

*RESTORATIVE
JUSTICE AND
RESPONSIVE
REGULATION*

JOHN BRATHWAITE

Restorative Justice And Responsive Regulation

Vijaya Nagarajan



Restorative Justice And Responsive Regulation:

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. Restorative Justice and Responsive Regulation John Braithwaite, 2002 Restorative justice has become an important new way of thinking about crime responsive regulation an influential way of thinking about business regulation. In this volume John Braithwaite brings together his important work on restorative justice with his work on business regulation to form a sweepingly novel picture of the way society regulates itself. Braithwaite internationally renowned for his work on restorative justice has argued that restoring victims offenders and communities is more effective than punitive practices for deterring incapacitating and rehabilitating offenders. In this fascinating book he reconceives responsive regulation as an approach to regulating any phenomenon. Offering an original and incisive argument he establishes the relevance of the business regulation literature on responsive regulation to the problem of crime and the relevance of the restorative justice literature on crime not only to business regulation but also to many of our biggest social and economic problems. These include the problems of war and peace education poverty and sustainable development. Braithwaite's theories offer radically different ways of thinking about policies to confront these problems. They also propose a complete transformation of the legal system from tort to tax in accordance with the principles of restorative justice and responsive regulation. Braithwaite summarises a great deal of research evidence from criminal justice in the case of restorative practices from business in the case of responsive regulation on how and why restorative justice and responsive regulation works in healing our biggest social problems. This book offers compelling arguments for a problem solving approach to social ills and challenges us to develop a legal system that works more efficiently and fairly with a morally decent approach to social problems of all stripes. **Restorative and Responsive Human Services** Gale Burford, John Braithwaite, Valerie Braithwaite, 2019-03-04 In Restorative and Responsive Human Services Gale Burford John Braithwaite and Valerie Braithwaite bring together a distinguished collection providing rich lessons on how regulation in human services can proceed in empowering ways that heal and are respectful of human relationships and legal obligations. The human services are in trouble combining restorative justice with responsive

regulation might redeem them renewing their well intended principles Families provide glue that connects complex systems What are the challenges in scaling up relational practices that put families and primary groups at the core of health education and other social services This collection has a distinctive focus on the relational complexity of restorative practices How do they enable more responsive ways of grappling with complexity than hierarchical and prescriptive human services Lessons from responsive business regulation inform a re imagining of the human services to advance wellbeing and reduce domination Readers are challenged to re examine the perverse incentives and contradictions buried in policies and practices How do they undermine the capacities of families and communities to solve problems on their own terms This book will interest those who harbor concerns about the creep of domination into the lives of vulnerable citizens It will help policymakers and researchers to re focus human services to fundamental outcomes at the foundation of sustainable democracies This book is available for free in PDF format as Open Access from the individual product page at www.routledge.com It has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

Rethinking Justice Richard H. Bell, 2007-01-01 In *Rethinking Justice* Richard H Bell lifts up and restores an idea of justice found in classical writers such as Socrates and Seneca as well as in more recent thinkers Justice classically has dealt with righting wrongs and restoring peace to individuals and human communities We have lost sight of this in our modern political and legal dealings and must find a way to return it to mind and to practice Each chapter looks at ways to restore such reconciliatory practices to the idea of justice that can be found in our contemporary life and literature and focuses on numerous recent cases of abuse of justice among individuals groups and nations Bell approaches justice as a concept that goes hand in hand with compassion mercy and trust *Rethinking Justice* reminds us that we have an obligation to foster peace be merciful and promote reconciliation with our brothers and sisters in humanity [Radical Ideas in Justice and Regulation](#), 2015 Restorative Justice and Responsive Regulation Restorative Justice and Responsive Regulation are policy ideas that have spread widely in the 21st century They are about the notion that because crime hurts justice should heal Because injustice causes great pain it is more important to fix it than punish it That said these policies leave a strategically important place for deterrence in crime control the control of school bullying business regulation and peacemaking in international affairs In this film John Braithwaite explains how we can make wise choices about whether to punish or persuade Whether the challenge is to regulate climate change crime or war making responsive regulation helps us organise a mix of regulatory strategies to tackle the problem Because most regulatory strategies fail most of the time we must learn to fail fast learn and adjust to a different regulatory strategy Because people need to learn to work together again after terrible tragedy or wrong doing acknowledging shame repairing the harm and restoring relationships are also critical John Braithwaite John Braithwaite is a Distinguished Professor at the Australian National University He is a criminologist and scholar of peace building and business regulation He is best known for his work on restorative justice and responsive regulation Professor Braithwaite was

an inaugural Federation Fellow in Australia and won a second Fellowship from 2007 His work has also won many prizes from US and European scholarly societies including the Grawemeyer Award for Ideas Improving World Order for his work with Peter Drahoš on business regulation the Sutherland Award of the American Society of Criminology the Prix Emile Durkheim of the International Society of Criminology the Kalven Prize of the Law and Society Association the first Stockholm Prize in Criminology the Future Justice Prize and an honorary doctorate from Leuven University in Belgium Braithwaite founded the Regulatory Institutions Network at the Australian National University He was an author of the Braithwaite Report Raising the Standard Resident Centred Nursing Home Regulation in Australia in 1993 His nursing home work was central to his 1992 Oxford University Press book Responsive Regulation with Yale Law Professor Ian Ayres His restorative justice ideas are best captured in his 1989 book Crime Shame and Reintegration and his 2002 work Restorative Justice and Responsive Regulation

From 1983 **Regulatory Capitalism** John Braithwaite, 2008 In this sprawling and ambitious book John Braithwaite successfully manages to link the contemporary dynamics of macro political economy to the dynamics of citizen engagement and organisational activism at the micro instabilities of governance practices This is no mean feat and the logic works Stephen Bell The Australian Journal of Public Administration Everyone who is puzzled by modern regulocracy should read this book Short and incisive it represents the culmination of over twenty years work on the subject It offers us a perceptive and wide ranging perspective on the global development of regulatory capitalism and an important analysis of points of leverage for democrats and reformers Christopher Hood All Souls College Oxford UK It takes a great mind to produce a book that is indispensable for beginners and experts theorists and policymakers alike With characteristic clarity admirable brevity and his inimitable mix of description and prescription John Braithwaite explains how corporations and states regulate each other in the complex global system dubbed regulatory capitalism For Braithwaite aficionados Regulatory Capitalism brings into focus the big picture created from years of meticulous research For Braithwaite novices it is a reading guide that cannot fail to inspire them to learn more Carol A Heimer Northwestern University US Reading Regulatory Capitalism is like opening your eyes John Braithwaite brings together law politics and economics to give us a map and a vocabulary for the world we actually see all around us He weaves together elements of over a decade of scholarship on the nature of the state regulation industrial organization and intellectual property in an elegant readable and indispensable volume Anne Marie Slaughter Princeton University US Encyclopedic in scope chock full of provocative even jarring claims Regulatory Capitalism shows John Braithwaite at his transcendental best Ian Ayres Yale Law School Yale University US Contemporary societies have more vibrant markets than past ones Yet they are more heavily populated by private and public regulators This book explores the features of such a regulatory capitalism its tendencies to be cyclically crisis ridden ritualistic and governed through networks New ways of thinking about resultant policy challenges are developed At the heart of this latest work by John Braithwaite lies the insight by David Levi Faur and Jacint Jordana that the welfare state was succeeded in the 1970s by regulatory capitalism

The book argues that this has produced stronger markets public regulation private regulation and hybrid private public regulation as well as new challenges such as a more cyclical quality to crises of market and governance failure regulatory ritualism and markets in vice However regulatory capitalism also creates opportunities for better design of markets in virtue such as markets in continuous improvement privatized enforcement of regulation open source business models regulatory pyramids with networked escalation and meta governance of justice Regulatory Capitalism will be warmly welcomed by regulatory scholars in political science sociology history economics business schools and law schools as well as regulatory bureaucrats policy thinkers in government and law and society scholars

Encyclopedia of Criminological Theory

Francis T. Cullen, Pamela Wilcox, 2010-09-23 Consistently excellent The level and coverage of the content make this an invaluable reference for students studying criminology or taking criminal psychology modules at degree level and beyond Adam Tocock Reference Reviews In discussing a criminology topic lecturers and course textbooks often toss out names of theorists or make a sideways reference to a particular theory and move on as if assuming their student audience possesses the necessary background to appreciate and integrate the reference However university reference librarians can tell you this is often far from the case Students often approach them seeking a source to provide a quick overview of a particular theory or theorist with just the basics the who what where how and why if you will And reference librarians often find it difficult to guide these students to a quick one stop source In response SAGE Reference is publishing the two volume Encyclopedia of Criminological Theory available in both print and electronic formats This serves as a reference source for anyone interested in the roots of contemporary criminological theory Drawing together a team of international scholars it examines the global landscape of all the key theories and the theorists behind them presenting them in the context needed to understand their strengths and weaknesses In addition to interpretations of long established theories it also offers essays on cutting edge research as one might find in a handbook And like an unabridged dictionary it provides concise to the point definitions of key concepts ideas schools and figures Coverage will include contexts and concepts in criminological theory the social construction of crime policy implications of theory diversity and intercultural contexts conflict theory rational choice theories conservative criminology feminist theory

Macrocriminology and Freedom

John Braithwaite, 2022-02-15 How can power over others be transformed to power with It is possible to transform many institutions to build societies with less predation and more freedom These stretch from families and institutions of gender to the United Nations Some societies times and places have crime rates a hundred times higher than others Some police forces kill at a hundred times the rate of others Some criminal corporations kill thousands more than others Micro variables fail to explain these patterns Prevention principles for that challenge are macrocriminological Freedom is conceived in a republican way as non domination Tempering domination prevents crime crime prevention reduces domination Many believe a high crime rate is a price of freedom Not Braithwaite His principles of crime control are to build freedom temper power lift people from poverty and

reduce all forms of domination Freedom requires a more just normative order It requires cascading of peace by social movements for non violence and non domination Periods of war domination and anomie cascade with long lags to elevated crime violence inter generational self violence and ecocide Cybercrime today poses risks of anomic nuclear wars Braithwaite's proposals refine some of criminology's central theories and sharpen their relevance to all varieties of freedom They can be reduced to one sentence Strengthen freedom to prevent crime prevent crime to strengthen freedom A true magnum opus Macrocriminology and Freedom is a thought provoking and generative book from one of criminology's intellectual giants John Braithwaite reaches far and wide across societies time and disciplines to advance no less than a theory of how to build a society that simultaneously reduces both domination and crime His ambitious ideas on cascades of non dominating collective efficacy and crime prevention for example and their connections to social movements and political freedom go well beyond usual criminological discourse Chock full of theoretical propositions and bold insights this a book that will keep criminologists busy for years Macrocriminology and Freedom should not just be read but better yet savoured Robert J Sampson Henry Ford II Professor of the Social Sciences Harvard University In this majestic theorisation of the relationship between crime and freedom John Braithwaite isolates the unique power of macrocriminology as a lens through which to comprehend and challenge many of the fundamental crises facing our planet Very few scholars have the breadth and overview to succeed in a mission of this order Braithwaite does This extraordinary book is an object lesson for all who seek to understand and resist domination and the crimes of power that flow from it Penny Green Professor of Law and Globalisation Queen Mary University of London For over 40 years John Braithwaite has been a voice of wisdom hope and humanity in criminology This dazzling new book weaves together all the main themes of his influential work reanimating many of the core concepts of the discipline as well as incorporating interdisciplinary resources from south and north east and west to produce an elegant and ambitious explanatory and normative account of crime as freedom threatening domination Decentring criminal justice as the solution to crime Braithwaite shows that on a global scale the aspiration to tackle crimes ranging from interpersonal violence through corporate crimes to ecocide lies in the development of freedom enhancing power tempering institutions in the political economic and social spheres Nicola Lacey Professor of Law Gender and Social Policy London School of Economics Macrocriminology and Freedom is a criminological epic an expansive and erudite story that sweeps across history and contexts The book is frightening in showing how cascading events can produce catastrophes from crime to environmental destruction But in the end its message is hopeful identifying pathways or normative rivers for guiding freedom from domination and crime Drawing on his distinguished career John Braithwaite has bestowed an extraordinary gift a book like other masterpieces that will yield special insights each time we take an excursion through its pages Francis T Cullen Distinguished Research Professor Emeritus University of Cincinnati In this engaging book John Braithwaite reinvigorates discussions about crime and its control While advocating a macro approach the book is punctuated not only with insights and

data from smaller scale studies conducted in a range of jurisdictions but also with auto biographical vignettes The effect creates a deeply personal account of the perils of state non state and market violence and authoritarianism and the potential and indeed duty of criminologists to work towards their reduction by refocusing their efforts on explaining and tackling crime in its myriad of forms Mary Bosworth Professor of Criminology University of Oxford and Monash University John Braithwaite has had a unique influence on criminology globally In this encyclopaedic text he synthesises a wealth of criminological knowledge particularly in the sphere of anomie theory into broader debates about the nature of domination and freedom in contemporary society He defends the relevance of criminological theory while urging criminology to be activist rather than reactive and technocratic counter hegemonic rather than neutral Not for the first time John Braithwaite has challenged criminologists to construct theories that cut across micro and macro structures This book will stir debate It deserves a broad readership Harry Blagg Professor of Criminology University of Western Australia Restorative Justice Today Lorenn Walker, 2012-08-17 Restorative Justice Today Applications of Restorative Interventions takes a hard look at the issues and concepts surrounding restorative justice and current restorative practices used in a broad range of areas today In a time when the cost of prisons and jails is on the rise resulting in more offenders being kept out of the community this timely and contemporary book exposes readers to a range of restorative practices that can be implemented The authors renowned experts in the area of restorative justice provide information not found in other restorative justice texts

Strengths-Based Approaches to Crime and Substance Use David Best, Charlotte Colman, 2019-09-30 Although there is a strong and growing literature in the two areas of desistance and addiction recovery they have developed along parallel pathways with little systematic assessment of the empirical evidence about the co occurrence of the relationship or how one area can learn from the other This book aims to fill that gap by bringing together emerging literature on the relationship between offending and substance use Instead of focusing on the active period of its onset and persistence this book examines the mechanisms that support desistance addiction recovery and the common themes of reintegration and rehabilitation With contributions from a wide range of international experts in the fields of desistance and addiction recovery the book focuses on a strengths based relational and community focused approach to long term change in offending and drug using populations as well as the shared barriers to effective reintegration for both This book will be highly informative for a wide audience from academics and students interested in studying desistance and recovery to those working in addiction services and the criminal justice system as well as policy makers and the people undertaking their own journeys to desistance and recovery **Beyond the Risk Paradigm in Child Protection** Marie Connolly, 2017-09-16 For decades child protection systems have striven to provide responsive services to vulnerable children and families in the face of the constant change and instability caused by the bureaucratization of child protection This book lends a strident voice to the argument for a shift beyond the current risk paradigm towards genuine cultural change Discretion and Public Benefit in a Regulatory Agency

Vijaya Nagarajan,2013-07-01 This book explores the manner in which a variety of public benefits such as environmental protection and consumer safety have been accommodated through the authorisation process within competition law and policy in Australia While the regulator s use of its discretion can be explained as a triumph of practice over theory this book explores the potential for competition principles to be imbued by the wider discourses of democratic participation and human rights In doing so it makes a significant contribution to the Australian competition policy as well as reconceptualising the way in which discretion is used by regulators a very important and creative contribution to the literatures on both business regulation in general and Australian competition and consumer protection law in particular It pays special attention to an everyday regulatory function that is often ignored in scholarship And it is very important in challenging on both empirical and normative policy oriented grounds a narrowly economic approach to competition law and proposing an alternative understanding and practice for the public benefit test in ACCC authorisations

Juvenile Delinquency, Victimization, and Justice in Chinese Societies Yue Zhuo,Hua Zhong,2025-07-31 Exploring the pressing issues of juvenile delinquency victimization and justice in Chinese societies this book showcases contemporary research on these critical topics The collections provide a comprehensive examination of youth related challenges and justice systems across mainland China Hong Kong Macau and Taiwan Featuring contributions from top scholars in the field the book is presented in three thematic sections the nature and correlates of juvenile delinquency the nature and correlates of juvenile victimization and juvenile justice in Chinese societies The chapters applying a variety of mainstream criminological theories address both persistent and emerging challenges facing Chinese adolescents such as drug use sexual offenses cyberbullying and victimization among left behind children The book enhances the theoretical and empirical understanding of youth delinquency victimization and justice within Chinese societies while advancing the knowledge base in the field and offering valuable insights for future international and comparative research Contributing to the apprehension of both the applicability and limitation of Western based criminological theories in the Chinese context as well as providing a holistic lens to understand the juvenile justice system in China this book will be of great interest to students and scholars of Criminology Criminal Justice Chinese Studies Asian Studies Sociology Social Work and Law

Restorative Justice: Oxford Bibliographies Online Research Guide Oxford University Press,2010-05-01 This ebook is a selective guide designed to help scholars and students of social work find reliable sources of information by directing them to the best available scholarly materials in whatever form or format they appear from books chapters and journal articles to online archives electronic data sets and blogs Written by a leading international authority on the subject the ebook provides bibliographic information supported by direct recommendations about which sources to consult and editorial commentary to make it clear how the cited sources are interrelated related A reader will discover for instance the most reliable introductions and overviews to the topic and the most important publications on various areas of scholarly interest within this topic In social work as in other disciplines researchers at all

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Restoring Respect for Justice Martin Wright, 2008-01-20 Challenges many sacred cows of crime and punishment by focusing on the effect on the people who suffer directly the victims This book points to the dangers of a punitive mindset and reflects on the arguments and data in favour of an effective inclusionary community based response to crime

[Socializing Care](#) Maurice Hamington, Dorothy C. Miller, 2006-01-10 Criticism is often levied that care ethics is too narrow in scope and fails to extend to issues of social justice Socializing Care attempts to dispel that criticism Contributors to the volume demonstrate how the ethics of care factors into a variety of social policies and institutions and can indeed be useful in thinking about a number of different social problems Divided into two sections the first looks at care as a model for an evaluative framework that rethinks social institutions liberal society and citizenship at a basic conceptual level The second explores care values in the context of specific social practices like live kidney donations or settings like long term care as a framework that should guide thinking Ultimately this collection demonstrates how society would benefit from a more serious engagement with care ethics

Routledge International Handbook of Restorative Justice Theo Gavrielides, 2018-07-27 This up to date resource on restorative justice theory and practice is the literature s most comprehensive and authoritative review of original research in new and contested areas Bringing together contributors from across a range of jurisdictions disciplines and legal traditions this edited collection provides a concise but critical review of existing theory and practice in restorative justice Authors identify key developments theoretical arguments and new empirical evidence evaluating their merits and demerits before turning the reader s attention to further concerns informing and improving the future of restorative justice Divided into four parts the Handbook includes papers written by leading scholars on new theory empirical evidence of implementation critiques and the future of restorative justice This companion is essential reading for scholars of restorative justice criminology social theory psychology law human rights and criminal justice as well as researchers policymakers practitioners and campaigners from around the world

Restoring Safe School Communities Brenda Morrison, 2007 Restoring Safe School Communities a whole school response to bullying violence and alienation introduces a whole school approach to addressing the problems of bullying and violence in schools Author Brenda Morrison proposes a continuum of responsive and restorative practices for building safe school communities The first most proactive level of practices aims to develop all students social and emotional competencies to enable students to resolve their differences in caring and respectful ways The second level of practices widens the circle of care around the participants Typically this level of response occurs when the

problem has become more protracted or has involved and affected a larger number of people and involves other members of the school community stepping in to assist in the resolution of the conflict or concern The third and final level of practices involves the participation of an even wider cross section of the school community including parents guardians social workers and others who have been affected This tertiary level of intervention is normally only used for serious incidents within the school Morrison explains the thinking behind the suggested responses and shows how they can be implemented by practices such as a responsible citizen program and restorative justice circles and conferences

Assisting Victims of Terrorism

Rianne Letschert, Ines Staiger, Antony Pemberton, 2009-12-04 The fight against terrorism is receiving increased awareness due to recent wide large scale terrorist acts and only since then has some attention been directed specifically to victims of terrorism Existing legal instruments of international bodies like the European Union the Council of Europe and the United Nations concerning victims of terrorism are relatively abstract or include victims of terrorism under the broader heading of victims of crime in general In addition policies and legislation relating to victims of crime or victims of terrorism vary widely on the domestic level Against this background the European Union commissioned a project that should aim to develop more extensive standards for the aid and assistance of victims of terrorism at the European level This study provides the basis from which more extensive standards could be derived The study focuses particularly on developing standards in the field of continuing assistance access to justice administration of justice and compensation to victims of terrorism A novel feature of the approach is that also the possible utility of restorative justice approaches is examined An important question to address was whether there is a real need to adopt specific standards for victims of terrorism thereby implying that their needs might differ from victims of ordinary crime

Restorative Justice and Family Violence

Joan Pennell, 2025-09-25 By engaging families in taking charge of their affairs restorative justice can reverse family violence But the expansion of restorative programming into family violence is stymied by fears of setting family members at risk and heightening agency liability if harm results How does this anthology counter these fears In response it provides two decades of studies documenting successes of a restorative approach with gendered and intergenerational violence It offers feminist frameworks to explain how these successes are achieved And finally the author turns to cultural and religious messages from her own upbringing as a Quaker Religious Society of Friends to explain why a restorative approach makes lasting and just peace in homes The aim is to encourage others to identify such principles in their own backgrounds to safely and confidently expand the use of restorative programming to safeguard children and adults in the home

Uncover the mysteries within is enigmatic creation, Embark on a Mystery with **Restorative Justice And Responsive Regulation** . This downloadable ebook, shrouded in suspense, is available in a PDF format (PDF Size: *). Dive into a world of uncertainty and anticipation. Download now to unravel the secrets hidden within the pages.

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Restorative Justice And Responsive Regulation Introduction

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