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Restorative Justice, Responsive Regulation, and Democratic Governance

PAUL ADAMS

Guest Editor

Restorative justice has been a central tradition of justice in most, perhaps all societies prior to the emergence of the modern, central state power with its bureaucratic-professional systems and its emphasis on retribution, deterrence, and, sometimes, rehabilitation. Its revival as a new social movement in modern states offers a new paradigm for addressing the key questions in social work and social welfare of the relation of formal to informal systems of care and control, and of empowerment to coercion. Restorative justice may be defined in terms of process—one whereby all stakeholders come together to resolve how to deal with the aftermath of an offense and its implications for the future—or in terms of its core values—healing rather than hurting, moral learning, community participation and caring, respectful dialogue, forgiveness, responsibility, apology, and setting things right or making amends.

The articles in this issue take as their starting point the recent path-breaking book by renowned Australian scholar John Braithwaite (2002), *Restorative Justice and Responsive Regulation*. Braithwaite is Professor of Law at Australian National University in Canberra and heads the Regulatory Institutions Network there. He is a business regulatory scholar, sociologist, criminologist, activist, and leading researcher on both restorative justice and responsive regulation, as well as a scholar of democratic theory. In *Restorative Justice and Responsive Regulation*, Braithwaite synthesizes recent research and conceptual analysis of restorative justice and integrates them with his work on responsive regulation of business. Braithwaite not only demonstrates the superior

effectiveness of restoring victims, offenders, and communities compared with punitive practices of modern judicial systems; he also shows how the experience of responsive regulation of business—utilizing a regulatory pyramid to ensure compliance—and restorative justice practices can enrich each other. In the form of family group conferencing, restorative practices have already had an important impact on child welfare and youth justice, both in the United States and in many other countries. The integration of restorative justice and responsive regulation presented by Braithwaite offers an opportunity to develop a deeper understanding of this new paradigm and, indeed, achieve greater clarity about the very nature of social work and social welfare.

These articles consider the relation of restorative justice to responsive regulation—or more generally, to democratic governance—by examining areas where restorative justice and family group or community conferencing have had most influence in social welfare—child protection, domestic violence, and youth justice. Restorative and regulatory justice has much wider application, to areas as various as school bullying, international peacemaking, nursing home or nuclear power plant regulation, and radical reform of the whole legal system, and Braithwaite has studied all of them. The aim of this issue is more modest—to focus the attention of scholars and practitioners working at the interface of sociology and social welfare on the importance for this field of Braithwaite's synthesis of restorative justice and responsive regulation.

Each of the authors writes out of a conviction of the importance for social work of the theory and research reviewed and developed by Braithwaite, but there is also caution about the infancy of research in this field and the need to avoid grandiose claims. At the same time, a sense of the broad significance of this synthesis of restorative justice and responsive regulation for social welfare policy, for building a richly participative civil society, and for democratic governance pervades many of the contributions.

The first essay, by Burford and Adams, while not an introduction to each of the other articles, offers a context for reading both them and Braithwaite's work as contributions to the literature of social work and social welfare. The final article is an invited

response by Braithwaite to this special issue. It takes up, highlights, and clarifies many of the issue's themes.

As guest editor, I would like to thank Gale Burford for inspiring me to take on and persevere with this project, and Susan Chandler and Kalei Kanuha for their participation in the manuscript review process. Above all, I would like to thank John Braithwaite for his international leadership, as scholar and activist, in the effort to build more just and democratic societies throughout the world, and for graciously agreeing to read and respond to the articles included here.

