



RESTORATIVE JUSTICE: HEALING THE HURT

THE WORK OF PROFESSOR JOHN BRAITHWAITE HAS CONTRIBUTED TO A WORLDWIDE SHIFT IN THE WAY JUSTICE IS SERVED, BRINGING PEACE TO THE LIVES OF MANY PEOPLE IN THE PROCESS

The restorative justice research community in Australia has been at the forefront of transforming the way justice is delivered in almost every country in the world, at least to some degree. Just as every state and territory in Australia has introduced some sort of restorative justice program in the past decade, so has the overwhelming majority of jurisdictions around the globe.

According to Professor John Braithwaite, whose Regulatory Institutions Network (RegNet) research group is at the forefront of this field, the evidence gets progressively stronger that restorative justice approaches – in which the victim plays a major role in the process and may receive some type of restitution from the offender – deliver better outcomes than traditional criminal processing, in terms of preventing re-offending, healing emotional and financial harm, and delivering fair justice.

“Restorative justice is about the idea that because crime hurts, justice should heal,” says Braithwaite. “Our ARC-funded R&D on how to help this happen, both at ANU and other Australian universities, has made the social movement for restorative justice an unusually evidence-based movement. And the evidence is getting stronger that it reduces re-offending and helps victims of crime – especially violent crime.”

RESPONSIVE REGULATION

While RegNet’s research on restorative justice has been hugely influential around the world, its work on responsive regulation – which involves a more sophisticated way of mixing punishment and persuasion in business regulation



IN A NUTSHELL

- * **RESEARCH AREA:** Restorative justice and responsive regulation
- * **PRIMARY AUTHOR:** Professor John Braithwaite, Founder, Regulatory Institutions Network, Research School of Social Sciences, The Australian National University
- * **KEY OUTCOME AREAS:** Social; Policy and administration

– has had the bigger policy impact in Australia. It has been applied to many areas, including competition policy, consumer protection, occupational health and safety, food, the environment and tax.

“We developed ideas for implementing responsive regulation with the Australian Tax Office between 1998 and 2006,” says Braithwaite. “The Tax Office sat down with multinational corporations that were shifting profits out of Australia, often to tax havens, so they would pay little or no tax here. Together with business, the Tax Office crafted a responsive regulatory approach to improving corporate compliance systems to reduce this profit shifting. Our evaluation showed the program returned an extra billion dollars in tax for every million spent on it. This program alone brought a greater increase in tax dollars to Australia from multinational corporations that were not paying their way than the annual budget of the ARC.”

As a result, other nations are increasingly looking to Australia for leadership in this area. For example, a recent US Treasury analysis urged the US Government to follow these Australian programs.

BEYOND CRIME AND BUSINESS

Both restorative justice and responsive regulation are paradigms that are today being used in a wide range of private and public policy domains beyond crime control and business regulation. Restorative justice, in particular, is being used in schools (anti-bullying programs, for example) and child protection. Furthermore, evidence that this approach is effective in dealing with these social problems continues to grow stronger.

Restorative justice is also increasingly being used in peacebuilding. There are dozens of war-torn regions where restorative justice approaches are being implemented, informed by high-quality Australian research. This is the frontier where Braithwaite is now putting most of his energy, with work underway on his ARC-funded 'Peacebuilding Compared' project, which hopes to look at 100 cases of the peacebuilding process around the world.

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PEACE IN PAPUA NEW GUINEA

For example, in Bougainville, which suffered a brutal civil war from the late 1980s to the late 1990s, many tribal chiefs and traditional leaders have been trained in restorative justice. Braithwaite recently nominated the Peace Foundation Melanesia, which did much of the training, for the International Restorative Justice Prize.

"Bougainville is remarkable because almost a decade after the end of the war, Bougainvilleans are still stepping forward for the first time to confess killings to the families

of those they killed, in the hope of healing the wounds," says Braithwaite. "Many of those I have interviewed believe these reconciliations do solidify the peace."

IMAGINATIVE IMPLEMENTATION

There have been many prizes awarded to this scholarly work, but Braithwaite believes the greatest rewards for the researchers, and for the ARC, are the testimonials of those who have found safety and justice in lives that were once precarious, as a result of this evidence-based policy innovation. "There has been a worldwide shift in the nature of how justice is being done," he says.

Yet the professor is quick to point out that while his research group has been one of the most influential in the world on restorative justice, it is the imaginative ways in which it is being implemented that continue to impress him.

"Different countries apply it in their own distinctive way," says Braithwaite. "With both restorative justice and responsive regulation, it has been other people in other places who have come up with so many concrete ways of improving the human condition in ways I could not have imagined. It has been satisfying and surprising to see that."



For further reading

John Braithwaite, *Regulatory Capitalism: How it Works, Ideas for Making it Work Better*. Cheltenham: Edward Elgar (available at www.e-elgar-publicpolicy.com/home.lasso?currency=UK).

For a full list of published work, visit www.anu.edu.au/fellows/jbraithwaite