September 2001. Restorative justice has grown rapidly throughout the world; this book addresses the central issue of the relationship of restorative justice to existing law and legal systems. Chapters from world-leading authorities.

Restorative Justice and Criminal Justice Andreas von Hirsch, Julian V Roberts, Anthony E Bottoms, Kent Roach, Mara Schiff, 2003-01-06 Restorative justice has emerged around the world as a potent challenge to traditional models of criminal justice, and restorative programmes, policies and legislative reforms are being implemented in many western nations. However, the underlying aims, values and limits of this new paradigm remain somewhat uncertain, and those advocating Restorative Justice have rarely engaged in systematic debate with those defending more traditional conceptions of criminal justice. This volume, containing contributions from scholars of international renown, provides an analytic exploration of Restorative Justice and its potential advantages and disadvantages. Chapters of the book examine the aims and limiting principles that should govern Restorative Justice, its appropriate scope of application, its social and legal contexts, its practice and impact in a number of jurisdictions, and its relation to more traditional criminal justice conceptions. These questions are addressed by twenty distinguished criminologists and legal scholars in papers which make up this volume. These contributions will help clarify the aims that Restorative Justice might reasonably hope to achieve, the limits that should apply in pursuing these aims, and how restorative strategies might comport with or replace other penal strategies. Contributors: Andrew Ashworth, Anthony E Bottoms, John Braithwaite, Kathleen Daly, James Dignan, R A Duff, Carolyn Hoyle, Barbara Hudson, Leena Kurki, Allison Morris, Kent Roach, Julian V Roberts, Paul Roberts, Mara Schiff, Joanna Shapland, Clifford Shearing, Daniel van Ness, Andrew von Hirsch, Lode Walgrave, Richard Young. Governing Paradoxes of Restorative Justice George Pavlich, 2013-01-11 Restorative justice

is the policy of eschewing traditional punishments in favour of group counselling involving both victims and perpetrators. Until now there has been no critical analysis of governmental rationales that legitimize restorative practices over traditional approaches but *Governing Practices of Restorative Justice* fills this gap and addresses the mentalities of governance most prominent in restorative justice. The author provides comprehensible commentary on the central images of this discursive arena in a style accessible to participants and observers alike of restorative justice.

Handbook of Restorative Justice
Gerry Johnstone, Daniel Van Ness, 2013-01-11

This book provides a comprehensive and authoritative account and analysis of restorative justice, one of the most rapidly growing phenomena in the field of criminology and justice studies. This book aims to meet the need for a comprehensive, reliable and accessible overview of the subject. It draws together leading authorities on the subject from around the world in order to elucidate and discuss the key concepts and principles of restorative justice, explain how the campaign for restorative justice arose and developed into the influential social movement it is today, describe the variety of restorative justice practices, explain how they have developed in various places and contexts, and critically examine their rationales and effects. It identifies and examines key tensions and issues within the restorative justice movement, brings a variety of disciplinary and interdisciplinary perspectives to bear upon the understanding and assessment of restorative justice. The *Handbook of Restorative Justice* is essential reading for students and practitioners in the field.

Punishment, Restorative Justice and the Morality of Law
Erik Claes, René Fokué, Tony Peters, 2005

Critics take the unclear status of restorative justice practices along with their vagueness in meaning and purpose as a clear invitation to a fundamental questioning of the legitimacy of these practices. Their supporters consider the experiment of restorative justice as a platform for reforming penal institutions and for rethinking the legitimacy of orthodox legal reasoning. Within the framework of a *rechtsstaat*, a democratic state governed by fundamental rights and by the rule of law, both issues of legitimacy lead not only to reflection on concepts such as restoration, punishment, or on such notions as harm and wrong. Questioning the legitimacy both of restorative justice practices and of the prevailing penal system also inevitably involves some reflection on and articulation of the underlying values and normative aspirations of such a democratic constitutional state. What are these values and how can they be given appropriate expression in the leading concepts and principles of the criminal law? To what extent are fundamental rights and principles of the rule of law sufficiently reflected in the practices of restorative justice? How are these practices to be related to the criminal justice system according to the normative aspirations of a democratic constitutional state? To what degree can current penal practices be made continuous with these aspirations? These fundamental questions formed the intellectual framework for the 10th Aquinas Conference on Restorative Justice: Punishment and the Morality of Law, at which conference the larger part of the papers published in this volume were presented. Consistent with the structure of the conference, this collection of essays is organised into three parts, each focussing on one central topic and containing a lead essay and corresponding replies. The first part offers critical scrutiny of

one of the cornerstones of a criminal justice system governed by the rule of law namely the principle of legality Efforts are made to empower this principle through reflection on its underlying values and aspirations and this in order to meet some of the legitimate ideals and concerns of restorative justice These efforts are subsequently assessed from both sociological and philosophical perspectives In the second part attention is drawn to the legitimacy of restorative justice practices Here the normative intuitions of a democratic constitutional state serve either as a critical framework to assess these practices or more optimistically as ideals to whose realisation restorative justice is supposed to make a valuable contribution And finally in the third part reflection on the value of restorative justice brings us to a fundamental questioning of the legitimacy of punishment and penal practices Central to the discussion is whether it is possible to interpret and normatively reconstruct the idea and practice of punishment so as to make them compatible with and even continuous with the underlying values of a democratic constitutional state

Restorative Justice Gerry Johnstone, 2013-03-01 Restorative justice is one of the most talked about developments in the field of crime and justice Its advocates and practitioners argue that state punishment society's customary response to crime neither meets the needs of crime victims nor prevents reoffending In its place they suggest should be restorative justice in which families and communities of offenders encourage them to take responsibility for the consequences of their actions express repentance and repair the harm they have done First published in 2002 Restorative Justice Ideas Values Debates is renowned worldwide as an accessible balanced and invaluable analysis of the argument that restorative justice can provide an attractive alternative to traditional responses to crime The second edition includes a new chapter identifying and analyzing fundamental shifts and developments in restorative justice thinking over the last decade It suggests that the campaign for restorative justice has not only grown rapidly in the last decade but has also changed in its focus and character What started as a campaign to revolutionize criminal justice has evolved into a social movement that aspires to implant restorative values into the fabric of everyday life This new edition explores the implications of this development for restorative justice's claim to provide a feasible and desirable alternative to mainstream thinking on matters of crime and justice This book provides an essential introduction to the most fundamental and distinctive ideas of restorative justice and will appeal to students of criminology law or related disciplines or researchers and professionals with an interest in crime and justice issues In addition it extends the debate about the meaning of restorative justice pros cons and wider significance hence it will also be of interest to those already familiar with the topic

New Directions in Restorative Justice Elizabeth Elliott, Robert Gordon, 2013-06-17 This book is based on papers originally presented at the 6th International Conference on Restorative Justice in Vancouver It is concerned with several new areas of practice within restorative justice with sections on restorative justice and youth aboriginal justice and restorative justice victimization and restorative justice and evaluating restorative justice

The Restorative Justice Ritual Lindsey Pointer, 2020-12-23 Restorative justice is an innovative approach to responding to crime and conflict that shifts the focus away from laws and

punishment to instead consider the harm caused and what is needed to repair that harm and make things right Interest in restorative justice is rapidly expanding with new applications continuously emerging around the world The restorative philosophy and conference process have shown great promise in providing a justice response that heals individuals and strengthens the community Still a few key questions remain unanswered First how is the personal and relational transformation apparent in the restorative justice process achieved What can be done to safeguard and enhance that effectiveness Second can restorative justice satisfy the wider public's need for a reaffirmation of communal norms following a crime particularly in comparison to the criminal trial And finally given its primary focus on making amends at an interpersonal level does restorative justice routinely fail to address larger structural injustices This book engages with these three critical questions through an understanding of restorative justice as a ritual It proffers three dominant ritual functions related to the performance of justice the normative the transformative and the proleptic Two justice rituals namely the criminal trial and the restorative justice conference are examined through this framework in order to understand how each process fulfills or fails to fulfill the multifaceted human need for justice The book will be of interest to students academics and practitioners working in the areas of Restorative Justice Criminal Law and Criminology

Restorative Justice

Margarita Zernova, 2016-12-05 The legitimacy and performance of the traditional criminal justice system is the subject of intense scrutiny as the world economic crisis continues to put pressure on governments to cut the costs of the criminal justice system This volume brings together the leading work on restorative justice to achieve two objectives to construct a comprehensive and up to date conceptual framework for restorative justice suitable even for newcomers and to challenge the barriers of restorative justice in the hope of taking its theory and practice a step further The selected articles start by answering some fundamental questions about restorative justice regarding its historical and philosophical origins and challenge the concept by bringing into the debate the human rights and equality discourses Also included is material based on empirical testing of restorative justice claims especially those impacting on reoffending rates victim satisfaction and reintegration The volume concludes with a critique of restorative justice as well as with analytical thinking that aims to push its barriers It is hoped that the investigations offered by this volume not only offer hope for a better system for abolitionists and reformists but also new and convincing evidence to persuade the sceptics in the debate over restorative justice

Reconstructing Restorative Justice Philosophy Theo Gavrielides, Vasso Artinopoulou, 2016-04-08 This book takes bold steps in forming much needed philosophical foundations for restorative justice through deconstructing and reconstructing various models of thinking It challenges current debates through the consideration and integration of various disciplines such as law criminology philosophy and human rights into restorative justice theory resulting in the development of new and stimulating arguments Topics covered include the close relationship and convergence of restorative justice and human rights some of the challenges of engagement with human rights the need for the recognition of the teachings of restorative justice

at both the theoretical and the applied level the Aristotelian theory on restorative justice the role of restorative justice in schools and in police practice and a discussion of the humanistic African philosophy of Ubuntu With international contributions from various disciplines and through the use of value based research methods the book deconstructs existing concepts and suggests a new conceptual model for restorative justice This unique book will be of interest to academics researchers policy makers and practitioners

The Practice of Punishment Wesley Cragg,2003-09-02 Cragg combines the findings of contemporary studies reports and papers focusing on crime punishment and penal practice with philosophical argument and thereby constructs a radical theory of restorative justice

Social Work and Restorative Justice Elizabeth Beck,Nancy P. Kropf,Pamela Blume Leonard,2010-11-11 Presents an innovative synergistic practice model that will help social workers use restorative justice skills to facilitate healing and recovery in the families and communities that they serve

Developing Restorative Justice Jurisprudence Tony Foley,2016-04-22 What are the requirements for a just response to criminal wrongdoing Drawing on comparative and empirical analysis of existing models of global practice this book offers an approach aimed at restricting the current limitations of criminal justice process and addressing the current deficiencies Putting restoration squarely alongside other aims of justice responses the author argues that only when restorative questions are taken into account can institutional responses be truly said to be just Using the three primary jurisdictions of Australia New Zealand and Canada the book presents the leading examples of restorative justice practices incorporated in mainstream criminal justice systems from around the world In conclusion the work provides a fresh insight into how today s criminal law might develop in order to bring restoration directly into the mix for tomorrow This book will be of interest to undergraduates postgraduate researchers and lecturers as well as lawyers who work in the field of criminal law criminologists social scientists and philosophers interested in ideas of wrongdoing and criminal justice responses to criminal offending

Sexual Violence and Restorative Justice Marie Keenan,Estelle Zinsstag,2022-11-03 Concerned by the high attrition rates for sexual crime and the secondary victimization experienced by victims during their participation in the criminal justice system this book analyses the extent to which restorative justice can address the justice gap that exists in current justice provision Building on clinical experience and earlier research on sexual crime the authors engage with the complex dynamics and traumatic impact of sexual crime as a critical starting point for their research and examine whether restorative justice can contribute to a more enhanced justice response The book presents extensive new data on restorative justice as applied in sexual violence cases across the globe It engages with feminist concerns regarding the traumatic impact of sexual violence and the potential for re traumatisation the power imbalances that characterise these offences and the potential for re victimisation the potential for coercion of the victim to participate in the process the potential for manipulation of restorative justice by the offender and the potential that restorative justice could lead to the reprivatisation of sexual crime and ultimately to its decriminalisation Having examined these topics in detail the book concludes there is an important role for

restorative justice in addressing the justice gap that exists after sexual crime and offers guidance on how this can be achieved

Restorative Justice in Transition Kerry Clamp, 2013-09-05 This book explores how restorative justice is used and what its potential benefits are in situations where the state has been either explicitly or implicitly involved in human rights abuses Restorative justice is increasingly becoming a popular mechanism to respond to crime in democratic settings and while there is a burgeoning literature on these contexts there is less information that focuses explicitly on its use in nations that have experienced protracted periods of conflict and oppression This book interrogates both macro and micro utilisations of restorative justice including truth commissions criminal justice reform and the development of initiatives by communities and other non state actors The central premise is that the primary potential of restorative justice in responding to international crime should be viewed in terms of the lessons that it provides for problem solving rather than its traditional role as a mechanism or process to respond to conflict Four values are put forward that should frame any restorative approach engagement empowerment reintegration and transformation It is thought that these values provide enough space for local actors to devise their own culturally relevant processes to achieve longstanding peace This book will be of interest to those conducting research in the fields of restorative justice transitional justice as well as criminology in general

Restorative Justice & Responsive Regulation John Braithwaite, 2001-11-15 Braithwaite's argument against punitive justice systems and for restorative justice systems establishes that there are good theoretical and empirical grounds for anticipating that well designed restorative justice processes will restore victims offenders and communities better than existing criminal justice practices Counterintuitively he also shows that a restorative justice system may deter incapacitate and rehabilitate more effectively than a punitive system This is particularly true when the restorative justice system is embedded in a responsive regulatory framework that opts for deterrence only after restoration repeatedly fails and incapacitation only after escalated deterrence fails Braithwaite's empirical research demonstrates that active deterrence under the dynamic regulatory pyramid that is a hallmark of the restorative justice system he supports is far more effective than the passive deterrence that is notable in the stricter sentencing grid of current criminal justice systems

[Proceedings of the 3rd International Conference on Business Law and Local Wisdom in Tourism \(ICBLT 2022\)](#) I Nyoman Putu Budiarta, Ade Saptomo, Peter Verhezen, Siti Hafsyah Idris, Cesaltina Angela Soares, Eddy Lisdiyono, Faisal Santiago, Eddy Pratomo, Ahmad Sudiro, Anthon Freddy Susanto, 2023-02-10 This is an open access book The 3rd International Conference on Business Law and Local Wisdom in Tourism ICBLT will be an annual event hosted by Universitas Warmadewa Denpasar Bali Business Law and Local Wisdom in Tourism has been chosen at the main theme for the conference with a focus on the latest research and trends as well as future outlook of the field of Call for paper fields to be included in ICBLT 2022 are Local Wisdom Customary Law Law on Business Business Competition and Prohibition of Monopoly Law on Land and Environment Law on Investment Law on Criminal Act of Corruption and Asset Recovery Law on Licenses and Labor Law on Tourism Law on Transportation

Law on Immigration Intellectual Property Rights and Law on Resolution of Tourism Investment and Business Disputes This international seminar aims to facilitate scholars researchers practitioners and students to share their thoughts on the latest trends on Business Law and Local Wisdom in Tourism whilst building network in an engaging environment The participants of this conference will have a chance to enrich knowledge and discuss common challenges and offer creative solutions By this we hope to enhance and contribute knowledge for a better civilized community **Restorative Justice in India R.**

Thilagaraj,Jianhong Liu,2017-07-04 This book systematically introduces the practice of restorative justice in India as a resource for comparative criminal justice research Restorative justice focuses on the rehabilitation of offenders through reconciliation with victims and with the community at large It has gained momentum as a justice reform movement in Western countries within the past three decades and it is estimated that up to one hundred countries worldwide utilize restorative justice practices Within Western countries it is seen largely a response or alternative to the perceived deficiencies of the existing criminal justice system India has a rich tradition of restorative justice and this work introduces both the traditional basis and contemporary practices of this justice system in India in a comprehensive and systematic way The contributions to this work cover three main areas I The Tradition of Restorative Justice in India II The Development of Restorative Justice in India III Restorative Justice Practices in India The third part Practices covers special topics including Restorative Justice and the Court Restorative Justice and Incarceration Restorative Justice and Juveniles and Restorative Justice and Woman The book covers the full range of the issues of restorative justice in India and will be a highly valuable resource book for researchers and upper level graduate students interested in alternative justice models in general comparative criminology and criminal justice in India specifically A landmark volume in the history of restorative justice and criminology in India Many outstanding scholars in this collection outline the Indian experience of restorative justice from which the world has much to learn John Braithwaite Australian National University *Restorative Justice, Reconciliation, and Peacebuilding* Jennifer J. Llewellyn,Daniel Philpott,2014 This book develops the twin concepts of restorative justice and reconciliation as frameworks for peacebuilding that contain great potential for addressing common dilemmas peace versus justice religious versus secular approaches individual versus structural justice reconciliation versus retribution and the harmonization of the sheer multiplicity of practices involved in repairing past harms **Critical Restorative Justice Ivo**

Aertsen,Brunilda Pali,2017-11-16 Theories and practices of justice do not meet the socio political challenges of our times For those theorists attempting to develop an alternative to the criminal justice system restorative justice has provided an alternative horizon The restorative justice approach involves meeting people understanding and recognising their vulnerability through participatory and deliberative forums and practices The aim of this collection is to bridge the distance between restorative justice and the critical theory tradition It on the one hand takes into account the limits of restorative justice as they have been articulated or can be articulated through critical social theory and on the other hand emphasises

the ground breaking potential that restorative justice can bring to this tradition as a way to address crimes conflicts and injustices and to pursue justice

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