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Abstract
This paper investigates the political conditions which have enabled the development of restorative justice, in England and Wales, over the last 30 years. The rise of restorative justice is considered integral to the emergence of a (rather incoherent) range of political problematics, addressed by a panoply of governmental technologies, and informed by competing political rationalities. By applying a governmentality approach, the work aims to shed light on the assemblage of ambivalent principles and values which constitute restorative justice by linking them to context-specific political contingencies. This could have implications in understanding both the fragmentary growth of restorative justice in England and Wales, and, more generally, the political dimension of restorative practices, beyond the British borders.

Keywords: Restorative Justice, Ethopolitics, Michel Foucault, Governmentality

Introduction
The political context of RJ has been extensively explored by both RJ advocates (Braithwaite, 1999; Marshall, 1996; Wright, 1996) and scholars (Dignan, 2005; Hoyle and Cunneen, 2010; Johnstone, 2011; Newburn and Crawford, 2003). The present work can be located within the limited province of the literature on the political background of RJ applying a governmentality mode of analysis (Lippens, 2014; O'Malley, 2009; Pavlich, 2005; Richards, 2011).
The paper revolves around the idea that the spreading of legal/policy measures, as well as practical and theoretical interest around RJ, in England and Wales, over the last 30 years, has been possible due to the parallel rise of a combination of political rationalities – that is, *ethopolitics* (Rose 1996b, 1999a) – informing the governmental practice in the relevant geo-historical setting. To think in terms of 'political rationalities' (Foucault, 1982, 1991, 2008) helps to offer an inclusive, productive and politically engaged approach which connects social, cultural and ethical dimensions of the practice of government with penal discourses, institutions and practices. The paper starts by describing the methodological and theoretical orientations which drive this work. After drawing a working definition of RJ, the research maps out a number of context-specific political problematics and technologies relevant to the rise of RJ. The paper finally distills the political rationalities which inform this landscape, and their subjectivating effects. Some final reflections are also offered. This works aims to be helpful to those interested in deepening their understanding of the development of RJ by linking this to specific political mentalities. This could have implications both in terms of reframing the steady but patchy growth of RJ in England and Wales and of re-thinking the political drive and effects of restorative practices, beyond the British borders.

1. Methodological and theoretical considerations

Governmentality is an analytical grid which aims to reconstruct the 'reasoned way of governing best and, at the same time, [the] reflection on the best possible way of governing' (Foucault, 2008: 2). This framework is solely concerned with how the governmental practice (i.e. process of conducting others'

conduct (Foucault, 1982: 225)), is conceptualised and rationalised by a multiplicity of social and individual actors (Foucault, 1991: 84). The focus is posited on the rationales of government: how ends and means, moral justifications, problems and solutions of government are generated, problematised and conveyed. From this perspective, the primary feature of the governmental practice are *problematics of government,* a fluid set of predicaments and the possible responses to them, contingently elaborated by a plurality of actors (Rose and Miller, 1992: 174). The deployment of responses to political problems is operated by *political technologies* which 'shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objects they consider desirable' (Miller and Rose, 1990: 8). From the examination of these two dimensions it is possible to infer the *political rationalities* which, often through *strategic combinations* (Rose, O'Malley and Valverde, 2006: 88), drive the art of government (Rose and Miller, 1992: 175). The main advantages of this approach are its inclusivity (by subjecting to political analysis a domain much broader than state juridical operations), productivity (by connecting politics with epistemological, moral and ontological issues) and political engagement (by opening up new spaces of political contestation, beyond the critique of state politics).

The paper advances the hypothesis that the development of RJ is a possible response to specific political problematics, enacted by certain technologies and permeated by a combination of competing political rationalities (that is '*ethopolitics*' (Rose 1996b, 1999a)). Problematics, technologies and rationalities are conceived of as discourses (Miller and Rose, 1990: 4), that is, cultural formations produced by contextual actors in order 'to structure the possible field of action of others' (Foucault, 1982: 221). These discourses are reconstructed by piecing together scientific knowledges, ethical doctrines and legal/policy narratives on the matters (problematics), modes (technologies) and logics (rationalities) of government, circulating in the relevant context and encoded in a plurality of texts. By intersecting, competing and conflicting, they provide scholars, practitioners and policymakers with particular vocabularies and ways of making sense of public and individual issues, including crime and crime responses, thus shaping distinctive needs, ambitions and interests. RJ emerges when marginal justice practices reach a certain epistemological/political threshold, that is, when their language, assumptions and justifications become consistent with those needs and interests, as part of a contingent transformation involving the art of government. Such an 'emergence' is not a historical end-point but an ongoing process concerning a plethora of actors, whereby unexpected clashes and alliances, drawbacks and advances seem to alternate.

Governmentality-oriented explorations of RJ have been available since the early 2000s (Lippens, 2015; O'Malley, 2009; Pavlich 2005; Richards, 2011). Compared to this extant literature, this work is original in a number of interconnected ways. Firstly, it targets a specific geo-historical domain (England and Wales, 1985–2015) with a long-lasting history of reparative practices and a steady growth, over the last three decades, of policy/legal regulations, administrative bodies, fundings and services in the field of RJ. To date, governmentality-focussed investigations of RJ in this context are not available. Additionally, the paper uses the relatively under-exploited concept of 'ethopolitics' (Rose 1996b, 1999a), purposely re-elaborated (Garland, 1997; O'Malley, 1999), as analytical scheme to understand RJ's political "roots".

There are three main limitations to the research. Firstly, discourses are articulated in practices and institutions, and this likely alters their political rationales. However, the conceptualisation of the governmental practice is still a significant research object, since it constitutes one dimension of the actual government. From this perspective, the paper aims to develop historically-grounded critical

insights on the political background of RJ, integral to a deliberately incomplete genealogical work (Garland, 1997). Secondly, this study is a theoretical investigation of a long-term historical dynamic, and as such tends to be abstract and over-generalising. Yet, the primary goal is to map out certain kinds of power/knowledge which underpin the development of RJ. From this angle, abstraction and generalisation are useful heuristic instruments (Garland, 2001: 21). Finally, the following analyses apply only to RJ in criminal justice settings, and practised by victim-offender mediation and conferencing.

2.1 *Restorative justice: a working meta-definition*

The paper understands RJ as a field of discourses on why and how to deal with crimes, which has developed in western countries since the early 1980s. From the variety of RJ approaches it is possible to elaborate three ideal-typical discourses, which cover much of that field: 'encounter', 'reparative' and 'transformative' (Johnstone and Van Ness, 2007: 1). The encounter discourse highlights the active participation of relevant crime stakeholders ('victim', 'offender' and 'community') in order to manage the consequences of the criminal behaviour (Zehr, 1990). The restorative conference makes possible the expression and discussion of the emotional, social, symbolic and material issues at stake, aiming to restore the relationships among the relevant stakeholders. The reparative discourse refers to an understanding of how to deal with crimes and their consequences, based on the idea of repairing harms (Wright, 1982, 1996). This view is critical to the retributive idea to coerce the offender to endure pain proportionate to the gravity of the crime committed, emphasising instead community-based reparation of the crime's harmful consequences. Finally, in the transformative discourse, RJ is understood as an overall worldview which can lead people to perceive and act upon the world and themselves in a restorative way, i.e. relying on peacebuilding through dialogue and agreement (Sullivan and Tifft, 2001). The premise of this view is a relational understanding of humans (Johnstone and Van Ness, 2007: 17), their "natural" interconnectedness which can be hindered by destructive and antisocial behaviours. These three main discourses work as repertoires from which values, aims, goals, metaphors, storylines and stakeholders' images can be mobilised, with intersections and tensions (ANONYMISED), by policy-makers, practitioners, reformers.

In England and Wales, actual RJ programmes (Davis, 1992; Shapland et al., 2006), regulatory bodies' documents (Restorative Justice Consortium, 2004; Restorative Justice Council, 2011, 2015) and policy and legal texts (No More Excuses white paper 1997; Crime and Disorder Act 1998; Youth justice and Criminal Evidence Act 1999; Justice for All white paper 2002; Criminal Justice Act 2003; Criminal Justice and Immigration Act 2008; Restorative Justice Action Plan 2013) apply and combine these discourses in several ways. Additionally, due the diversity of values underpinning the different discourses, RJ appears also as an ambivalent assemblage of aspirations, aims and goals. The reasons for such an entanglement are multiple. Historically, the development of local reparative programs since the late 1970s, variously promoted by both victim and offender's "movements" (Davis, 1992: 31), combined with the influence of theoretical developments from the USA and with exchanges with scholars and practitioners from Australia and New Zealand (Marshall, 1999: 14), has likely contributed toward the complexity of RJ in England and Wales. However, being the way societies envision and enact responses to crimes a constitutively political matter (Foucault, 1977), it should be considered the political dimension of such a dynamic entanglement, in order to understand the development of the RJ field.

3 The political dimension of restorative justice in England and Wales: a governmentality perspective

From a governmentality viewpoint, RJ can be conceptualised as an effect of certain political technologies, i.e. a response to heterogeneous problematics of government, informed by a rather incoherent, contingent and strategic combination of political rationalities (i.e. '*ethopolitics*' (Rose 1996b, 1999a)). The actors of this dynamic are individuals, groups and agencies engaged in daily meaning-making, problem-generating and problem-solving activities which aim to make people amenable to direction, in order to achieve desirable objectives. However, this process is not a perfected and rational one. Due to the changing composition of the governmental actors and their context, it is likely that unexpected convergences and conflicts will be engendered (Rose, O'Malley and Valverde, 2006: 98). As a consequence, political technologies deploy unfinished and inconsistent responses to the problematics at stake (O'Malley, 1999: 182). As the paper will argue, the emergence (and inner structure) of RJ is an instance of these fragmentary responses.

3.1 Political problematics

Everyday youth offenders and the end of the 'excuse culture'

Over the last three decades, the political configuration of the youth crime "problem" has resulted in specific ways of thinking and doing. The 'juvenile delinquent', once understood as a transient condition addressed by needs-based tools, during the 1970s becomes a distinctively harmful criminal type (Pitts, 2001). Juvenile delinquents are now working class muggers who do not grow out of crime, whose actions are often highly harmful (Pitts, 2001: 9) and require restrictive measures. As Muncie (1999: 153) notices, as a consequence of this understanding, from the late 1970s, the welfare principle came to be "counterbalanced" by an authoritarian approach, linked to conservative political preferences and exemplified by the Criminal Justice Act 1982 and 1991. From the second half of 1990s a further shift occurs, in terms of both political rendering of the juvenile delinquent (or youth offender) and of responses to this problematic. The image of "welfarist" juvenile delinquents, although sedimented in the practice of penal institutions, such as probation services, loses grip on media and political discourses. Working class muggers become "alien" criminals, whilst parallelly a new representation of "everyday" youth offenders gradually surfaces public debates (Garland, 2001). This latter category, particularly relevant for the development of RJ, consists of de-responsibilised youths who breach the interpersonal trust which ties them and the victim together, within a shared community (ANONYMISED). Their actions require formal consequences which involve also parents and the community at large. To respond to these youth 'ideal offenders' a new strategy slowly emerges, whereby authoritarian instruments are combined with a community-based re-moralizing ethos (Muncie, 1999; Newburn and Crawford, 2003) and informed by the ambiguous rhetoric of ending the 'excuse culture' (Home Office, 1997). Measures contained in the Crime and Disorder Act 1998 and Youth justice and Criminal Evidence act 1999 such as the abolishment of the *doli incapax* and curfew measures (for the incorrigible youth delinquents), parenting orders, reparation orders, youth offenders panels (for the everyday youth offenders), represent the "solution" to the youth problem. The (incoherent) goals pursued are to responsibilise in the community, strengthening controls but also promoting alternatives to custody, as well as to diffuse a culture of early prevention and support for everyday youth offenders (Home Office, 2002). The production of such an web of narratives,

overlapping yet opposing, is the effect of the combined activities of third sector agencies, criminal justice and social policy scholars, reformers and practitioners, as well as governmental bodies. These actors and their discourses around youth offenders, have played a critical role for the emergence of RJ. For example, the 'three Rs' (responsibility, restoration and reintegration) policy which will inform New Labour plans on (everyday) youth offenders (1997, 2001b), was originally elaborated by a third sector agency, the National Association for the Care & Resettlement of Offenders (NACRO[1]) (Green, 2014). This approach (echoing RJ's basic tenets) establishes the youth's acceptance of responsibility for the harm, the reparation of its consequences and then the reintegration in the community as the pillars of justice interventions, at least for everyday youth offenders. In a similar vein, probation services' (welfarist) emphasis on diversion, mitigation and offender education, combined with the ideas of penal minimalism and 'civilising' criminal justice (Christie, 1977; Harding, 1982; Wright, 1982) are injected at the heart of reparative initiatives for minor youth criminals in the 1980s (Liebman, 2007: 40) and will remain as a constant component of RJ as a diversionary intervention with youth offenders (Davis, 1992). Finally, cultural exchanges with youth justice practitioners and scholars from USA, Australia and New Zealand, often mediated by religious groups (mainly Quaker and Mennonite), since the 1980s, have fostered interest around reparative practices (Liebman, 2007: 41) or theories like 'reintegrative shaming', which will contribute toward the development of RJ programs in the UK, especially for less serious crimes committed by (everyday) youth offenders.

Reinventing the crime victim (again)

A second problematic is represented by the "marginalisation" of the crime victim within the criminal justice system. This is a topic widely discussed within the RJ literature (Johnstone, 2011: 51; Wright, 1996: 100) and that is analysed here from the perspective of its political construction in the relevant geo-historical context. The development of this discourse is (once again) the contingent result of the action of several players: political parties, media, voluntary/third sector agencies, academic scholars.

It is well known how political parties (from both conservative and labour backgrounds) initiate an instrumental re-definition of the crime victim in the early 1980s (Kearon and Godfrey, 2007), both in terms of political use of victimisation surveys (Mayhew and Hough, 1988) and of political re-coding the crime victims' dissatisfaction toward the criminal justice responses. The victim re-enters the political agenda as a symbolic actor able to appeal to the wide public, by catalysing sympathy and generating emotionally loaded responses to crime (Garland, 2001: 143), as a disempowered subject with idealised characteristics, "asking for" expressive punishments. The emphasis on specific crime victims, considered discrete entities, ontologically distinguished from the offender, increasingly features mass-media dramatised accounts on crime since the 1980s and reaches a critical peak in the 1990s (Jewkes, 2004). This account is partly challenged by third-sector organisations coalescing around an initial British grassroot "victims' movement" (Rock, 1990). Here the victim is characterised by specific socio-demographic features (women and children), personal qualities (vulnerability, disempowerment, marginalisation) and advances specific demands: involvement, compensation, restitution, punishment. Reparation, in this context, is a contentious topic due to its perceived ambivalent status. Although the early British victims' movement (and namely the National Association of Victim Support Schemes (NAVSS)) contributed to the creation of relevant services, conferences and other initiatives (including the launch in 1984 of the Forum for initiatives in reparation and mediation), the perceived tight links between reparation and offender-centered diversionary programs advanced by

[1] NACRO (1997) *3Rs: responsibility, restoration & reintegration. A new three Rs for young offenders.* London: NACRO.

probation services, was a deterrent to a complete acceptance of the reparative option (Reeves, 1989: 44). In the 1990s, the fragmentary victims' movement (led by NAVSS's successor, i.e. Victim Support) reaches further visibility through the consolidation of practical initiatives (e.g. Victim Support Schemes), in a situation of increasing media attention toward crime victims (Walklate, 2007: 132), and so it does the relevant victim's image. This growth intertwines with the development of a "new" victimology, which advocates for a shift from an "old" to a "new" way of understanding and supporting crime victims (focussing on their needs and not only rights) (Maguire, 1985; Mawby, 1988; Shapland et al., 1985), a perspective which also progressively contributes toward the Home Office way of thinking about victims (Home Office, 2002, 2003a). The overarching theme across these entangled yet conflicting representations of the victim's problematic, is a critique of the current criminal justice, though without questioning its structural issues (Davis, 1992: 176), as well as the response to it: the creation of a "victim-centered" criminal justice (Garland, 2001: 11). This translates into a wide range of policy documents (Home Office, 2001b, 2002, 2005), legal initiatives (Victim's Charter 1990, 1996; Code of Practice for Victims of Crime (2006); Crime and Disorder Act 1998), and actual interventions (e.g. Victim Support's witness services or reparation programs (Liebman, 2007: 38)). A 'victim-centered criminal justice' here does not entail investing on reparation but strengthening victim participation in criminal proceedings (which resonates with RJ claims of empowering victims though) and enhancing responsibility on local authorities to adopt a multi-agency line of action when working with victims of crime.

Eclipsing communities and third way solutions

The discourse on the "eclipsing" of moral communities (Etzioni, 1993; Giddens, 1998), as effect of the combined action of conservative individualism and post-war social democracy (Drivel and Martell, 1997: 27), penetrates into the UK politics of law and order in the 1990s, contributing toward New Labour's communitarian social, criminal and penal policies. Community here is fundamentally a "lack" (of order, morality, responsibility, localism) generated by political liberalism through promotion of individualistic tendencies as well as by the left by depriving local communities of power, whilst strengthening state organisations (Home Office, 2001a, 2010). The emphasis on parental responsibility and anti-social behaviour (Muncie 1999: 156), for instance, appears linked to the broader issue of the weakening of micro-community ties and their moral foundations, raised by moral communitarianists. More generally, this understanding opens the way for the investment (symbolic and material) in the community/neighbourhood as a site of the fight against both crimes and actions which embody lack of respect/responsibility (ACPO, 2011: 5). This investment is also bolstered by two different criminological stances, which emerge between 1980s and 1990s. The first is the notorious 'broken window' speculation which had a documented impact on British policy (Home Office, 2003b; Labour Party, 1995), in terms of justifying (muscular) early-intervention programs (exemplified by anti-social behaviour orders). A further (more inclusive) support is offered by the "third way" criminologies (Hughes, 2007: 23; O'Malley, 1996) based on the idea of crime as a "real" effect of the progressive erosion of micro-moral ties localised in discrete communities (Braithwaite, 1989, 2002; Duff, 2000; Lea and Young, 1984). The focus is posited on the promotion of partnerships between the public, private and voluntary sectors to identify and implement community-based crime prevention measures (Hoyle and Noguera, 2008; Hughes, 2007: 73). This narrative encourages people, communities and organisations to partake in crime prevention activities, as well as to reduce certain types of crime and the fear of crime (Morgan report, 1991). In the same vein, are advanced ideas of citizens as 'partners against crime' and of state agencies' devolving 'power' and sharing the work 'of social [and crime]

control with local organizations and communities' (Garland, 2001: 205) which will be vital symbolic resources for the development of the representation of the community as a crime stakeholder in RJ (ANONYMISED).

Lack of efficiency and the managerial State

The rise of widespread managerial concerns in the delivery of public services, including criminal justice, is a problematic with deep historical roots, mainly linked to the neoliberal and neoconservative portrayals of post-war welfare regimes' crisis. This is framed in the 1980s as both economic, financial and ideological crisis, whose main effects are the hypertrophic bureaucracy and the de-responsibilisation of individuals and communities, resulting, *inter alia,* in idleness, crime and disorder (Newman and Clarke, 1997: 14). The 'more and better management' formula is presented as one of the solutions to the problems of the welfare state in Britain (Newman and Clarke, 1997), inspiring the creation of new forms of political regulation. Especially the idea of 'reinventing government' (Osborne and Gaebler, 1992 in Newman and Clarke, 1997: 37), i.e. the importing in the public sector of private companies' categories of thought, is deemed as strategic to respond to the problematic at stake, including the rise of crime and disorder. In this area, the criminal justice system's lack of performance is described as one of the main causes of crime (Home Office, 2001b). The "crisis" of traditional penal institutions is framed in terms of failing to reach relevant targets, absence of professionalism and cost-effectiveness, or more in general lack of an economic-minded steer (Cavadino and Dignan, 2013: 21). The political rejoinder to this, is to empower the private sector to pursue innovation by prompting new ways of regulating offenders' behaviours. This is the case of high-tech controls (Nellis, 2009: 101), and more broadly, of strategies toward the privatisation and modernisation of criminal justice (Auld report, 2011; Glidewell report, 1998). The growth of measures relying on an assumed 'contractual capacity' of the offender/deviant, including youth offenders (Crawford, 2009: 181), based on a moral ground but expressed in language drawn from the private enterprising vocabulary, is a further example of this cultural climate. RJ, especially as a policing option, is promoted as a "less paperwork" intervention and as such an appealing "street justice" instrument (ACPO, 2011; Home Office, 2009; Restorative Justice Council, 2014: 10). RJ also resonates with the ideas of satisfying the consumers (of justice) and of community-based governance which complement the 'more and better management' strategy (Osborne and Gaebler, 1992 in O'Malley, 2009: 10).

The problematics sketched out above, intersect and conflict at multiple levels. Managerial issues such as slow prosecution and lack of coordination are considered key weaknesses of the youth justice system, to be tackled with by speeding up the process, as well as by (third way) multi-agency strategies (Audit Commission, 1996). Multi-agency responses are also integral to a victim-centered criminal justice, as seen above. Reparation programs and payback to victims are often justified in terms of 'value for money' and 'payment by result' (Ministry of Justice, 2010: 41-42). However, contractual responses to everyday youth offenders may be perceived as a disappointing "soft option" by victims' movements (Davis, 1992: 33) and managerial constraints may have de-responsibilising effects and contribute towards the eclipse of moral communities. These intricate relations generate an assemblage of predicaments/responses which represents a condition of possibility for the development of RJ. The transformation of disparate reparative practices, at the margins of the British criminal justice, into RJ (i.e. an ensemble of discourses underpinning laws, services, policy bodies, funds, scholarly works), becomes possible firstly due to an epistemological shift. When those practices can be configured, at the

same time, as an instrument to responsibilise everyday youth offenders, a response to politicised victims' needs, a "third way" strategy of revitalising dying communities as well as a less costly justice option, then, RJ becomes possible. Yet, the tensions between and within problematics migrate into RJ whereby themes such as empowering and shaming, rethinking of crime and acceptance of criminalisation, satisfying victims and safeguarding offenders, uneasily cohabitate. The further shift from possible to "real" (but ambivalent) response to crime, is related to the inscription of RJ into the social body through governmental technologies.

3.2 Political technologies

Securitisation

This technology consists of the range of strategies, techniques and procedures which have enacted, over the last 30 years, in the UK and the western world broadly, the securitisation of personal safety (Schuilenburg, 2012: 75) and the distribution of responsibility for its delivery (Garland, 2001: 125). Such devices respond to the "need" of controlling everyday offenders, empowering communities and victims, relying less on state interventions and more on the same users' participation. The moral communitarianism, the political re-invention of the victim as well as the new managerialism, have played the role (along with other factors) of the cultural justification of the material production of this form of security – forward-looking, plural, responsibilising. Community safety measures can be considered an instance of this technology, insofar as they aim to prevent assumed future (anti-social) behaviour (Crawford, 2003: 490). More broadly, the widespread trend (invoked by the Morgan report in 1991), of distribution responsibility across an array of actors in delivering this negative/private security is an example of the technology at stake (Bayley and Shearing, 1996: 588; Crawford, 2003: 481). While the state remains a relevant subject in the provision of negative security (especially for persistent or "alien" offenders), it is not the only player, and under certain circumstances, it may not even be the most important one. This means that community-based actors complement state agencies in providing security. Individuals and groups are invited to take responsibility for their own security; they are encouraged to distribute among themselves the concern to create 'livable' spaces by reducing crime opportunities (Garland, 2001: 125). The creation of youth offender panels or measures such as youth offender contracts and parental orders, that is, the legal supports of RJ programmes in England and Wales, are further examples of this technology. In RJ, in fact, individuals and communities are at the same time providers and users of security services (Pavlich, 2005: 81). From this perspective, RJ makes sense as a de-centralised strategy of providing negative security, by relying on (and indirectly promoting) the users' capability to take care of themselves. In RJ, the overarching claim is to invest on interventions on crimes which emphasise the direct involvement (i.e. responsibilisation) of a plurality of stakeholders ('victims', 'offenders' and 'communities'). The state, here, plays a "low profile", but still relevant, role. This is evident in England and Wales, whereby RJ practices are often state-sponsored, led by state representatives (police officers, probation officers etc.) and re-enact the state-based criminal justice language and mindset (dichotomy victim/offender, offender's admission of guilt as a condition to enter RJ programs etc.) (Davis, 1992: 25).

Hybridisation

The second technology includes devices which perform a "hybrid" (i.e. beyond the public/private divide) way of control over a wide set of social issues, including crime and deviance (Rose, 2001a). This technology appears intertwined with the knowledge produced and promoted by the "third way"

sciences and consistent with the community-based 'more and better management', with their drive toward the identification of new spaces/ways (e.g. the community) for *doing* social control. This can be seen, for instance, in respect of policing policy ('community policing'), penal policy ('punishment in the community'), justice policy ('community mediation') (Crawford, 1999), and also of RJ, whereby the role of efficient and pro-social communities is strongly emphasised (ANONYMISED). The community is posited as 'the ideal territory for the administration of individual and collective existence, the plane or surface upon which micro-moral relations among persons are conceptualized and administered' (Rose, 1996a: 331). The concept of 'community' here represents a singular hybrid between the notion of 'civil society' offered by the 'left' – as the alternative to centralised statism and to the free market doctrine (Rose, 1999a: 168) – the moral communitarian insistence on traditional values and the idea championed by contemporary civic republicanism of community as a means by which to arrest liberal individualism (Rose, 1999a: 170). The development of hybrid technologies of government can be thought of as a supposed alternative to both free market individualism and state-centred collectivism, not only within social and economic policy, but also in criminal and penal policy. This appears to be the case of RJ: a third way of penal control, rooted in a perfected moral community, whose epistemic basis lies beyond the criminologies of 'the self' and of 'the other', and whose instruments are apparently alternative to both expressive punishments and welfarist interventions (Garland, 2001: 15). RJ is *par excellence* about imaging participatory decision-making processes to deal with crimes, by empowering 'victims' and 'offenders' within and through their 'communities' to address the harm experienced.

De-politicisation

Here the focus is on methods and processes which aim to neutralise the moral, political, social, and economic character of public issues (Rose, 1998: 165), in two different (and to some extent opposite) ways. Firstly through programs, practices and policies which "managerialise" the production of order. The political, ethical and social character of decision-making is neutralised and superseded by the regulating principles of effectiveness, efficiency and economy. The production of order relies on a "neutral" expertise which generates evidence-based support, distancing decision-makers from the moral and political substance of their decisions (Burnham, 2001: 127), reshaping popular perceptions of who is to blame for policy failures and reducing the operational liability of public institutions (Diamond, 2013: 7). The growth of policies and practices of risk-assessment, accountability, transparency and external validation in the criminal justice sector exemplify these technologies. Such mentality is characteristic of the New Labour's style of government: on one hand devolution to private actors on the other strategic 'strengthening of the core executive [...] over policy-making and implementation process' (Diamond, 2013: 2). This is clearly expressed by New Labour criminal and penal policy whereby multi-agency partnerships are paralleled by authoritarian instruments, like in the Crime and Disorder Act 1998, and where managerial concerns are a non-negotiable guiding principle of reform. Furthermore, the development of problem-solving, fast-track and low-cost justice approaches, like RJ (ACPO, 2011: 5; Marshall, 1999: 5), resonates with managerial devices of control. Whilst the first range of techniques ends up limiting people's individual responsibility by de-activating the political/social content of a variety of problematics, the second set of devices of de-politicisation works by installing a concept of the human subject as an 'autonomous, individualized, self-directing, decision-making agent' (Rose, 1999b: 499). Here the goal is to offer individuals and groups new opportunities to participate actively in various arenas of action 'to resolve the kind of issues hitherto held to be the responsibility of authorized governmental agencies' (Burchell, 1996: 29). Operationally,

this is possible in different ways, for instance through the popularisation of what Rose calls 'psy-complex' (1985). This expression refers to an array of techniques for the incorporation of psychological ideas about human resources and group dynamics into an increasing number of social domains, as well as to the nature and implications of the proliferation of psychotherapies (Rose, 1990). From a criminal and penal control viewpoint, these second set of devices emphasises individual agency, at the expenses of socio-structural factors, as far as the "causes" of crimes and the ways to address them and their consequences are concerned. RJ embodies this perspective, whereby crime is fundamentally a matter of interpersonal conflict to be dealt with by the same conflicting parties; the role of social determinants or macro-relations of power, is neglected if not denied.

RJ reaches the threshold of a 'practicable' penal discourse (Gordon, 1991: 3) when its language, moral justifications and epistemic forms become integral to political strategies of securitisation, hybridisation and depoliticisation. This is possible insofar as, during the second half on the 1990s, RJ interventions are incorporated into apparatuses of negative security for responsible users/providers, located within 'ideal' communities. Additionally, the inscription of RJ into the social body requires the de-politicisation of both RJ's matter (from public offences to interpersonal conflicts) and goals (from punishment to personal healing/empowerment). This is not a smooth process, since the technologies' aims are not easily compatible. There are tensions between individual responsibilisation and community involvement, as much as between managerial order and healing/empowerment or between distribution of responsibility and the Leviathan's "informal" support. This affects RJ's structure, stretched across multiple and ambivalent aspirations (e.g. satisfying victims' need of negative security and healing, enabling offenders' empowerment and reducing re-offending, investing in individual agency through communities). The analysis of the competing political rationalities which drive problematics and technologies can further clarify reasons and consequences of this genetic ambivalence.

3.3 Political Rationalities

Political rationalities are the discursive patterns of ends, means, justifications and limitations formulated by multiple actors and driving the process of government (Rose and Miller, 1992: 175). Neoliberal and neoconservative rationalities, strategically opposed to the welfarist mentality, seem to inform the problematics and technologies charted above. This combination manifests itself in different ways, depending on several contextual factors. Here it is heuristically useful the 'inclusive' side of this political assemblage (O'Malley, 2009: 9), conceptualised, following Rose (1996b, 2001b), as 'ethopolitics', though a further refinement of this interpretive scheme is necessary (Garland, 1997; O'Malley, 1999). Whilst in fact Rose considers ethopolitics as a specific advanced-liberal political rationality, in this paper this concept is used to encapsulate only one possible way of expressing the fluid relations between the political mentalities mentioned above as well as their inconsistent synthesis and effects.

From a governmentality perspective, neoliberalism is a self-limiting political mentality, based on the superimposition of the market rationality on the entire reality (Foucault, 2008). The 'market', as smooth space of contractual relations and 'site of veridiction' of policies and practices (Foucault, 2008: 32), is a distinctive product of neoliberalism. The marketisation of public agencies, including the

managerialisation of criminal justice services, is driven by this mentality of government. The development of a 'contractual' culture, the rise of victims-as-consumers, the abdication of thinking in terms of 'social causes' of crime, the focus on responsibilisation instantiated by technologies of plural security and hybrid governance, are all expressions of the neoliberal way of thinking. In the relevant context, this rationality enters in a mobile alliance (O'Malley, 1999: 185) with the neoconservative mentality, i.e. with a 'social authoritarian' mode of governing built around problematics such as the weakening of the nation, the breakdown of the nuclear family and the lack of moral community. Discipline, cultivation of the virtues of law and order and respect for the traditions are the responses to these issues. Here the object of government is a range "natural" communities, united by moral and traditional ties, coalescing around exclusive identities. The (partly) converging elements of this alliance are the ideas of a sovereign state as law and order enforcer and the centrality of the market (O'Malley, 1999: 187), whilst the tensions lie around concepts of social contract, self-interest and morality (O'Malley, 1999: 186). This inconsistent combination, is glued by a strategic "foreclosure" of the welfarist mode of social government, portrayed as spreading culture of dependency, individual de-responsibilisation, lack of morality and uncontrolled growth of bureaucracy. Around these issues the alliance at stake emerges as a strategic response. The welfarist rationale is "included by exclusion" in this alliance, since it connects neoliberal and neoconservative mentalities as a constant danger to be continuously evoked and exorcised. The rather contradictory pathway to freedom/morality is the alternative to the 'road to serfdom'. The welfarist mentality, clearly is not only an imaginary common enemy. This is actually present, as political rationale, in multiple penal discourses, including some of those relevant for the historical emergence of RJ. This is the case of the idea of RJ initially elaborated within the probation context as a rehabilitative technique (Davis, 1992: 22), as well as by third sector organisations (e.g. NACRO), even though their proposals came to be articulated in "serendipitous" ways by political parties (e.g. New Labour).

This combination of political rationalities configures a compounded style of government not reducible to a particular political philosophy or economy, but, as argued above, rather characterised by its type of problematics and technologies, that is, 'ethopolitics'. The main feature of ethopolitics is to shift government from questions of rational administration of population to those of individual everyday morality and ethics, from taking care of collectivity to the controlled empowerment of individual responsibilities of self-government, in order to make people governable 'at a distance' (Miller and Rose, 1990: 9). The securitisation and the de-politicisation of social matters, connected to the spreading of hybrid arenas of governance, result in a sustained investment on individual agency, at the expenses of structural constraints which are "replaced" by morally cohesive communitarian ties (Pathak, 2014: 1–2). The neoliberal *choice* (emphasised in RJ practices) becomes a crucial site of political intervention: individuals must become free, must enjoy a specific form of freedom linked to a particular idea of responsibility, rooted in a moral (neoconservative) community (that is, the "setting" of RJ interventions). The combination between freedom to choose and morally cohesive communities elicits a reciprocal alteration, resulting in the superimposition of a "centripetal" freedom, since 'the choice' is filtered and enabled by the community's moral fabric. The proliferation of themes such as local autonomy, victims' participation, community empowerment, as well as reparation, seems informed by the ethopolitical tension toward the re-definition of people's relation with themselves, in terms of open-ended futures, transforming the individual ethos (constituted by shared sentiments, beliefs, values) in a crucial political matter. In RJ, the encounter, reparation of harm and personal transformation are all moral choices which aim to mend a wounded relation of trust and

interdependency. This choice is mediated by discrete communities (Rose, 2001a: 4) which make possible to match the emphasis on the individual responsibility with shared norms of civility.

3.3 Subjectivation

A distinctive type of subjectivation of individuals is integral to the deployment of ethopolitical responses to problematics of government. On one hand, 'intensely subjective' beings (i.e. responsible for their destiny) (Rose, 1990: 3) are shaped by processes of de-socialisation of security and of hybridisation of governance. On the other, these subjectivities are constrained by managerial limitations as well as by the tight moral ties of cohesive communities. RJ embodies such a janus-faced subjectivation process, insofar as participants to restorative programs are hailed by a plurality of inconsistent discourses. RJ, in fact, emphasises at the same time, both the critical role of communal networks in supporting 'victims' and 'offenders' and the agentic responsibility of individual actors. 'Victims' and 'offenders' are deemed to have the necessary psychological, moral and practical resources to engage in 'restoration', which is the outcome of their deliberate decisions. They are the only ones who can repair, compensate or apologise for what happened. The impact on crimes of any form of socio-structural factor is not taken into account, relying on individual agency as a necessary and sufficient site for the regulation of crimes. RJ actors appear as 'responsible subject[s] of moral community guided – or misguided – by ethical self-steering mechanisms' (Rose, 2000: 321). Yet, RJ is not a (pure neoliberal) form of privatisation of conflict. The 'restoration' can happen only against the backdrop of a community-as-moral-stabiliser and under the auspices of a managerial state, which regulates the effects of restorative encounters on "conventional" criminal justice. Such an ambivalent subjectivation process is related to the constitutive tensions and contradictions which characterise ethopolitics. Neoliberal, neoconservative and welfarist rationalities are overlapping yet opposing in many respects and at multiple levels. If, in fact, mobile alliances make possible the actual government, they also carry a load of discordant representations, claims and responses. This generates tensions and contradictions at level of both political programs and technologies, which translate into penal options, 'volatile and contradictory' in turn (O'Malley, 1999). However, the incoherent nature of ethopolitics is also the very condition for the development of resistance to it. It is in the "cracks", "gaps" and "holes" engendered by those tensions that spaces of contestations (and active subjectivation) will likely arise as possibilities to be seized upon by individuals and groups (Rose and Miller, 1992: 190).

5. Conclusions

This paper aims to insert the development of RJ into a specific socio-political milieu, and to bring to the fore some historical contingencies which RJ is tied to. The transformation of sparse reparative practices, with limited social, political and cultural traction, in a practicable penal policy option, is possible due to the development of competing political problematics and technologies informed by a strategic convergence of rationalities, that is, ethopolitics. This is not an orderly combination of political mentalities, being actually replete with constitutive tensions, expressed by contradictions at level of political programs and technologies, which produce, *inter alia*, conflicting penal policies. It is not only the emergence but also the inner structure of RJ which suffers of the same fragmentation which characterises the political milieu within which it arises. RJ imports into the penal policy arena an ambivalent vocabulary which emphasises individual responsibility in and through cohesive

communities, empowering through shaming, rethinking of crime but not of criminalisation, critique of punishment but not of the "penal", priority of victims' needs but also of offenders' rights. A question which could be raised now, is whether the political conditions for the emergence of RJ are also its *destiny*: is it possible to envisage a RJ which runs counter to ethopolitical imperatives, whereby the 'subject gives itself the right to question truth concerning its power effects and to question power about its discourse of truth' (Foucault, 1996: 386)? The constitutive incoherence of political mentalities (and of derivative penal policies) is the theoretical condition for contestation to arise. Furthermore, spaces of resistance likely occur when technologies are crystallised in practices and institutions (that is, at level of the 'real governmental practice' (Foucault, 2008: 2)), due to e.g. professional rivalries, lack of technical conditions, communication short-circuits and so on. A theoretical and empirical investigation of these spaces, is a desirable challenge ahead for a critical RJ scholarship as well as for a RJ movement which aims to be not only successful (by gaining more funds, services and regulations) but also self-critical (by becoming more aware of its history, limitations and risks).

References

Association of Chief Police Officers (ACPO) (2011) *Restorative Justice guidance and minimum standards*. Available at: https://www.restorativejustice.org.uk/sites/default/files/resources/files/ACPO%20restorative%20justice%20guidance%20and%20minimum%20standards.pdf (accessed 01.05.2017)

Audit Commission (1996) *Misspent Youth. Young People and Crime*. London: Audit Commission.

Auld R (2001) *Review of the criminal courts of England and Wales: report* (the Auld report). London: Home Office.

Bayley D and Shearing C (1996) The Future of Policing. *Law and Society Review* 30(3): 585–606.

Braithwaite J (1989) *Crime, Shame and Reintegration*. Cambridge: University of Cambridge Press.

Braithwaite J (1999) Restorative Justice: Assessing Optimistic and Pessimistic Accounts. *Crime and Justice: a Review of Research* 25(6): 1–127.

Braithwaite J (2002) *Restorative justice and responsive regulation*. New York: Oxford University Press.

Burchell G (1996) Liberal government and techniques of the self. In: Barry A, Osborne T and Rose N (eds) *Foucault and political reason*. London: UCL Press, pp. 19–36.

Burnham P (2001) New labour and the politics of depoliticisation. *British Journal of Politics and International Relations* 3(2): 127–149.

Cavadino M and Dignan J (2013) *The penal system: An introduction*. London: SAGE.

Christie N (1977) Conflicts as property. *British Journal of Criminology* 17(1): 1–15.

Crawford A (1999) Questioning Appeals to Community within Crime Prevention and Control. *European Journal on Criminal Policy and Research* 7(4): 509–530.

Crawford A (2003) Contractual governance of deviant behaviour. *Journal of Law and Society* 30(4): 479–505.

Crawford A (2009) Restorative Justice and Anti-Social Behavior Interventions as Contractual Governance: Constructing the Citizen-Consumer. In: Knepper P, Doak J and Shapland J (eds) *Urban Crime Prevention, Surveillance and Restorative Justice: Effects of Social Technologies*. Boca Raton: CRC Press, pp. 167–194.

Davis G (1992) *Making Amends: Mediation and Reparation in Criminal Justice*. London and New York: Routledge.
Diamond P (2013) *New Labour and the politics of depoliticisation: the delivery agenda in Britain's public services 1997-2007*. Available at: http://www.bristol.ac.uk/media-library/sites/sps/migrated/documents/patrickdiamond.pdf (accessed 15.05.2017)
Dignan J (2005) *Understanding Victims and Restorative Justice*. Maidenhead: Open University Press.
Driver S and Martell L (1997) New Labour's Communitarianisms. *Critical Social Policy* 17(52): 27–46.
Duff RA (2000) *Punishment, Communication and Community*. New York: Oxford University Press.
Etzioni A (1993) *The Spirit of Community*. New York: Crown Books.
Foucault M (1977) *Discipline and Punish: The Birth of the Prison.* New York: Random House
Foucault M (1982) The Subject and Power. In: Dreyfus H and Rabinow P (eds) *Michel Foucault: Beyond Structuralism and Hermeneutics,* 2nd ed. Chicago: University of Chicago Press, pp. 208–226.
Foucault M (1991) Governmentality. In: Burchell G, Gordon C and Miller P (eds) *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press, pp. 87–104.
Foucault M (1996) What is Critique? In: Schmidt J (ed) *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*. Berkeley: University of California Press, pp. 382–398.
Foucault M (2008) *The Birth of Biopolitics. Lectures at the Collège de France, 1978–1979*. Basingstoke: Palgrave Macmillan.
Green S (2014) *Crime, community and morality.* Abington: Routledge.
Garland D (1997) 'Governmentality' and the Problem of Crime: Foucault, Criminology, Sociology. *Theoretical Criminology* 1(2):173–214.
Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
Giddens A (1998) *The Third Way: The Renewal of Social Democracy*. Cambridge: Cambridge University Press.
Gordon C (1991) Governmental rationality. In: Burchell G, Gordon C and Miller P (eds) *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press, pp. 1–48.
Glidewell I (1998) *Review of the Crown Prosecution Service* (the Glidewell report). London: Home Office.
Harding J (1982) *Victims and Offenders*. London: Bedford Square Press.
Home Office (1996) *Victim's Charter. Standards of Service for Victims of Crime* (first published in 1990). London: Home Office.
Home Office (1997) *No more excuses: a new approach to tackling youth crime in England and Wales*. London: Home Office.
Home Office (2001a) *Building Cohesive Communities: A Report of the Ministerial Group on Public Order and Community Cohesion*. London: Home Office.
Home Office (2001b) *Criminal Justice: The Way Ahead*. London: Home Office.
Home Office (2002) *Justice for All White Paper*. London: Home Office.
Home Office (2003a) *Restorative justice: The government's strategy. A consultation document on the government's strategy on restorative justice*. London: Home Office.
Home Office (2003b) *Respect and Responsibility - Taking a Stand Against Anti-social Behaviour.* London: Home Office.
Home Office (2005) *Rebuilding lives: supporting victims of crime.* London: Home Office.

Home Office (2006) C*ode of Practice for Victims of Crime* (Victims' Code). London: Home Office
Home Office (2009) *Reducing Bureaucracy in Policing*. London: Home Office.
Home Office (2010) *Safe and Confident Neighbourhoods Strategy: Next Steps in Neighbourhood Policing*. London: Home Office.
Hoyle C and Cunneen C (2010) *Debating restorative justice*. Oxford: Hart.
Hoyle C and Noguera S (2008) Supporting young offenders through restorative justice: Parents as (In)appropriate adults. *British Journal of Community Justice* 6(3): 67–85.
Hughes G (2007) *The politics of crime and community*. Basingstoke: Palgrave Macmillan.
Jewkes Y (2004) *Media and Crime*. London: SAGE.
Johnstone G (2011) *Restorative Justice: Ideas, Values, Debates.* London and New York: Routledge.
Johnstone G and Van Ness D (2007) The meaning of restorative justice. In: Johnstone G and Van Ness D (eds) *Handbook of Restorative Justice*. London: Willan, pp. 5–23.
Kearon T and Godfrey BS (2007) Setting the scene: a question of history. In: Walklate S (ed) *Handbook of Victims and Victimology.* London: Routledge, pp. 11–36.
Labour Party (1995) *A quiet life: tough action on criminal neighbours*. London: Labour Party.
Lea J and Young J (1984) *What Is To Be Done About Law and Order – Crisis in the Eighties*. Harmondsworth: Penguin.
Liebmann M (2007) *Restorative justice: How it works*. London: Jessica Kingsley Publishers.
Lippens R (2015) Ambivalent Sovereigns and Restorative Justice: Exploring Conditions of Possibility and Impossibility for Restorative Justice in a Post-communicative Age. *Critical Criminology* 23: 125–139.
Maguire M (1985) Victims' Needs and Victim Services: Indications from Research. *Victimology: An International Journal* 10(1-4): 539–559.
Marshall T (1996) The evolution of restorative justice in Britain. *European Journal on Criminal Policy and Research* 4(4): 21–43.
Marshall T (1999) *Restorative Justice: An Overview*. London: Home Office.
Mawby RI (1988) Victims' needs or victims' rights: alternative approaches to Policy-making. In:
Mayhew P and Hough M (1988) British Crime Survey: Origins and Impact. In: Maguire M and Pointing J (eds) *Victims of crime: a new deal?* Milton Keynes: Open University Press, pp. 156–163.
Miller P and Rose N (1990) Governing economic life. *Economy and Society*, 19(1): 1–31.
Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. Available at: http://webarchive.nationalarchives.gov.uk/20120119200607/http:/www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf (accessed 12.05.2017)
Ministry of Justice (2013) *Restorative Justice Action Plan for the Criminal Justice System in England and Wale*s.
Morgan J (1991) *Safer Communities: The Local Delivery of Crime Prevention Through the Partnership Approach* (the Morgan report). London: Home Office.
Muncie J (1999) Institutionalized intolerance: youth justice and the 1998 Crime and Disorder Act. *Critical Social Policy* 19(2): 147–175.
Muncie J (2006) Governing young people: Coherence and contradiction in contemporary youth justice. *Critical Social Policy* 26(4): 770–793.
Nellis M (2009) Electronically monitoring offenders and penal innovation in a telematic society. In: Knepper P, Doak J and Shapland J (eds) *Urban Crime Prevention, Surveillance and Restorative Justice: Effects of Social Technologies*. Boca Raton: CRC Press, pp. 101–122.

Newburn T and Crawford A (2003) Y*outh offending and restorative justice: implementing reform in youth justice*. Cullompton: Willan.
Newman J and Clarke J (1997) *The managerial state: Power, politics and ideology in the remaking of social welfare*. London: SAGE.
O'Malley P (1996) Post-social criminologies: Some implications of current political trends for criminological theory and practice. *Current Issues in Criminal Justice* 8(1): 26–39.
O'Malley P (1999) Volatile and contradictory punishment. *Theoretical Criminology* 3(2): 175–196.
O'Malley P (2009) *Risk and Restorative Justice: Governing Through the democratic Minimization of Harms.* Available at http://www.researchgate.net/profile/Pat_Omalley/publication/228134124_Risk_and_Restorative_Justice_Governing_Through_the_Democratic_Minimisation_of_Harms/links/00b495350d1d6a9805000000.pdf (accessed 02.01.2017)
Pathak P (2014) Ethopolitics and the financial citizen. *Sociological Review* 62(1): 90–116.
Pavlich G (2005) *Governing paradoxes of restorative justice*. London: Glasshouse Press.
Pitts J (2001) *The new politics of youth crime. Discipline or solidarity?* Basingstoke: Palgrave
Reeves H (1989) The victim Support perspective. In: Wright M and Galaway B (eds) *Mediation and Criminal Justice*. London: SAGE, pp. 44–55.
Restorative Justice Consortium (2004) *Principle of restorative processes.* Available at: http://www.iirp.edu/pdf/beth06_davey9.pdf (accessed 02.05.2017)
Restorative Justice Council (2011) *Best practice guidance for restorative practice*. Available at: https://www.restorativejustice.org.uk/sites/default/files/resources/files/Best%20practice%20guidance%20for%20restorative%20practice%202011.pdf (accessed 15.05.2017)
Restorative Justice Council (2014) *Restorative justice and policing Information pack.* Available at: https://www.restorativejustice.org.uk/sites/default/files/resources/files/1z87_info_packs%20%282%29%20police.pdf (accessed 11.04.2017)
Restorative Justice Council (2015) *Principles of Restorative Justice*. Available at: https://www.restorativejustice.org.uk/resources/rjc-principles-restorative-practice-results-2015-consultation (accessed 11.04.2017)
Richards K (2011) Restorative Justice and ''Empowerment'': Producing and Governing Active Subjects through ''Empowering'' Practices. *Critical Criminology* 19(2): 91–105.
Rose N (1985) *The Psychological Complex: Psychology, Politics and Society in England, 1869-1939*. London: Routledge.
Rose N (1990) *Governing the Soul: The Shaping of the Private Self*. London: Routledge.
Rose N (1996a) The death of the social? Refiguring the territory of government. *Economy and Society* 25(3): 327–356.
Rose N (1996b) Governing "advanced" liberal democracies. In: Barry A, Osborne T and Rose N (eds) *Foucault and political reason*. London: UCL Press, pp. 37–64.
Rose N (1998) *Inventing Our Selves: Psychology, Power, and Personhood*. Cambridge: Cambridge University Press.
Rose N (1999a) *Powers of Freedom: Reframing political thought*. Cambridge: Cambridge University Press.
Rose N (1999b) Inventiveness in politics: review of Anthony Giddens, The Third Way. *Economy and Society* 28(3): 467–493.
Rose N (2001a) Community, Citizenship, and the Third Way. In: Denise M and Minson J (eds) *Citizenship and Cultural Policy*. London: SAGE, pp. 1–17.

Rose N (2001b) The politics of life itself. *Theory, culture and society* 18(6): 1–30.
Rose N and Miller P (1992) Political power beyond the State: Problematics of Government. *The British Journal of Sociology* 43(2): 173–205.
Rose N, O'Malley P and Valverde M (2006) Governmentality. *Annual Review of Law and Social Science* 2: 83-104
Schuilenburg M (2012) The Securitisation of Society: On the Rise of Quasi-Criminal Law and Selective Exclusion. *Social Justice* 38(1/2): 73–89.
Shapland J et al. (1985) *Victims and the criminal justice system*. Aldershot: Gower.
Shapland J et al. (2006) *Restorative justice in practice. The second report from the evaluation of three schemes.* Available at: https://www.sheffield.ac.uk/polopoly_fs/1.783!/file/RestorativeJustice2ndReport.pdf (accessed 12.05.2017)
Sullivan D and Tifft L (2001) *Restorative justice: Healing the foundations of our everyday lives*. Monsey: Willow Tree Press.
Walklate S (ed) *Handbook of Victims and Victimology.* London: Routledge.
Wright M (1982) *Making Good: Prisons, Punishment, and Beyond*. London: Burnett Books.
Wright M (1996) *Justice for Victims and Offenders.* Winchester: Waterside Press.
Young A (1996) *Imagining Crime*. London: SAGE.
Zehr H (1990) *Changing Lenses: A New Focus for Crime and Justice*. Scottdale: Herald Press.

Legislation

Ministry of Justice, Criminal Justice Act 1982
Ministry of Justice, Criminal justice Act 1991
Ministry of Justice, Crime and Disorder Act 1998
Ministry of Justice, Youth justice and Criminal Evidence act 1999
Ministry of Justice, Criminal Justice Act 2003
Ministry of Justice, Criminal Justice and Immigration Act 2008
Ministry of Justice, Restorative Justice Action Plan 2013