

## Abstract

Access to justice cannot be secured by more progressive law – legal aid, public interest law. Max Weber explained why: as the quantity of law and the size of bureaucracies grows, law as an institution becomes more useful to those with institutional power (and less accessible to others). In late modernity the more serious the injustice, the more likely large organizations will somewhere be a stakeholder in it. Meta-regulatory strategies, regulated self-regulation, then become more productive paths to justice. Christine Parker has planted the seed of a new debate with the idea of generalizing corporate obligations to prepare EEO plans, environmental and safety plans. Her more general approach would require large organizations to have a plan to continuously improve access to justice. Is meta-regulatory movement toward restorative and responsive justice for the whole of law possible? Large organizations are already on a trajectory of incipient justice meta regulation; NGOs already in many specific ways demand it. Nudging these developments forward more accountably is a social justice agenda worth consideration.

## Key Concepts

**Meta regulation** means the regulation by one actor of a process whereby another engages in regulation. An example is the government regulating a process of corporate self-regulation – regulated self-regulation.

**Restorative justice** is a process where all the stakeholders in an injustice have an opportunity to discuss in an undominated dialogue what might be done to repair the harm, meet the needs of those affected and prevent recurrence of injustice.

**Responsive regulation** means that governance should be responsive to the conduct of the regulated in deciding whether a more or less interventionist response is needed. Rule enforcers should be responsive to how effectively citizens or organizations are regulating themselves before deciding whether to escalate intervention. Responsive regulation is about state, corporate and civil society actors each regulating one another. It is about the ideal that they all do best to drive one another down to the deliberative base of pyramids of progressively more coercive interventions.