

**Peacebuilding among ex-prisoners and their families:
enhancing the impact of the Second Chance
Rehabilitation Centre, Zimbabwe**

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DECLARATION

I, Ntombizakhe Moyo, declare that:

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- (ii) This thesis has not been submitted for any degree or examination at any other university.
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Signature:

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Grateful thanks to the Almighty God, who granted me the opportunity and the wisdom to go through this study.

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DEDICATION

This thesis is dedicated to the Second Chance Rehabilitation Centre as they continue to implement restorative justice models in transforming conflicts associated with crime.

“...But let justice roll down like waters, And righteousness like a never ending stream”

Amos 5: 21-24

ABSTRACT

The retributive justice system has been used in most parts of the world aimed at rehabilitating, deterring and incapacitating offenders. High prison rates reveal that the retributive justice system has not been too effective when it comes to reducing recidivism and addressing causes of crime. The system makes offenders to be accountable to the state, while victims of crime are left out of the picture. Family members of offenders, who are the secondary victims, are also closed out of the system, while in essence; they suffer a lot including loss of family members to imprisonment, which affects the family fabric. This research seeks to enhance the restorative justice work with ex-prisoners done by Second Chance Rehabilitation centre. The question that this research seeks to answer is: can restorative justice models have a positive impact on the lives of ex-prisoners and their families? An Action Research paradigm was used during this study. Eleven restorative justice interventions were implemented with a group of twelve ex-prisoners, while four sessions were implemented with ten family members of the ex-prisoners. The findings of this research reveal that, participants attained new knowledge through these interventions, which influenced their attitudes and behaviour about life and relationships. Additionally, the study revealed that human beings are social beings, who can be socialised into doing right, which is a message that should be passed on to policy makers, so they would implement effective rehabilitative processes which will yield transformative results.

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LIST OF ABBREVIATIONS

SCRC	Second Chance Rehabilitation Centre
AVP	Alternatives to Violence Project
FGD	Focus group discussions
FC	Family Conference
PZ	Phoenix Zululand
PK	Pono Kaulike
CIF	Conversations in Families
ROLs	River of Life stories
NUST	National University of Science and Technology
DUT	Durban University Technology
GL	General Law
CL	Customary Law
CSOs	Civil society organizations
AR	Action Research
ZPCS	Zimbabwe Prisons and Correctional Services
ICPS	International Centre for Prison Studies

PART ONE

CHAPTER 1: GENERAL INTRODUCTION

1. Introduction

“As I walked out the door toward my freedom, I knew that if I did not leave all the anger, hatred and bitterness I had behind, I would still be in prison”. Nelson Mandela

The sentiments by the former South African president Nelson Mandela suggest that events leading to imprisonment and imprisonment itself bring about all sorts of grief, pain and suffering that can hinder one's progress in life if left unaddressed. Imprisonment entails isolation from loved ones, lack of freedom, living under strict conditions characterised by negativity from the prison system, prison staff and others prisoners (see section 7.1.1). If left untransformed, such conditions can leave one harbouring feelings of anger, bitterness and might result in habitual offending. Serving a jail sentence typically does not provide room for the transformation of grievances and injustices associated with crime.

The needs of the victims of crime are never considered under the traditional criminal justice system. Families of prisoners are the indirect victims of crime. Relationships between them and the offender are strained when a crime is committed and they struggle to come to terms with the act and to cope with life in the absence of their imprisoned relative. On the other hand, the direct victim of the crime features only as a witness; since in criminal justice the crime is assumed to have been perpetrated against the state, the assumes the role of the victim. As Christie (1977) has said, conflict becomes a property taken away from its owners.

Imprisonment has been the most popular means of responding to crime by the state. The justice system worldwide is based mostly on the retributive model, as is the case also with the Zimbabwean criminal justice system. In this approach, punishment administered is intended to act as a deterrent to the offender and society at large. However, this does not seem to work effectively as evidenced by high levels of recidivism, which suggests that most offenders are not

deterred by imprisonment. In addition, the system is not concerned with the victims of crime, which include family members of the offender, who may remain hurting and in turn become victims of injustice or violent to others.

1.1 Context of the study

The International Centre for Prison Studies (ICPS 2015) reveals that in 2014 Zimbabwe had a prison population of 18 857 (about 129 in every 100 000 people) in its 46 prisons, of which 68% were re-offenders. These statistics suggest that the rate of imprisonment and recidivism is high and rehabilitation in prisons is not very effective. The high number of repeat offenders suggests a need to seek alternatives of addressing the root causes of crime as a way of reducing reoffending.

The criminal justice system in Zimbabwe is premised on the assumption that offenders disturb society's tranquillity and therefore deserve isolation through incarceration by the Zimbabwe Prisons and Correctional Services (ZPCS). The operations of the ZPCS are guided by a Prisoners' Rights Act, founded on the Zimbabwe Constitution (2013) section 11.5, which states that the ZPCS will protect society from the criminal elements through the incarceration and rehabilitation of offenders for their successful reintegration into society while exercising reasonable security and human control.

The Parliamentary report on prisons (2011) states that prisoners experience critical shortages of basic commodities, such as food, clean water, medication, ablution facilities and uniforms, among other necessities. Moreover, Zimbabwe has been going through a severe period of economic and political instability for almost twenty years, which has impacted negatively on the population in general and it would seem that prisoners' welfare is not high on the government's list of priorities currently. By 2014, the prison conditions had worsened to an extent that there were severe food shortages in prisons, outbreak of diseases and other related calamities, which according to speculations led to the presidential pardon of about 2000 prisoners in February 2014 (Mushova 2014).

It is in this context that Second Chance Rehabilitation Centre (SCRC), a faith based organisation, was established with the aim of fostering attitude and behavioural change in ex-prisoners. SCRC encourages ex-prisoners to change their mindsets and behavioural patterns through counselling, mentoring, engaging in restorative activities and skills training. SCRC was founded in 2008 by an ex-prisoner who was motivated by his prison and post-prison experiences. SCRC is governed by a board of seven people and has three fulltime staff and some volunteers. The staff members include the director, the administrator, and the projects manager.

According to SCRC's constitution, the organisation's mission statement is to show God's love to ex-prisoners, restore their lost dignity and self-esteem and encourage them to live lives that are free of crime. The vision of SCRC is to see ex-prisoners across the nation being restored from a life of crime and imprisonment and contributing to a harmonious society. The objectives of SCRC are to:

- Redeem the ex-offenders from socioeconomic hardships by empowering them with sustainable life skills.
- Provide psycho-therapy and rehabilitative counselling to promote a smooth transition and integration into society.

1.2 Research problem, overall aim and specific research questions

This research seeks to examine if the use of restorative justice models with ex-prisoners could have a positive impact on their lives and families.

The overall aim is to enhance the impact of SCRC's rehabilitation and restorative justice work with ex-prisoners in Zimbabwe using a restorative justice conceptual framework.

The research aims to answer these specific questions:

- What is the broad approach of Zimbabwe's criminal justice system towards offenders?

- What activities are currently being carried out by the state and civil society organisations (CSOs) to help the rehabilitation of prisoners and how effective are these?
- Using an action research design, what new restorative justice initiatives could be established to enhance the work of SCRC?

A total of eleven initiatives were implemented to enhance the work of SCRC. The interventions were classified under four processes namely: River of Life stories (ROLs), Alternatives to Violence Project (AVP) workshops, Conversation in Families (CIF) and Family Conferencing (FC). These initiatives were evaluated against Zehr and Mike's (1998: 51) restorative justice standards listed below:

1. Focus on the harms of crime rather than the rules that have been broken.
2. Showing equal concern and commitment to victims and offenders, involving both in the process of justice.
3. Working towards the restoration of victims, empowering them and responding to their needs as they see them.
4. Supporting offenders, while encouraging them to understand, accept and carry out their obligations.
5. Recognising that while obligations may be difficult for offenders, those obligations should not be intended as harm, and they must be achievable.
6. Providing opportunities for dialogue, directly or indirectly, between victims and offenders as appropriate.
7. Finding meaningful ways to involve the community and to respond to the community basis of crime.
8. Encouraging collaboration and reintegration of both victims and offenders, rather than coercion and isolation.
9. Giving attention to the unintended consequences of one's actions and programme.
10. Showing respect to all parties—victims, offenders and colleagues in the justice system.

AVP workshops have been proven to be restorative in nature (Bischoff 2003). The CIF programme was designed by Phoenix Zululand (PZ) and has been implemented as part of their restorative justice work. Harris (2013) and McAree (2011) present evaluations which demonstrate the effectiveness of CIF as a restorative justice initiative, while the works of Walker and Hayisha (2007); Bazemore and Umbreit (2001) show the impact of FC as a restorative justice model. However, it is crucial to note that with the ROLs, the sharing of life stories on its own is not restorative, but can contribute toward restoration as participants confess publicly about the events of their lives.

1.3 Theoretical framework

The works of previous scholars is considered in order to develop a theoretical framework for this study, which is predominantly restorative justice and conflict transformation. To assess the impact of restorative justice with offenders, the works of Gilligan and Lee (2005) in the USA; Jenkins (2006) in the USA; Daly (2002) in Australia; Harris (2013) in South Africa and McAree (2011) are explored. The works of Miller and King (2006) and Lederach (2003), among others, are used to establish the foundation for conflict transformation and identify the linkages between restorative justice and conflict transformation.

Restorative justice, as the name suggests, is a model that can be used to reinstate relationships or friendship that has been harmed by a crime. Zehr (2002: 37) defines restorative justice as “a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, obligations, in order to heal and put things as right as possible”. Similarly, Towes (2006: 20) avers that restorative justice is a process of rebuilding a web of relationships affected by crime. In essence restorative justice implies that after a crime have been committed, there is a need to bring all those with a stake in the matter for a dialogue, so as to identify the causes of the crime and rectify them, while at the same time putting right the things affected by the wrong act. For this study, the underlying assumption is that the family fabric is affected when one commits a crime and it can be worsened by their imprisonment. The main outcome of the study is therefore to restore peace among ex-prisoners and their families. It is important to note that the initial plan was to work with

inmates, but unfortunately the Zimbabwean prison authorities would not grant me the permission to carry out the research in the prison.

Restorative justice addresses the needs of the victims, underlying causes of crime and restores relationships (Harris 2013; Towes 2006 and Zehr 2002,). While the primary goal of restorative justice is not to reduce recidivism, studies by Daly (2002) and Gilligan and Lee (2005), show that restorative justice can also reduce levels of recidivism in the process of addressing the causes of crime. It is hoped that the restoration of relationships among ex-prisoners and their families could contribute to the change of attitude and behaviour to crime among the participants.

Restorative justice and all its processes are aimed at conflict transformation. Conflict transformation is about waging conflict constructively (Miller & King 2006: 57). This means that those involved in a conflict should do all they can to explore all possible avenues available to address the grievances or injustices underlying a conflict. In the context of this study, it means that all those affected by a crime should come together and explore the causes and effects of the crime and together seek ways of addressing them. This might mean that all the parties affected by a crime are given a chance to work together to make things right, thus increasing the chances of attaining justice and reducing the need for revenge.

Lederach (2003: 14) defines conflict transformation as envisioning and responding to the ebb and flow of social conflict, as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interactions and social structures, and respond to real-life problems in human relationships. Lederach seems to suggest that the existence of a conflict signifies a problem or an existence of some form of injustice, which should be given attention so as to bring about a desired end. Thus, all those affected by a crime have to come together and work together to identify the existing injustices, the causes of injustice and seek possible ways of dealing with them.

1.4 Research approach

The methodological approach of this study is guided by Mouton (2001) the standard South African research method text.

1.4.1 The research design

An action research (AR) design is used where the researcher involves his or her participants in the co-construction of knowledge that leads to individual or social change (McIntyre 2008: ix). A small advisory group of about six volunteers with expertise in rehabilitation work was formed with the help of the SCRC director. The purpose of the group was to assess the current SCRC programmes and plan interventions, oversee implementation and evaluate their impact and repeat the cycle, this involved questioning, reflecting, dialogue and decision making (McIntyre 2008: 16).

Ex-prisoners were trained in eleven interventions, which involved the ROLs, AVP workshops, CIF and FC. These interventions were done with a group of twelve ex-prisoners over a period of 14 months. The impact of these interventions was assessed through the Conflict management style questionnaire, which was completed by participants before and after the interventions. In addition, two Focus group discussions (FGDs) based on the interventions implemented, were held; one with ex-prisoners and the other with their family members.

1.4.2 Methodology

I used a qualitative research methodology to guide data collection. Qualitative research is a process where an in-depth and detailed inquiry is made about a certain situation or people. This approach was adopted because it provided detailed information about a small number of participants and enabled me to study situations in their natural settings, considering depth and detail (Denzin and Lincoln 2003: 4 and Davies 2007: 135).

Data was collected during the meetings held with the advisory group, the implementation stages of the interventions and the evaluation. During the implementation, data collected was written down. An audio recorder was also used to record all evaluations, which were transcribed and translated from IsiNdebele to English.

The data obtained during the study was analysed using textual analysis, which enabled me to break it down into manageable themes, patterns, trends and relationships as suggested by Mouton (2001: 108) and were utilised to formulate theoretical concepts (Davies 2007: 135).

This study is of great significance to me, as it complements the teachings of my faith, which place emphasis on restoration, forgiveness and reconciliation. In addition, my involvement with grassroots women in peace building initiatives made me choose this particular topic, as I have witnessed most women struggle to cope with life after the imprisonment of their loved ones, whether it be a father, husband or child. The biggest question I have always had is: how best can women and children, affected by the imprisonment of a family member, be assisted to cope with life? The study is unique as I am not aware of any other research on the subject of restorative justice work with ex-prisoners in Zimbabwe. However, it is worth noting that the practice of restorative justice is being carried out by most local communities as a traditional way of addressing wrongs. A good example of this process is seen when a community is trying to resolve the issue of cattle which would have grazed in someone else's field. Usually the families involved will have a dialogue and explore ways of handling the issue in a way which creates a win-win situation, it normally involves some form of restitution whenever possible.

Moreover, this study afforded SCRC a chance to have the impact of its work enhanced and evaluated. The organisation had not had its work evaluated since its formation, nor had they had an outsider carry out a similar programme. The research helped SCRC management and me to identify the neglected areas that needed modification in SCRC's work. In addition, the research gave the organisation a chance to evaluate its progress in light of its intended objectives. My hope, which still remains, was that the research would reveal the impact of SCRC's work and enable the organisation to gain credibility and support from the public.

Finally, the research contributed to my knowledge of the AR methodology, the issues of retributive and restorative justice, and conflict transformation.

1.5 The structure of the thesis

This study has five parts and nine chapters.

Part one consists of chapter one, which constitutes the background and the introductory session of the study. Part two is made up of the literature review chapters. Chapter two consists of the definitions of crime and justice, and other key concepts found in this study. Chapter three discusses the theories of restorative and retributive justice. Chapter four presents empirical evidence of studies of prison restorative justice programmes done elsewhere. While chapter five presents literature review of the criminal justice system in Zimbabwe and the work done by CSOs with prisoners. Part three has chapter six, which discusses the research design and methodology utilised in this study.

Part four has two chapters. Chapter seven describes the interventions implemented with ex-prisoners and evaluates their outcomes. Chapter eight presents the interventions with family members of ex-prisoners and the subsequent evaluation. Part five is made up of chapter nine, which outlines the summary, the findings and the conclusions of the study.

PART TWO: Literature review chapters

CHAPTER 2: CONVENTIONAL APPROACHES TO CRIME AND JUSTICE

An unjust response to an unjust world leads to unjust communities.

Towes (2006)

2. Introduction

Crime violates people and their relationships and creates obligations and needs, which might not be met through imprisonment. Such needs could be met when parties involved engage in dialogue to discuss needs and obligations created by the criminal act and map a plan for remedies, which Zehr (2002: 6) describes as a process of putting right the wrong. Putting right the wrong could entail restoration of relationships, restoration of all that was damaged due to the crime and addressing the causes that contributed to the offence.

The traditional criminal justice system, which uses a retributive approach where the offender is being punished in the name of doing justice, does not incorporate the restoration of relationships and all that has been negatively affected by an offence, meaning that justice remains unmet (Wallis and Tudaor 2008: 13; Bazemore 2007: 652; Zehr 2002: 21 and Braithwaite 1999). The legal justice system leaves both the direct and indirect victims of crime on the verge of seeking revenge, because justice would not have been attained. Cassese (1998: 1) argues that justice is better than revenge because revenge is a primitive form of justice; a private system of law enforcement. Ordinarily, everyone wants to see justice prevailing, and the lack of justice leaves the victims wanting to retaliate.

Revenge can be described as a situation where one seeks to attain justice using their own capacity. Normally, victims of crime seek revenge after realising that the justice system has failed them. Avengers take the law into their own hands for three main reasons; to achieve desired justice, to draw attention to the past wrong and to render punishment (Wallis & Tudaor 2008: 13). The extent of revenge might include harming the opponent, their belongings or anyone connected to them. Such actions widen the cycle of violence, confirming the

observation made by Gilligan (1996) and Pepinsky (2000) that, all violence is an effort to do justice, or undo injustice. As Towes (2006: 16) rightly put it, “an unjust response to an unjust world leads to unjust communities”. Schirch (2004: 46) observes that conflict transformation is one of the ways of establishing justice, while restoring relationships and bringing about healing to the parties affected by a conflict.

This chapter will focus on the literature review of the conventional approaches to criminal justice systems and seeks to answer the first research question: What is the broad approach of Zimbabwe’s criminal justice system towards offenders?

2.1 Crime and Justice

The commission of crime implies that justice has been dissipated, which then calls for putting things right in order to restore justice. The biggest task at hand is to establish if the conventional understanding of crime and justice contributes towards conflict transformation, which is at the heart of making things right between the offender and the offended. In order to answer this question, we need to unpack the conventional approaches to crime and justice.

Crime leaves everyone wanting justice. Addressing the causes of crime and meeting the needs and obligations created by crime is a means of attaining justice, which could also be viewed as justice on its own.

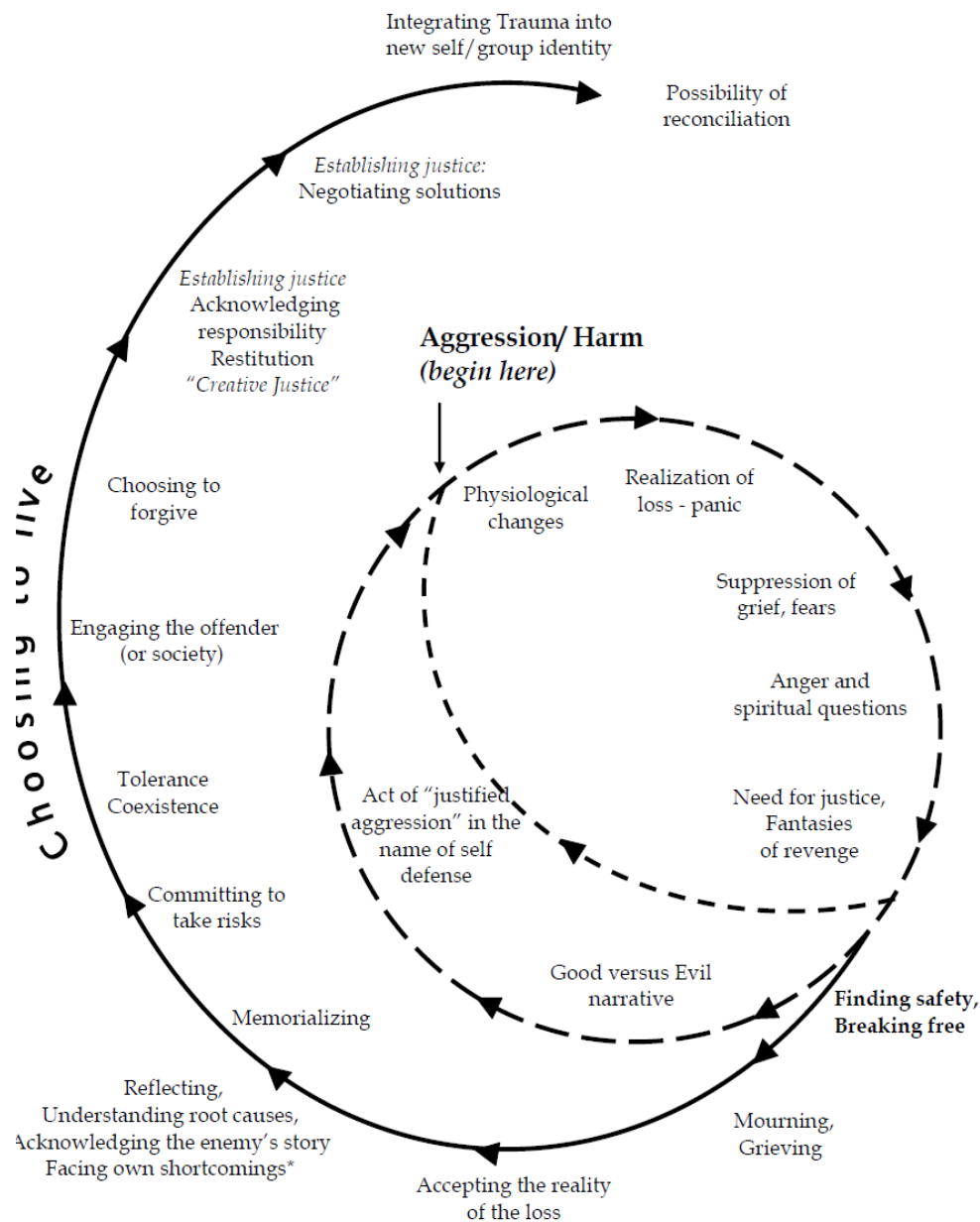
2.1.1 Crime

Crime is not an act only against the state, but a wrong committed against an individual(s) and all those connected to that individual. Crime is also an act that harms the family members of the offender one way or the other. This means that the offender, the direct victim of the crime and the indirect victims of crime, that is, those close to the victim and the offender, all need justice. However, in criminal justice the focus is placed on the state as the offended while nothing is said about the direct and actual victims. As Aitken et al (2012) put it, “the process of justice is a conflict between adversaries in which the offender is pitied against the state rules; intentions outweigh outcomes and one side wins while the other loses”. A win–lose situation

means that the loser will always desire to be a winner, while the winner will always want to maintain the status-quo, thus encouraging 'the survival of the fittest' mentality which does not result in conflict transformation. Crime can be defined as breaking the law (Bloom 1999: 2), violation of property or person by another person (Towes 2006: 8), a wrong act (Braithwaite 2003: 402) a legal conflict (Braithwaite 1997: 244). My view is largely influenced by these scholars as I understand crime to be an act that infringes on the freedom of individuals, violating the well-being of individuals, communities and relationships, as crime compromises set societal norms for survival.

In some occasions an offense is committed as a quest for respect, power, and self-worth (Gilligan 2001). Similarly, Ward (2001: 513) argues that the wrong doer justifies themselves for committing the crime, as they perceive the criminal act as rewarding, the offender might commit a crime so as to earn respect, dominance over the victim or gain self-satisfaction. However, Towes (2006: 45) suggests that sometimes, an inner pain can push one to wrong doing, an indication that perhaps an offence was committed against the offender which left him wanting justice. Every wrong act has as much a harmful impact on the wrong doer as on the wronged. Zehr and Mika (1998) say it is necessary to make things right after an offence. In other words, something needs to be done to sort out the differences between the offender and the victim[s]. Botcharova's (2001) journey towards healing indicates that there is a likelihood that an offender may be offending because of what might have happened to them in the past. She suggests that the establishment of justice might prevent further cycles of violence since the factors driving revenge would have been addressed thereby bring healing to all parties involved (see figure 2.1).

Figure 2.1 Trauma Healing Journey-breaking the cycle



Source: (Botcharova 2001)

Crime can be an indication that an offender has issues that need to be addressed. Towes (2006: 48) observes that crime is an injury to the victim, but it may also reveal an injury in the offender. Many offenders have experienced abuse and difficulties as children with some lacking skills and training that could enable them to get meaningful jobs. This implies that in some cases, offenders might commit offences in pursuit of justice. The criminal justice system deals

mostly with the punishment of offenders, with no system in place to unearth the underlying causes of the crime and possible solutions.

Furthermore, in some cases crime can be a result of structural violence, which is largely reflected by societal inequalities, power imbalances, unequal distribution of resources and other forms of imbalances. Bazemore (1998: 771) and Pranis (2007: 60) observe that in most cases crime is a result of a breakdown in social bonds. Similarly, Towes (2006: 15) suggests that crime can be a reflection of the broken webs of relationships. Both Bazemore and Towes seem to suggest that crime can be a reflection of broken relationships among individuals, communities and societies. This therefore means there is a need to address the underlying causes of an offence when dealing with the effects of crime, so as to reduce the likelihood of its occurrence, as suggested by Botcharova's (2001) diagram above.

2.1.2 The impact of crime

According to Cohen (1988: 545), commission of crime yields a trilogy effect, which includes monetary costs, emotional costs and risk of death. On a detailed scale, Wenzel, Okimoto, Feather and Platow (2008: 380) observe that crime impacts victims with pain, suffering, fear, loss of property, loss of life, medical costs and in some cases loss of income. Thus, victims of crime, the offenders, and their families all experience a lot of pandemonium associated with an offence. Zehr (2009) argues that crime creates needs; hence the wrong doer should assume responsibility and meet those needs. In addition, Sankaran (2001: 2252) observes that "Imprisonment is the most expensive in terms of public expenditure, human liberty and knock-on consequences on prisoner family". From what Sankaran says, it is worth noting that criminal activities impose high costs on national budgets at the expense of other societal needs (see also Bloom 1999: 20).

Crime affects the victims' self-esteem. Wenzel, et al (2008: 380) observed that "offenders through crime take advantage of their victims, and assume a position of superiority and power". Achilles and Zehr (2000: 6) concur that the victim is left feeling powerless, guilty and dehumanised because crime represents a profound expression of disrespect for the victim as a

person. It signifies a denial of the victim's personhood, a failure to value them as an individual. Furthermore, Zehr (1992) suggests that crime creates emptiness and harms individuals and communities. It creates obligation and liabilities. These observations suggest that there is a need to develop alternative means to assist victims of crime and the offenders to regain their personhood, thus reducing the cycles of violence (Botcharova 2001).

Individuals and communities' security and safety needs are affected by criminal activities (Zehr 1992). Individuals and communities become insecure when there is a report of a criminal activity. Achilles and Zehr (2000: 2) observe that "the sudden, random and often violent nature of crime affects not only the victims, but their families, friends and communities" as well. On the other hand, the perpetrators and their families may also fear retaliation from the victims or their relatives. According to Bloom (1999: 2), crime breeds hatred, disconnection and search for revenge, which creates insecurity in the lives of the offender and those close to them.

Botcharova's (2001) journey to healing model demonstrates that the violated will always violate. Similarly, Braithwaite (2002: 3) observes that crime may be an opportunity to prevent a greater evil. Therefore, when a crime is committed, it gives individuals and communities an opportunity to identify factors and solutions of the causes of crime there by breaking the cycle of violence. Braithwaite's (1992: 7) regulatory theory, suggests one way of dealing with crime effectively. He states that family members of the perpetrator should work with the offender in resolving the problem and if they fail, they should then engage the community and later the legal system.

2.1.3 Dealing with Crime

Imprisonment is a popular way of redressing crime, yet the increase in imprisonment statistics and high levels of recidivism might suggest that imprisonment is inefficient and ineffective as a deterrent measure (ICPS 2015, ICPS 2014 and ICPS 2013). A study done by McAree (2011), in South Africa reveals that imprisonment is costly and consumes a lot of the national funds, and this might hinder national developments, resulting in the increase of crime due to poverty.

As already stated above, crime can be a symptom of the existence of unjust systems, promoting imbalances and social inequalities. As a way of reducing crime, Pranis (2007: 60) advocates that communities should be responsible for coming up with crime prevention measures that address the underlying causes of crime. Similarly, Towes (2006), Braithwaite (2002) and Zehr (2002) suggest that restorative justice initiatives should be undertaken by families and communities to address the causes and the needs created by crime so as to reduce chronic criminal activities and injustices, which are left unaddressed by the traditional criminal justice systems. Similarly, Braithwaite (1992: 1) posits that “the most serious crime problems in contemporary societies are precisely the crime problems we are in the best position to reduce”. Pranis (2007), Towes (2006: 17), Braithwaite (2004) and Zehr (2002) propose the restorative justice approach as the best way that can effectively deal with crime.

2.2 Justice

Justice is a fundamental need in all human relationships. Noll (2003: 272) defines justice as conformity to the law or doing what is useful for the social good or rendering to each other what is one’s own due by right. Towes (2006: 5) defines it as a process of doing things right, which involves the process of repairing and re-building people and relationships. In addition, Zehr (2005: 139) suggests that justice is treating people as equals, without partiality in the process of making things right. For Bazemore (2007: 651), it is a state of fairness, where equivalent treatment is rendered to all. Noll’s definition seems to differ from the others who see justice as rooted in relationships, while to Noll it is about conformity to state laws. These definitions might be influenced by the definitions of crime they lean towards. For the rest, crime is wrong doing against an individual, while for Noll it is failing to abide by the rules of the state, disregarding the possibility of the existence of unjust laws. I strongly believe that crime is primarily against individuals, although there could be some crimes that are against the state, such as breaking traffic rules for instance. I would therefore define justice as a process of making a non-discriminatory judgment that will reward individuals and states according to what they deserve.

For Zehr, Towes and Bazemore, justice is about right doing towards one another, suggesting that when one wrongs another, the wrong doer must take responsibility of their action by making things right, this is considered as rendering justice. There is therefore a need to engage both the offender and the victim in the process of seeking to establish justice, so as to avoid inadvertently creating injustice in the process of attaining justice. It is importance to note that if justice is not attained, the web of relationships of the people involved might be broken, which could begin the cycle of violence and/or revenge (Towes 2006: 13; Zehr 2008; Botcharova 2001). In re-framing the justice debate, Stauffer (2012: 33) defines justice as restoring what was negatively affected by the crime. For Stauffer, there is no genuine justice without the restoration of that which was affected by crime. Zehr (2002: 6) and Noll (2003: 273) echo similar sentiments when they state that justice is realised in a human relational context and not just a legal or criminal justice court process. Stauffer (2012: 33), Zehr (2002: 6) and Noll (2003: 272) suggest that justice can only be attained by involving the people who experienced the impact of the unjust act and not only the courts. The legal system tends to down play the feelings of the direct victims of crime and usually does not try to understand the injustices that might have been experienced by the offender in the past.

In the legal justice system the standard of justice is the punishment and isolation of the offender (Bazemore 2007: 654), while for restorative justice, the standard of justice is restitution and healing (Zehr 2005: 139). Van Wamer (2003: 442) suggests a three pronged justice system; that is justice for the offender, the victim, and the community, where all individuals affected by a crime can access the justice they deserve. The legal justice system is unable to function in this three-pronged approach, as its main focus is on the offender, while ignoring the other parties that make up the triangle. Justice is required by all and it should be rendered to all. Braithwaite (2006: 153) argues that people are not born just or democratic, but they have to learn to be democratic citizens who will do justice well. Braithwaite seems to indicate that justice is a learnt behaviour, and we all have the potential to learn it. It is the duty of the family and community to groom individuals into just people (Workman 2008: 15). Scholars such as Umberit (2009) and Walker and Hayisha (2007) view Victim Offender

Mediation (VOM) and Family Conferences (FC) as an important part of satisfying the need for justice in restorative justice practices (see section 4).

2.2.1. Theories of Justice

Noll (2003: 373) presents three theories of justice, namely: positive theory, social good theory and the natural good theory.

The Positive Theory

Positive theory emphasises conformity and obedience to state laws (Noll 2002: 373). This theory is not concerned about the relationships of people affected by crime, but the emphasis is on maintaining the codes of law. For instance the traditional criminal justice system focuses on the laws broken, the offender and the sort of punishment that offender deserves (Zehr 2002: 21). The actual victims of the crime are ignored (Wallis & Tudaor 2008: 15; Bazemore 2007: 654) and any restitution is made to the state. This has prompted Christie (1977) to conclude that the conflict has been stolen from its owners and made the property of the state thus defeating the purpose of justice, which according to Zehr (1990) is to attempt to heal the wounds caused by crime.

The social good theory

The social good theory puts emphasis on what is good for society at large, without focusing on individuals' perspectives (Noll 2003). The wrong doer is said to have wronged the community and not a specific individual, it is therefore to the community that the offender should stand and render justice. This approach sidelines the offended individual. The wrong doer is judged based on the needs of society. To a certain extent, this could be satisfactory provided the needs of both the direct and indirect victims of crime are considered. Moreover, it should be considered that the wrong doer needs assistance, as he works towards addressing the causes of crime (Towes 2006; Zehr 2002). For it is clear that sometimes offences are motivated by some injustices and circumstances in the individual's life. Lushaba and Shandu's (n.d: 11) study, revealed that most perpetrators commit crime because of their own perceived injustices. They suggested that offenders too need to be assisted to modify their criminal behaviour.

The natural good theory

The natural good justice theory values the natural rights of each individual, measured by preservation of individual rights and the obligation to recognise human rights (Noll 2003). Both the positive theory and the social good theory seem to lose focus when it comes to valuing each individual's state of being. The positive and the social good theory are closely linked with the retributive criminal justice systems, which are not concerned about the well-being of individuals affected by an act of crime. The natural good theory is restorative in nature, incorporating both the offender and the victim. The focus is on each person's intrinsic value, which may result in the restoration of that person's self-esteem and promote a desire to do good. Braithwaite (1999) suggests the same in his integrative shaming and regulatory theories, which states that a wrong doer should be confronted in a constructive manner, so he may be encouraged to shun wrong and do right (Braithwaite 2002, see also section 3.3.2). The involvement of the victims in the resolution of the conflicts related to the crime will grant them satisfaction and will feel validated as they are being restored. In light of this, Zehr (2005) suggests that justice is tested by outcome as it is not designed to maintain the status quo, but to shake it up and to move towards the well-being of all. Similarly, Bazemore (1998: 769) observes that justice is best served when there is a balanced response to the needs of citizens, offenders, and victims, in the aftermath of a crime.

2.3 Criminal justice systems

The term criminal justice system is at times used interchangeably with the terms, legal system (Zehr 2002) and the traditional justice system (Maguire et al 1998: 33) and these are usually aligned to retributive justice. A criminal justice system is a system or procedures used by a nation to prevent crime and to deal with effects of crime. According to Maguire et al (1998: 33), the concept of criminal justice system envisions the prison, the police and the courts working together in order to prevent and contain crime. The criminal justice systems can be described as retributive (punishing the wrong doer) or restorative (attending to the needs of all affected by a crime).

The legal justice system has been viewed by proponents of restorative justice as a one-dimensional approach to crime, focusing on punishing the offender but leaving the justice needs of the victims unmet, thus creating injustices and leaving a legacy of hatred (Towes 2006; Zehr 2005: 192). The offender is made the significant person in the process (Harris 2013; Zehr 2005), who is prosecuted and punished according to the law, with prison officials as the agents of the state's mandate to punish wrong doers. Braithwaite (2002) observes that the legal justice system is a victim initiated process, which usually lives out the victim in the process. Victims may be witnesses, and as they are usually given a choice to speak through their lawyers, this leaves out the vulnerable and the poor who cannot afford lawyers.

2.3.1. The origins of traditional criminal justice system

During the Norman conquest of Britain in 1066, King William introduced a political system which controlled the legal system, whereby the king and the state became the victims of all criminal acts (Northey 2009: 2; Noll 2003: 282; Braithwaite 2002: 5; Delgado 2000: 755). This was a result of the king's desire to control all facets of social life, creating an anti-social tendency among people in the process. In the words of Liebmann (2007: 37), "...William the Conqueror 1066 AD, and those after him, saw the legal process as one effective tool for centralizing their own political power and they defined crime as disruption of "the king's peace" and fined offenders in the king's courts to benefit the king's pocket, for financial and political reasons." The thinking behind this was that criminal activities harm the state, which is represented by the king. As a result, the state responded by punishing offenders, making them pay fines to the king. The forms of punishment used then, ranged from the payment of fines, manual work, beatings to confiscation of property. Restitution to the victims was not allowed; possibly it was thought that restitution would create a people centred environment which would limit the chances of exalting the king (Sankaran, 2001: 2251; Delgado (2000: 754). Northey (2009: 3) observes that the element of punishing the wrong doer was adopted from the Roman slave law, where emphasis was on meting out the worst punishment imaginable to offenders.

Furthermore, a school of criminology arose in the eighteenth century, which was meant to reduce crime through punishment (Noll 2003: 283), and this has been followed since then to deter criminal conduct, incapacitate offenders with the aim to rehabilitate them. But its effectiveness has not been felt, as evidenced by the number of new prisons that are being built throughout the world and an ever increasing number of rehabilitation programmes still being invented. This suggests that the number of prisoners is growing and shows that existing prison oriented rehabilitation programmes are not working too well.

2.3.2. The objectives of the traditional criminal justice systems

Braithwaite (2006: 393) observes that the state narrows the meaning of justice to punishment, while in essence, the criminal justice system has to make two important considerations; to protect society against criminal behaviour, and paying attention to the personal circumstances of the offenders with a view to promote their well-being (see also Kaseke 1993: 11). Similarly, Johnstone (2003) indicates that “all criminal justice systems should aim at crime prevention and reduce reoffending”. The traditional criminal justice system places more emphasis on retribution than on rehabilitation and reform. The laws seem to lean more towards the punishment of the offender through imprisonment, in the name of protecting society, than on respecting the rights and meeting the needs of the offender.

Furthermore, Stauffer (2012: 34) avers that any criminal justice seeks to fulfil three major objectives; deterrence, rehabilitating and incapacitation. Stauffer suggests that any criminal justice system should work towards the reduction of crime, the protection of the society and the transformation of the offender. Kaseke (1993: 17) argues that a more punitive justice system is desirable over a reformatory one, as it seeks to eliminate or modify the circumstances that led to crime, in order to bring about social change. Kaseke seems to suggest that intense punitive conditions might achieve the objectives of the criminal justice system. I do not agree with him because, for example, the US has well-resourced prisons, with modern rehabilitation programmes, but has the highest crime rate in the world (ICPS 2015). Bazemore (1998: 769) says:

the retributive paradigm has become popular not because of the efficiency of punishment but because, in the minds of policy makers and the public, punitive

sanctions serve to affirm community disapproval of proscribed behaviour, denounce crime, and provide consequences to the law breaker.

Kaseke recommends a more punitive justice system based on this logic.

However, it is worth noting that in some instances the victims demand the punishment of their offenders. Orth (2003: 173), observes that people demand punishment of criminal offenders for different reasons: to give the offender his just desert, educate the offender, protect society, or to deter other potential offenders. In punishing the offender, it is hoped it will result in behavioural change, while vindicating the victim. On the contrary, Zehr (2005: 192) suggests that “retributive justice is more satisfying as an experience of justice than no justice” meaning that retributive justice does not really satisfy the victims, but they opt for it in the absence of viable alternatives.

2.4 Retributive Justice

Punishment of the offender is at the centre of the traditional criminal justice system. Punishment can be in the form of imprisonment, fines, isolation, hard labour and other means that can be used to inflict pain on the offenders. Punishment can be destructive, thus the character and personality of an individual could be ruined by the prison experience. Gilligan (2001: 116) maintains that imprisonment is about punishing the offender; however punishment increases feelings of shame and humiliation, but decreases feelings of guilt, which might lead to reoffending.

The traditional criminal justice system largely uses retribution and imprisonment as a way of rehabilitating prisoners and attaining justice. However, evidence suggests that rehabilitation is minimal. According to Henkeman (2002: 65):

The stressful environment, within which they (prisoners) find themselves, because the prisons environment is aggressive, regimented and dangerous...there is lack of adherence to human rights and constitutional values in the practice of most of the prison staff towards prisoners. The incessant, negative peer pressure prisoners subject each other to also contribute to the aggressive prison environment with conflict rife at all levels...

Workman (2008: 10) notes that “Instead of emphasising rehabilitative methods that meet offenders’ needs, the system emphasises effective controls that minimise costs and maximise security”. Although the traditional criminal justice system might be cost effective, it is wanting when it comes to rehabilitating offenders, and it is clear that justice is not attainable through imprisonment.

2.5 Rehabilitation

Vacca (2004: 297) observes that prisoners, who attend educational programmes while incarcerated, are less likely to return to prison following release, especially if the programmes capacitate them with life skills. Techniques and strategies that help them to deal with their emotions, could lower recidivism and reduce levels of violence. Vacca argues that the success of a prison education programme is influenced mostly by the values and attitudes of the persons in authority. This suggests a need to train prison officers in public relations skills, which could help them value human dignity. Rehabilitation under the retributive system entails learning life skills under strict conditions, which could work against the intended objective.

In essence, rehabilitation under the retributive justice system is a process of training and re-education of the incapacitated and deterred offenders, in programmes that may help them to develop new life skills, so they may become responsible citizens. Wenzel et al (2008: 378) suggest that rehabilitation is giving inmates occupational skills for self-help, seeing that it could be difficult for them to be formally employed once they get criminal records. Benson (2003) adds that rehabilitation is about educating inmates in ways that will resolve their psychological problems, such as aggression and substance abuse. Similarly, Ward (2001: 514) observes that offender rehabilitation should try to identify risk and psychological factors that contribute to offending, eliminating them, and instilling in the offenders, more fulfilling and coherent ways of living. What these scholars say is that rehabilitation of offenders is meant to yield behavioural and attitudinal change, which might result in the reduction of re-offences.

Rehabilitation should furnish offenders with skills, knowledge and resources they need in life. Ward (2001: 513) observes that every rehabilitation programmes presupposes a concept of ‘possible good life’, helping offenders to live lives that are beneficial and fulfilling.

Rehabilitation programmes should identify limitations that hinder offenders from living productive lives. In addition, offenders need programmes that will meet their basic needs for autonomy, relatedness and competence so as to prevent psychological distress, which might result in reoffending (Jiler 2013: 16; Ward 2001: 518).

Benson (2003: 46) observes that during the 1970s, when the debate of 'nothing works' to rehabilitate prisoners was magnified, rehabilitation changed and became 'getting tough on crime'. It was during that time that the justification of punitive prison policies was introduced, resulting in the reduction of rehabilitation programmes. That the state is the only legitimate source of punishment automatically legitimises the punishment of prisoners as part of rehabilitation in prison. The question is whether effective rehabilitation is possible through punishment (see section 2.7). Moreover, the prison environment is by and large not rehabilitative. Offenders are locked up for over 20 hours a day, meaning that they perform most of their activities in punitive environments (Dankwa 2008: 83). Also most prisons are overcrowded and overcrowding can limit chances for rehabilitation. According to McAree (2011), overcrowding promotes the dehumanization of prisoners, encourages the spread of infectious diseases, affects the way the prison staff offer their services, increases the likelihood of violence and promotes the transfer of criminal skills. In order to promote effective rehabilitation, the criminal justice system should address the root causes of overcrowding (Osk 2011).

I suggest that there is a need for states to identify factors contributing to offending and rectify them in order to reduce prison populations. According to Article 5, of the African Charter, "Every individual shall have the right to the respect of the dignity inherent in a human being". The reduction of overcrowding in prisons might enable African prisons to comply with service delivery that honours the inherent dignity of every prisoner.

Ideally, the purpose of prison is to punish offenders, deter offenders, rehabilitate prisoners, and protect society (Kinner & Williams 2006: 4). Braithwaite (1992: 1) argues that imprisonment does not break the cycle of offending, where deterrence, incapacitation and rehabilitation are manifest failures of the criminal justice system. Thus if the prisons were effective they would

deter people from offending and facilitate rehabilitation. Such people would be enabled to lead the kind of lives they desired and would most likely reduce offending negating the need to protect society from criminals. Dhami et al (2009) contend that imprisonment causes pain and disproves the rights of victims and offenders, does not promote crime prevention and rehabilitation is limited. The poem below captures their sentiment will;

*San Quentin, what good do you think you do?
Do you think I'll be different when you're through?
You bent my heart and mind and you may my soul,
And your stone walls turn my blood a little cold.*

*May your walls fall and may I live to tell.
May all the world forget you ever stood.
And may all the world regret you did no good.*

Johnny Cash

2.6 Reintegration

The release of offenders from prisons under retributive justice is more of ostracism than re-integrative (Liebmann 2007). Upon release, prisoners are just sent to the community with no support or assistance that could help them to adjust to life on the outside. Some end up reoffending because they are uncomfortable and afraid in the community and long for the safety of familiar surroundings and routines. At the same time, most African countries are not able to offer any resources to assist released prisoners to start their new lives, leaving them vulnerable to reoffending (Dankwa 2008: 83). Communities do little to reintegrate the ex-offenders. Most ex-offenders experience hostility and rejection, and become suspects of crime making them feel safe when they are away from the community. They then become repeat offenders so that they would go back to prison (Zehr 2005).

2.7 The impact of retributive justice

Johnstone (2004: 1; 2003: ix) suggests that there are two main issues that any criminal justice system needs to address; the prevention of reoffending, and generating victim satisfaction. Similarly, Maguire et al (1998) present an index to measure the performance of national criminal justice systems based on the equity, effectiveness and efficiency of the national criminal justice system. They emphasise that all criminal justice systems throughout the world aim at attaining maximum effectiveness (zero crime) at maximum efficiency (zero cost) with maximum equity (zero human rights violations). From the writings of Johnstone and the work of Maguire et al, I concur that the evidence of the impact of retributive justice could be measured by the prevention of offending, which might result in the reduction of prison population, the reduction of prison costs and attainment of justice for all. The question that remains is whether retributive justice is able to contribute towards the reduction of prison population, costs associated with imprisonment and the attainment of justice.

Impact evaluation (or impact assessment), is based on establishing whether an intervention has caused a positive change over time and that the change is due to the intervention, without the contribution of other interventions and normal developments (Babbie and Mouton 2001: 348). However, there is no simple way of measuring that a programme has produced the required results. To measure the impact of a programme, it may be necessary to follow a pre–test–post–test design, which means carrying out a baseline survey, which would be compared with the prevailing situation after the intervention (Babbie & Mouton 2001: 348-349). This means that when one is assessing the impact of retributive justice, one has to observe the circumstances of an offender before imprisonment and compare them to their situation after.

In addition, one might need to consider the number of people whose perspectives, attitudes and behaviour towards crime changed due to imprisonment. Thus, the effectiveness of imprisonment would be seen by the reduction of offending, the improvement of interpersonal relationships and the ex–inmates' ability to address problems non–violently. Moreover, Dzur (2003: 279) suggests that the effectiveness of a criminal justice system should be measured by what it does to the victims and offenders; whether it contributes to the transformation of their

conflict. Hence, the role of conflict transformation needs to be considered when assessing the impact of a criminal justice system.

An alternative way to measure the impact of a criminal justice system is the use of a control group. Babbie and Mouton (2001: 348) refer to the use of a control group as a process of carrying on an experimental comparison of participants in a programme to those not on it, so as to prevent selection bias. In regards to prisons, there would be a control group of those who participated in other rehabilitative programmes not run by prisons and another of those who took part in the prison programme only. Lipsey (1992) and Gendreau et al (1996) used control groups when they were assessing the outcomes of retributive justice among offenders. Lipsey used this approach to assess the outcome of punishment among offenders. Gendreau et al compared the outcome of imprisonment with community service. The results of both studies show clearly the impact of retributive justice on the lives of offenders and society. The table below tabulates the results of several studies on the impact of retributive justice.

Table 2.1 Empirical studies on impact of retributive justice

Reference	Summary of study	Data collection method	Outcome
Lipsey 1992	Lipsey reviews a punishment based programme, which included shock incarceration, and intense surveillance on offenders	Use of control group to evaluate the outcome created by retribution on the lives of offenders.	<p>Offenders deprived of their freedom, limited their chances of offending</p> <p>Deterrent of offenders encourages them to reform</p> <p>Bears a general deterrent effect on other citizens</p> <p>The protection of the public at least for the period of the offenders' imprisonment</p> <p>25% increase in re-offending as opposed to the control group</p>
Grendreau, Little and Goggin (1996)	Grendreau et al did an analysis of 50 studies on the deterrent of offenders involving 300 000 prisoners.	They compared their reoffending levels with a control group of offenders who did community service instead of being imprisoned	<p>The reoffending levels of the two groups were similar in that there was no reduction in recidivism</p> <p>It was observed that longer sentences resulted in 3% increase in recidivism</p>
Wenzel, Okimoto, Feather and Platow (2008)	Wenzel et al did a document analysis to evaluate the impact cause by the punishment of offenders	Review of Literature	<p>Prevent the offender from committing more crimes</p> <p>Protect the citizens from possible harm by the offenders</p>

			<p>Punishment removes the unfair advantage that the offender had over the law abiding citizens</p> <p>Lowering the status of the offenders</p>
Orth (2003: 173-186)	Orth did a research on punishment goals of victims crime, where he investigated punishment goals among 174 adults victims crime	A factor analysis methodology was employed, where a list with 18 items was given to victims of crime	Results showed five goals which were supported by victims. These goals were retaliation, recognition of victim status, confirmation of societal values, victim security and societal security

The results above reveal that retributive justice works minimally. The results reveal that retributive justice is capable of achieving at least three main factors; the deterrence of a specific offender, deterrence to other community members and incarceration of the offender, so that the community is safe for the period of imprisonment. However, worldwide prison statistics reveal that the numbers of prisoners are escalating annually, and I question the validity of the assertion that retributive justice deters offenders and potential offenders (Prison studies.org). Orth's (2003: 173-186) observation that retributive justice does not seem to be justice at all among victims of crime, suggests that it does not meet the needs of the victims and leaves them with a desire for retaliation and feelings of insecurity. Dzur (2003: 279) is correct in saying the effectiveness of a criminal justice system should be evaluated through its impact on public attitudes towards crime and the influence it has in the formulation of crime policies.

The Journal of Criminal Justice (2010: 1097), suggests that an effective and efficient criminal justice system can contribute to the reduction of crime. According to the journal, there was a decline in the rate of violent crimes in USA between 2007 and 2010; while the rate of property crimes declined for the seventh year running. This drastic change was attributed to the approach adopted by the police in handling crime. The same journal shows that the police employed positive and problem oriented strategies in dealing with crime.

As already stated above, the criminal justice system is ineffective when it comes to crime and recidivism reduction. Stan (in Sankaran 2001: 2254), has said that people go to prison as undergraduates in crime and come out as post graduates in crime. Sankaran (2001: 2254) observes that "what stops people from committing crimes is not imprisonment but the conscience within". This may suggest that the justice system, could work better if it creates moral awareness about crime and its effects on others.

The Oregon measure 11 is a good example of the limitations of retribution in dealing with crime. Measure 11 was adopted by the state of Oregon in USA when the population turned toward punishment as a means of reducing crime. It stated that no matter how small a crime was the offenders should be punished for it. This approach led to the increase in crime and

imprisonment, such that the state had to build new prisons to meet the demand (Vanessa 2006: 38). However, justice was never met, since the system still left people with a desire for revenge, as evidenced by the increased public debates on how to improve the criminal justice system that ensued (Vanessa 2006: 39). Oregon measure 11 demonstrates the necessity of involving the public in policy making so as to produce less repressive policies and restrain the exploitative powers of the state.

2.8 Summary and conclusion

This chapter has given an understanding of crime and justice from the retributive and restorative justice perspectives. The commission of an offence implies that justice has been perverted; therefore there is need to re-establish justice. The retributive criminal justice system, through its punishment of offenders, has been implemented by all states as a means of attaining justice. Scholarly articles which prove that punitive justice is not rehabilitative and true justice is not attainable through it, were explored.

The next chapter explores the restorative justice system and its impact on crime.

CHAPTER 3: RESTORATIVE JUSTICE THEORY

3. Introductions

This chapter presents literature review on the restorative justice theory. Restorative Justice is difficult to comprehend. Cswanzen and Harris (2012: 6) observe that our understanding of restorative justice is dependent on people's experiences and situations, and these differ from person to person. It is therefore crucial to explore what different scholars say about the theory.

In essence, restorative justice is understood as a global social movement (Braithwaite 2006: 393; Walker & Hayashi 2007: 17) whose purpose is the transformation of legal justice in line with the UN congress on The Prevention of Crime and Treatment of Offenders of 2000 (Braithwaite 2006: 393; Takagi & Shank 2004: 147). Along the same vein, Zehr (1997: 68) and Workman (2008: 1) have said that restorative justice is an inventive paradigm shift from the criminal justice system. These scholars claim that restorative justice is not an addition to the traditional criminal justice system, but is a new way of thinking about crime and justice. Thus, restorative justice is a victim-centred approach to criminal behaviour (Omale 2009: 50) where justice is attained by all stakeholders in a crime. Braithwaite (2003: 1) notes that restorative justice is conceived as an intellectual tradition or an approach to political practice that involves radical transformation of the legal entities, family lives, our conduct and our practice of politics. Restorative justice is therefore, about transforming attitudes and behaviour, and the conventional understanding of crime and justice. It is thinking differently about crime and approaches to justice.

The Journal of Criminal Justice (2010: 1098) defines restorative justice as a justice paradigm that brings together offenders, victims, justice practitioners, and potentially, other community stakeholders to collectively and collaboratively partake in a communication process designed to address the needs of all parties. Similarly, Zehr (2002: 13) and Noll (2003: 284), posit that restorative justice is a three dimensional processes. It involves, to the extent possible, those with a stake in a specific crime to collectively identify and address harms, needs and obligations, in order to heal and put things right, as far as possible, for all affected and create

future accountability plans and agreements that will prevent the same offence from happening again.

Restorative justice can also be seen as a nonviolent way of resolving conflicts associated with crime by all those affected by the crime (Sullivan and Tifft 2008; Walker & Hayashi 2007: 17). Van Womer (2003: 441) suggests that restorative justice is a humanistic form of settling disputes that strives to reconcile the needs of victims, and offenders with the needs of the community, families and neighbours who are secondary victims of crime. On the same vein, Roach (2002: 254) describes restorative justice as an informal and non–adjudicative form of dispute resolution. Similarly, Zehr (2008: 4) avers that restorative justice is a need based justice system; focusing on the need for restoring interpersonal relationships, human needs and co–operative problem solving processes.

An analysis of the works of Zehr (2008: 4); Sullivan and Tifft (2008), Walker and Hayashi (2007: 17) and Van Womer (2003: 44) reveal that restorative justice is about undoing the wrong in order to establish justice. Also these scholars suggest that restorative justice is a system that points to a conflict needing resolution. In restorative justice an integrative effort is made to identify the problem and transform it.

We have already observed that crime destroys relationships (see section 2.1.2). Zehr (2002: 20) writes “...damaged relationships are both a cause and effect of crime”. Zehr’s observation is similar to Botcharova’s (2001) cycle of healing, which shows that a person commits harm because he has been harmed, as a common saying goes ‘the violated are always violating’. Thus restorative justice is about facilitating reparations to victims, so that the cycle of violence is broken. Since restorative justice argues that crime destroys people and relationships, justice must then repair and rebuild people and relationships (Towes 2006: 5).

The process of restorative justice through the engagement of the offender, the victim and their communities can bring about the justice and restoration of relationships damaged by the crime (Wallis & Tudaor 2008: 13). The dialogue creates a safe environment to discuss issues that may have contributed to the crime, feelings shared and demands of restoration defined and fulfilled. The purpose would be the transformation of conflict and the facilitation of healing, forgiveness

and reconciliation. Making things right enables those affected by the crime to share the same space without fear or mistrust. On a similar note, Omale (2009) posits that restorative justice is against the “victor’s justice” which encourages a win–lose situation by punishing the offender without trying to resolve the conflict between them. This causes estrangement between the victim, the community and the offender.

The restorative justice practices are guided by principles. These principles are derived from the works of Zehr (2008); Towes (2006) and Wemmers (2000). Restorative justice believes that all people have intrinsic value and deserve respect regardless of what they do or do not do. Likewise, Wemmers (2000: 513) states that “respect is not a zero–sum game whereby giving respect to one party necessarily leads to less respect for the other party”. Therefore, all people regardless of race, age, groups, offenders or victims deserve to be treated with respect. In restorative justice, respect means wrong doers are given a chance to believe in themselves and encouraged to realise the wrong they have done, while appreciating that they have the potential to do right (Braithwaite 1999). It is vital to note that an individuals’ self–esteem might be affected when respect is not given, which might become a trigger for wrong behaviour. Another principle of restorative justice is that all people deserve to be heard and understood (Towes 2006; Zehr 2002). As already indicated, restorative justice is about an integrated effort in resolving problems, this means that all parties involved deserve to be given a chance to express themselves and be listened to. Both victims and offenders should be given a chance to share their perspective about the offence. In section (2. 5) it was observed that the conventional approach to justice does the opposite of this, where the offender is the only one given a chance to plead guilty or not in a court of law.

Restorative justice is also based on the fact that every person is valuable, in spite of what they do, their age or status (Zehr 2002). Therefore every person deserves to be treated justly. Conversely, at times treatment of people is based on their status and what they have instead of on merit. Such treatment creates a win–lose situation among parties involved, which encourages the winner to maintain his position at all cost, while the loser remains adamant waiting for an opportunity for revenge.

Restorative justice is founded on effective communication. Effective communication guides the participants through the process of resolving the problem (Zehr 2002). To yield satisfactory results, all parties in the process should communicate clearly in order to be understood and those who do not understand should seek clarification. Effective communication helps parties to make informed decision about the outcome. On this note, Braithwaite (2002a: 247) avers that effective communication leads to the empowerment of the individuals involved, as it gives them all the details about the issue. Thus, the process might become a learning experience for some participants.

For restorative justice process to result in the transformation of the conflict, it should be guided by fairness and not domination (Braithwaite 2002a: 247). Through domination fear is instilled on the less powerful causing them not to participate freely in the process. They might end up accepting decisions that limit their chances for satisfaction and restoration.

3.1 Restorative justice versus retributive justice

Restorative justice and retributive justice are a means to re-establish the justice process after an offence (Dhami et al 2009: 435; Wenzel et al 2008: 381). Both restorative justice and retributive justice have the same goal of preventing crime, but they have different approaches to it. These two systems seek to establish accountability after an offence, but they perceive accountability from different angles. Restorative justice views accountability as addressing needs and making right the wrongs, while retributive justice primarily focuses on punishing the offender (Towes 2006; Zehr 2002).

Wenzel et al (2008; 379) observe that retributive justice is a way of restoring justice through punishment, while restorative justice seeks to establish consensus among all those with a stake in a crime. These two systems are both influenced by two sets of three diametrically opposed questions. The questions in retributive justice are: what laws were broken? Who broke them? And what do they deserve? Restorative justice asks like: who was hurt? What are their needs? And whose obligations are these? (see Table 3.1 below). An analysis of these questions reveals that retributive justice is predominantly concerned about the laws broken and punishment for

the offender. On the other hand, restorative justice focuses on the needs of the victims and making the offender meet them.

Table 3.1 three different questions in restorative justice and retributive justice

Criminal justice	Restorative justice
What laws have been broken?	Who has been hurt?
Who did it?	What are their needs?
What do they deserve?	Whose obligations are these?

Source: (Zehr 2002)

The criminal justice system does not address the underlying causes of crime (Zehr 2005: 178). Retributive justice overlooks the fact that offenders are sometimes pushed to commit crime by circumstances beyond their control (Lushaba & Shandu n.d: 1). Restorative justice does not condone wrong doing, but seeks to address the causes of crime, so as to prevent the crime from happening again. In case of a conflict, restorative justice seeks to resolve the conflict, while retributive justice leaves conflicts unresolved and suppressed, thus increasing chances for revenge (Braithwaite 2003: 6; Botcharova 2001).

Braithwaite (1999: 1728) notes that retribution is not effective and is a sign of weakness. Retribution is a practice that people resort to when they feel overwhelmed and without a more effective response. On this note, Braithwaite (1999) observes that the poorest, most struggling parents, those in the weakest positions to offer their children a flourishing future, resort to punishment much more than comfortable middle class parents. This is the major reason for high delinquency rates among children from disadvantaged families. Braithwaite points out that punishment is ineffective because it is usually administered for wrong reasons.

The proponents of retributive justice believe that the punishment is one way of making offenders pay for their wrongs and that it deters others from offending (Zehr, 2012). When punished, offenders are isolated in prisons, where prison officers take over as society's agents of retribution and, along with the harsh prison system, humiliate prisoners and teach them dependence daily (Harris 2013). As they are locked in, offenders are deprived of a chance to see

the effects of their actions, which if seen could deter them from further wrong doing. Also Zehr (2005: 4) observes that imprisonment blocks offenders from the possibility of righting the wrong done. The lack of opportunity for restitution may keep the offender feeling guilty and the sense of guilt could be a threat to one's sense of self-worth and identity. On the other hand, Christie (1977) has said retributive justice steals the conflict from its owners. Victims are usually left out of the process in the criminal justice system. Their need for justice is unfulfilled and this might increase their feelings of victimhood. On a similar note, Achilles and Zehr (2000: 5) observe that "their (*victims*) experience in the criminal justice system often mirror their status during the crime: that of involuntary participation". Victims are mistreated and re-traumatised by the criminal justice system as they are deprived a chance to ask the offenders some questions related to the crime (Aitken et al 2012; Zehr 2012).

Restorative justice uses a bottom up approach in dealing with crime (Harris 2013; Zehr 2002), while retributive justice uses a top down approach. Thus the starting point for restorative justice is the creation of a platform for people to deal with their problems at a personal level, as opposed to imposing systems and policies, which dictate the way they have to deal with their problems. Similarly, Sullivan and Tiffit (2008) affirm that restorative justice seeks to amplify the victim and survivor's voice, the stakeholders in a crime become part of the decision making process on how to deal with the crime. Zehr (1997: 70) suggests that an effective justice process involves victims, offenders and the community in identifying the obligations and solutions, maximising the exchange of information, so as to reach a mutual agreement.

The difference between retributive and restorative justice is also noted by Wallis and Tudor (2008: 13) who developed formulae to show the differences. The equation for retributive justice is '*original harm + punishment = harm doubled*', while for restorative justice it is: '*original harm + restoration = harm reduced or repaired*'. Their equations show that the use of punishment to address crime might yield more negatives, while use of restorative justice might bring healing. Zehr (1990: 95) observes that "punishment reduces offenders to be victims, while restorative justice elevates offenders to their previous status".

Retributive justice might create a dysfunctional society by breaking family bonds through the imprisonment of a family member. Children grow up without role models and sometimes without some basic needs being met because a parent is in prison. On the contrary, restorative justice seeks to address the underlying causes of crime by working towards building safe communities and cultivating pro-social communal values and responsibilities, while the offender is in the community (Fergusson et al 2003: 1).

3.2 Origins of restorative justice

Walker and Hayashi (2007: 19), Zehr (1990) and Bazemore (1998), observe that restorative justice is grounded in the ancient religious and ethical traditions. In addition, Braithwaite (2002), Delgado (2000: 754-5) and Bazemore (1998: 772) suggest that restorative justice concepts are found in the ancient justice documents such as: the Babylonian Code of Hammurabi (*circa* 1700 B. C), which prescribed restitution in cases of property offences. The Sumerian Code of Urmu (*circa* 2060 B .C) which required restitution in cases of violent offences. The Roman law of the Twelve Tables (449 B. C) which required convicted thieves to pay double the value of stolen goods and the Hebrew law, which emphasised the existence of right relationships among individuals, the community and God. Braithwaite (2002) also notes that the Indian Hindus and the ancient Buddhists practised restorative justice approaches to justice. Northey (2009: 2) writes that restorative justice has been a dominant approach in the ancient Hebrew culture, Roman society, and many North American cultures and in African and other indigenous cultures. The Maori people of New Zealand, the Aborigines, the First Nation, the people of Gullah Island, the Hawaiians, and most African societies used restorative justice approaches in dealing with crime before the colonial era. In some areas such as Hawaii and the Gullah Island, restorative justice is still practised (Walker & Hayisha 2007; Jenkins 2006).

With such examples, one might be tempted to think that restorative justice is about reviving the ancient criminal justice systems. However the founders of restorative justice such as Braithwaite (2006: 394) state that restorative justice is not a nostalgic longing for a lost past, but practical experimentation into the future with learnings from both the past and the

present. The point being that restorative justice theory and practice is more necessary in today's world, as one solution that could address today's problems of crime and injustice.

The current practices of restorative justice were started by the Mennonites (Workman 2008: 1; Zehr 2008:7; Presser & Gaarder 2000: 179). The first use of the revived restorative justice initiative was in 1974 in Kitchener, Ontario where two young people who were caught abusing alcohol were reprimanded by the police. They vented out their frustrations on community members in Elmira and damaged twenty-two vehicles and homes. The issue was handled by a Mennonite Central Committee court volunteer, who facilitated a face to face victim–offender mediation process between the youth and property owners. The issue was resolved through dialogue (Zehr 2012: 4; Northey 2009: 1; Walker & Hayashi 2007: 190; Delgado 2000: 754). In 2000, the United Nations became a prime mover in endorsing the use of restorative justice (Takagi & Shank 2004: 147).

3.3 Key features of restorative justice

3.3.1 Involves victims and offenders

Victims of crime

Restorative justice places emphasis on the involvement of victims of crime in seeking to address the obligation created by the crime. Victims of crime are not only those wronged, but also those affected by the offence one way or the other (Towes 2006: 41; Schirch 2004: 51; Zehr 2002: 15). Zehr (2002: 15) avers that restorative justice elevates victims to stakeholders and key decision makers. Victims might include direct victims of crime, their family members and those of the offender and the community. All these are involved, to the extent possible, in addressing the consequences. Similarly, Achilles and Zehr (2000: 6) argue that victims should be involved in the identification of harms, and needs, which include information, validation, vindication, restitution, testimony, safety and support.

Offenders

Restorative justice emphasises support for offenders by encouraging them to realise the harm they caused and helping them to assume responsibility for their actions, to the extent possible, if the victim is willing (Zehr & Mika 1998: 43). Thus, the offender's accountability should be determined by the victim during the engagement process, depending on the extent of harm and the resulting obligations. Restorative justice gives offenders a chance to pay restitution directly to the victims in accordance with the agreement (Aitken et al 2012). The restitution may vary from individual to individual or from community to community. Depending on the outcome of the dialogue, it could be concrete or symbolic (Noll 2003; Bazemore 1998: 771).

3.3.2 Uses integrative shaming

The traditional African societies used the shaming approach to redress wrong doing (Zehr 2008: 7; Ahmed & Braithwaite 2005: 298; Braithwaite 1989: 108). Ahmed and Braithwaite (2005: 298) and Braithwaite (1989: 108), propose two kinds of shaming; integrative shaming and stigmatising shaming. Zehr (2008: 7) notes that "shame is a basic emotion that can be used for good or ill but cannot be ignored". Zehr seems to be referring to the two kinds of shaming referred to by Ahmed and Braithwaite (2005), where stigmatizing shaming can result in wrong doing while integrative shaming in positive doing.

Gilligan (2001: 13) describes integrative shame as creating positive feelings in the offender which are likely to contribute toward positive change. Gilligan refers to a situation where an offender is respectfully confronted to disapprove a wrong act done. Stigmatising shaming is hostile shaming, where a wrong doer is disrespected, degraded and treated as an outcast and a bad person. Stauffer (2012) suggests that stigmatising shame revolves around punishment, pain, humiliation, isolation and alienation. On a similar note, Gilligan (2001: 16) says that stigmatising shaming can provoke a defiant reaction from an offender, which aggravates wrong doing.

Integrative shaming has potential to prevent crime through the termination of the shame that contributed to the offending behaviour by dealing with issues that could have contributed to

the offence. On the same note, Pepinsky (2000) makes reference to what is called 'conscience Building'. Conscience building is a process in which a community creates new feelings within an offender in connection with the wrong done and the desire for change. Similarly, Takagi and Shank (2004: 156) observe that shaming is a method of socialisation, whereby a community can teach the wrong-doer to do right while addressing the wrong done. As observed by Pepinsky (2000), shame can gradually give way to openness if one finds an opportunity to share and communicate the shame. Communication may result in openness from others and that could provide a mechanism to assist offenders to manage their shame in a constructive way (Braithwaite 2006: 404).

African communities encourage both victims and offenders to let go of the shame that could have led to the commission of a crime as they seek its underlying causes (Pepinsky 2000). Gillian (2001: 7) has observed that when an individual is ashamed because of a lack of something, that individual will always commit a wrong in the process of redressing the wrong. In the traditional African societies it was believed that wrong doing meant that there was something wrong with the social fabric, and the justice process sought to establish what and find a solution for it. For example, if one stole because of hunger, the community would give him food and offer alternatives to prevent reoffending, which could be giving that individual a job to enable him to earn a living.

3.3.3 Aims of transformation

Lederach (2003: 13) observes that conflict transformation is to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice and respond to life problems in human relationships. Lederach suggests that conflict transformation is a way of addressing factors underlying a conflict which destroy the web of human relationships so as to arrive at the desired end. Similarly, Schirch (2004: 45) observes that conflict transformation is a process that uses communication to address the underlying causes of conflicts and create satisfying solutions for all parties involved. Thus conflict transformation is the creation of an opportunity where conflicts are addressed in order to restore relationships. Conflict transformation is

crucial at all levels of human relationships to prevent and end violent conflicts. Conflict transformation is not limited to groups only, but includes individuals also, whose relationships have been negatively affected by crime. Schirch (2004: 49) suggests dialogue, principled negotiation, mediation and training as some of the approaches that could be used in transforming conflicts. Schirch (2004: 51) argues that restoration of relationships, which is one of the goals of restorative justice, should be done even if parties involved don't forgive or reconcile with each other. Forgiveness and reconciliation signal deep changes in the way people relate to one another, but they are not requirements for transforming relationships. The assumption behind this is that relationships should be made right and forgiveness and reconciliation might follow naturally afterwards.

Crime is traumatic (Towes 2006; Field 2006: 31; Achilles & Zehr 2000: 4). Field (2006: 31) adds that "all traumatic experiences are painful". Furthermore Zehr (2008: 10), points out that trauma is pervasive and multidimensional. It affects individuals, not only emotionally, but spiritually and physically as well and alters the brain's cognitive process. Trauma shapes overall behaviour, including patterns of wrongdoing and conflicts, as well as the recovery processes of resolution and transformation. If crime is traumatic, then all those involved remain traumatised and may need conflict transformation, which might facilitate their healing.

Healing can be physical or psychological. Physical healing is associated with physical injuries, while inner healing refers to elements such as restoration of human dignity, sense of self and relationship (Achilles & Zehr 2000: 2). One of the goals of restorative justice is to facilitate the process of inner healing for all those harmed by a wrong act. Restorative justice creates an opportunity for truth telling and knowing the truth may contribute towards healing. Healing requires opportunities for forgiveness, confession, repentance and reconciliation (Zehr 2005: 51).

Misztal (2011: 39) writes that forgiveness seeks to repair relationships, help in the recovery from trauma and contribute to the total well-being of individuals. Moreover, Zehr (2008: 10) writes that repentance and forgiveness are two preconditions for genuine healing, suggesting that without forgiveness and repentance healing might be impossible. However, Walker and

Hayisha (2007) observe that healing can occur naturally after a certain period of time, even if the offender has not repented. Restorative justice models emphasise the engagement of those with a stake in a crime and giving an offender a chance to confess before the victim and everyone involved. People are unlikely to forgive when they do not receive an apology or see an attitude of remorse from the offender (Wade et al 2005: 141). On the same note, Wade et al (2005: 137) suggest two approaches to forgiveness; a psychological approach and a reconciliatory approach. Psychological forgiveness can be understood as a personal means of coping with emotional pain caused by an offence and reconciliatory forgiveness is about repairing the damaged relationship.

Under restorative justice, forgiving does not mean forgetting the wrongs done (Cassese 1998: 5) or redefining the offence as a non-offence (Smedes 1996). It means letting go of the power the offence and the offender have over oneself, one makes a deliberate choice not to be controlled by the past wrong and the one who did it (Towes 2006; Zehr 2005). Similarly (Misztal 2011: 39) notes that forgiveness begins with remembering and not forgetting, hence memory of the past has a great role to play in the process of forgiveness.

Forgiveness is not forced, but happens wilfully. The restorative process does not coerce anyone to forgive, but it is hoped that as the process goes on those who need to forgive will find it within their hearts to do so. It should be noted that in any restorative process there are those who need forgiveness and those who need to forgive. Forgiveness may happen when one experiences justice and in restorative justice, this might involve reparations.

Reconciliation involves establishing a positive relationship between the offender and victim (Zehr 2005: 187), which is one of the goals of restorative justice and a major aim of conflict transformation. Like forgiveness, people cannot be forced to reconcile, but can choose to do so, depending on whether the restorative justice process has yielded repentance from the offender and forgiveness from the victim. As Misztal (2011: 42) and Zehr (2005) have observed, repentance is a condition for reconciliation. Thus, for reconciliation to take place the offender should have repented and forgiveness for both the victim and the offender should have taken place. In other cases reconciliation can result in satisfactory relationships.

3.4 Guiding questions of restorative justice

Walker and Hayashi (2007: 19), Towes (2006: 21) and Zehr (2002: 38) posit that restorative justice practices are guided by the following questions:

- Who has been hurt?
- What are their needs?
- Whose obligations are these?
- Who has a stake in this situation?
- What is the appropriate process to involve stakeholders in an effort to put things right?

The primary question in the restorative process is: who has been hurt? This question seeks to identify the people who were hurt by the crime. It should be noted, as mentioned earlier, that it is not only the direct victim of crime hurting, but also those close to the victim and the offender. Supposing that the offence resulted in physical harm, the family of the victim will also suffer because of medical expenses, fear of victimisation or loss of a family member, in case of death. In some cases the offender's family might lose a member through imprisonment or may live in fear of revenge from the victim and their family.

The second question: what are their needs, clarifies the needs of the people involved. The needs will range from those of the victim to the offender and their family. The needs of the victim's family and the community are considered as well. The purpose of identifying the needs is to have them met and mostly by the offender.

The third question is: who should be involved in meeting those needs, identifies the persons who should be involved in meeting the needs. In some cases, the offender may commit a crime because they were provoked by the victim and the offender may feel compelled to act, while in others the victim might have not contributed in any way toward the offence.

The fourth question is who has the stake in the situation? As already noted, restorative justice is an inclusive and collaborative process of conflict transformation, this question identifies the people who should be involved in the dialogue in connection with the crime, as they know best about the needs created by the crime.

The final question is: What is the appropriate process to involve stakeholders in an effort to put thing right? This question explores the possible approach to be used during the engagement process. In some cases, a victim might not be able to participate in the dialogue; in that case, a surrogate might stand in for them.

3.5 Restorative justice and criminal justice

3.5.1 Reparations

The term reparation suggests a process of repairing that which was damaged by an offence. According to Zehr (2002: 27), reparation is a process taken by the offender to put right the harm done, whether directly to the victim or indirectly to the community. It is usually a result of the restorative justice dialogue between the offender and the victim (and their families). Reparations can be both emotional and material (Dzur 2008: 283). The idea behind reparations is that the victim should be restored to a state where he was before the crime (Field 2006: 33).

3.5.2. Restoration

Restoration is a process where those who were involved in a crime are reinstated to their original state before the crime. According to Braithwaite (2002b: 250), issues being restored include human dignity, property loss, safety, injury, damaged human relationships, communities, the environment, emotions, freedom, compassion or caring, peace, sense of duty as a citizen, social capacity to develop human capacities to the fullest and prevention of future injustice. Braithwaite's list implies that these issues are affected when an offence is committed. It is worth noting that, restoration is not limited to victims of crime only, but to offenders also as they too may go through a sense of loss due to the crime committed. In addition, Batley (2005: 22) notes that for restoration to occur, the offender has to show remorse, which suggests that the restorative meeting is crucial for creating an atmosphere where the victim is able to convey his feelings to the offender.

3.5.3 Rehabilitation

The entire prison set up is structured to dehumanise offenders (Zehr 2005: 37). Restorative justice needs to boost the self-esteem of offenders, showing them that they are not bad people, but what is bad, are their actions which they can symbolically undo through reparations. Prison teaches prisoners dependence (Zehr 2005: 38). Restorative justice equips prisoners with skills to earn a living. Offenders do feel guilty for what they have done and “a sense of guilt can be threatening to one’s sense of self-worth and self-identity” (Zehr 2005: 49). Giving offenders a chance to take responsibility for their actions during a restorative justice process may take away the guilty feeling and return an individual’s sense of self-worth and improve self-esteem.

3.5.4 Reintegration

Crawford (1999: 510) refers to reintegration as one of the three Rs of restorative justice, the other two being restoration and responsibility. It is the duty of the community as well as the released prisoner’s family to accept and support the ex-prisoner as he re-enters the community. Successful integration of prisoners into communities after release from prison reduces reoffending, it creates potential for improving health and social relations for ex-prisoners, their families and their communities (Kinner & Williams 2006: 2). If the released prisoners struggle to settle, they may become hostile and experience rejection. Their lives may then be characterised by chronic social disadvantages, poor physical and mental health and high rates of substance abuse and a continuation of problems experienced prior to imprisonment (Kinner & Williams 2006: 1). Some offenders struggle to reintegrate smoothly to the extent that they may end up feeling safe in prison and reoffending. Crawford (1999: 510) proposes that a community needs to be taught how to receive prisoners back, so as to avoid making ex-prisoners uncomfortable who might end up becoming hostile and feeling rejected.

3.6 Critiques of restorative justice

Achillies and Zehr (2000: 9) observe that critics of the restorative justice theory say that restorative justice is offender centred. To them, the restorative justice process seems to be soft

on the offenders who, according to the retributive justice advocates, deserve to be punished for their actions. For instance an issue of concern is that the restorative justice system focuses on offenders as much as it does on the victims.

When a closer look is taken at the circumstances of offenders, it becomes clear that in most cases perpetrators are victims of circumstances as well. As shown by Lushaba and Shandu (n.d: 1) and Harris (2013), most offenders are victims of circumstances mainly, structural violence, which creates inequality and imbalances in their lives. One of the goals of restorative justice is to meet the needs of offenders, hoping that if those are addressed there may be chances of reducing the likelihood of them offending (Braithwaite 2004). Furthermore, addressing the needs of the offender might result in the creation of peaceful societies.

Some critics of restorative justice, believe that restorative justice does not deliver what is expected from a criminal justice system because it lacks consistence, equality of bargaining power, due process, punishment, state control and widespread applicability (Delgado 2000: 758). In addition to issues raised by Delgado, Achilles and Zehr (2000: 11) acknowledge that some critics of restorative justice complain that the system does not have a specific methodology of resolving conflicts, where a one-size-fit-all approach is used. All situations are treated differently, compromising the outcome of the process. However, the issue that Achilles and Zehr point out may have some truth, there could be a possibility that the outcome may be distorted by the relationship that the participants have, especially if both the victim and the perpetrator belong to the same family. The best way of preventing this would be to have a mediator who would guide the process accordingly.

It is contended that the restorative justice system may render disservice to victims, offenders and society at large, for in most cases restorative justice philosophies and principles are disregarded by the adherents of retributive justice (Delgado 2000: 754; Achilles & Zehr 2000: 11). In this regard, Delgado asserts that the feeling of satisfaction after the restorative justice process might be temporary or rushed. The fear is that the participants might have not thought through issues during the process, and may later regret their decisions. In this regard feelings of regret might lead to seeking revenge.

The critics of restorative justice agree that restorative justice can be effective when resolving certain crimes. Takagi and Shank (2004: 147) contend that retributive justice neglects the crucial factors of crime such as poverty, racism, cultural values, social values and individualism. For example, in South Africa, the restorative justice approach was used during the Truth and Reconciliation Commission after the racial conflict, with the aim of addressing the root causes of crime and restore social relations. Takagi and Shank (2004: 148) assert that the programme did not work effectively because it did not have the capacity and up to now the country has one of the highest crime rates in the world.

3.9 Summary and conclusions

This chapter presented the restorative justice theory, and its efforts to engage all those with a stake in a crime by addressing the harm, needs and obligations created by a crime. Restorative justice was compared with retributive justice, which focuses on punishing the wrong doer, whose crime is measured against the laws broken. It was also shown how restorative justice meets the aims of conflict transformation, which include forgiveness and reconciliation.

Chapter four presents an analysis of five empirical studies, which evaluate restorative justice practices.

CHAPTER 4: RESTORATIVE JUSTICE IN PRACTICE: A REVIEW OF EMPIRICAL STUDIES

"I matter and so do you. Everybody matters, starting with us, but not ending with us"
Phoenix Zululand restorative justice programme 'Motto'

4. Introduction

This chapter is going to review empirical studies on restorative justice practices and evaluate their impact in order to meet research objective number three: Using an action research design, what new restorative justice initiatives could be established to enhance the work of SCRC? Five case studies of restorative justice practices are presented as a way of assessing the impact of these models and exploring possible restorative justice initiatives, which can be adopted in order to enhance the work done by SCRC. Cases studied are: the Gullah Island dispute resolution model, US (Jenkins 2006), South Australia Juvenile Justice, Australia (Daly, 2002) and the *Pono Paulike* Restorative Justice Programme, Hawaii (Walker & Hayisha, 2007) the Phoenix Zululand Restorative justice programme, South Africa (Harris 2013; McAree 2011), and the Alternative to Violence Project and Recidivism, Delaware (Miller & Shuford (2005).

There are a number of different restorative justice models, but there are three primary ones namely: victim offender mediation, family group conferencing and circle process (Zehr 2009). Victim offender mediation is also referred to as victim offender encounter or victim offender conferences. The idea behind the victim offender conference is to bring together the offender and the victim (in some cases surrogates are used), for the purpose of discussing the causes and the impact of an offence so as to agree on the reparations (Zehr 2008: 27). The case of South Australian Juvenile Justice project, studied by Daly (2002) will be examined to assess the impact created by victim offender conferences.

Family Conferences (FC) are similar to victim–offender mediation, but they bring together relevant family members of victims and offenders in a meeting to discuss the causes and the impact of an offence (Harris 2013; Towes 2006). Zehr (2008: 146) says the idea behind family conferencing is to bring together a group of people so as to share perspectives, concerns and collaboratively find solutions to the problems facing their families. As a way of evaluating FC,

studies carried out by Harris (2013) on the work done by Phoenix Zululand (PZ) restorative justice work with prisoners will be explored. In addition, the work of Walker and Hayisha (2007) in assessing the *Pono Kaulike* restorative justice programme is considered also under FC.

Peacemaking circles are at times referred to as circle conferences. Peacemaking circles are described as core processes which often include an encounter between victims, offenders and community members to understand the harm and accompanying obligations, and together fashion a response (Zehr 2008: 7). The belief behind peacemaking circles is that crime is committed against a specific person by another individual, and the entire community is affected by that and it takes the entire community, the perpetrator and the victim to settle the matter. This chapter considers Jenkin's (2006) study of the Gullah community as an example of peacemaking circles.

The Alternatives to Violence Project (AVP), which Bischoff (2003) sees as another example of a restorative justice initiative, will also be discussed. AVP workshops, commonly run in prisons, seek to provide inmates with nonviolent conflict resolution strategies. The work of Miller and Shuford (2005) on AVP workshops is also discussed.

4.1 Case studies of restorative justice

4.1.1 Gullah Island community, US

The restorative justice models practiced by the Gullah community

Jenkins (2006: 299-319) presents a study based on the use of restorative justice approaches in resolving disputes among the Gullah Island community in South Carolina. The Gullah community is made up of black people whose origins are traced to West Africa. Jenkins' study was carried out to determine if the dispute resolution processes used in Gullah Island were based on Afro-centric principles, associated with the West African people, which are restorative in nature. An evaluation of the restorative justice programme, implemented by the community, is assessed in order to achieve the goals of this research.

The study ascertained that the Gullah community had two types of laws; the just law, which was restorative in nature and the unjust law, which is a retributive system set by the state to maintain law and order among the Gullah people. The retributive system does not allow justice to prevail between the victim, the offender and the community affected by crime. The Gullah community observes the just laws. According to Jenkins, the inhabitants of the land who took matters to the authorities were viewed with scorn and many times were banished from the community". The value of maintaining the just law was that, it seeks reparations for the harmed party and creates a community of peace.

The Gullah community uses an informal process to resolve their disputes. The primary focus is the restoration of relationships among the offender, the victim and the community. This suggests that the offender is considered to have wronged an individual and his/her entire community. This is different from the laws of the state which view crime as having been committed against the state (Jenkins 2006: 300). The Gullah people's understanding of wrong doing corresponds with the views of Zehr (2002: 12), Towes (2006: 16) and Christie (1977) who maintain that when one wrongs a person, they have an obligation to make things right. This is meant to result in the restoration of the relationship between the two and all those around them. The bottom line is that the Gullah people seek to transform conflicts and restore relationships, so as to minimise the levels of the recurrence of conflicts. Restoration of relationships is one of the essential aspects of the restorative justice model.

The Gullah community believes that when one commits a crime, he has wronged the community and it takes the whole community to respond to wrong done. Such an approach to wrong doing is similar to the restorative justice steps suggested by Zehr and Mika (1998). This shows that a practice of addressing wrong is restorative. An individual is liable to be sentenced by the community after a dialogue about the crime, resulting in the offender paying reparations. The payment is not punishment, but is a way of showing that one is aware of the harm done and that they are taking responsibility for their action. The emphasis of the entire process is on cooperation rather than competition; all parties involved are encouraged to work together in the resolution of problems that caused crime and problems caused by crime.

The decisions of the peacemaking circle are based on the premise that a community is stronger than an individual (Jenkins 2006: 310). According to Bashir et al (2008: 43), if an individual has wronged another, that individual has wronged the entire community and therefore is liable to be sentenced by the entire community in the presence of the victim. The reparations are to repair both the offended individual and the offended community. The aim of the reparations is to reconcile the relationship between the offender, the direct victim of crime and the entire community; for reconciliation is preferred to punishment (Jenkins 2006: 308).

Jenkins used in-depth individual interviews, focus groups and analysis of documents to assess the outcomes of the restorative justice practices employed by the Gullah community. Individual interviews were held with key informants, while focus group discussions were held with community members, which included the youth and the elderly (aged between 15 and 89). For the key informants, participants were drawn from those who had lived in Gullah Island for a long time and included those who were no longer living there, but had stayed there for a long time and knew the culture of the people.

The findings of the study

The study revealed that the Gullah people were not limiting restorative justice to redressing wrong doing. It showed that their restorative justice practices had been adopted by everyone as a way of life passed from generation to generation. The Gullah traditions emphasise the upholding of moral values as a way of life, which reinforces the restorative justice principles (see section 3. 3). The impact of pre-emptive training is that those taught learn to do right under a conducive environment, as opposed to a combative approach when people react to the wrong done. The responses of the young people revealed that the Gullah community has a culture of inculcating morality into their children. They believe that every child belongs to the entire community, implying that adults treat all children as their own and children view all adults as their parents. The opportunities for the children to offend are limited this way because adults parent the children at all times.

The study further revealed that the Gullah Island community worked together at all levels of life, which meant they might be able to address their differences constructively. The Gullah

people work together during community meetings; they have the same religion, which emphasises both spiritual and moral living. Religion permeates their way of life, such that all decisions made are acceptable, religiously and socially. The implication is that levels of offending are reduced, as all people are moulded in a culture of doing good and maintaining healthy community relations through adherence to the religious and cultural practices.

The findings revealed that, the community was able to come together to address problems that affect their well-being. When an offence is committed by a community member, the entire community is invited to discuss the causes of the offence and the problems that were caused by the offence. Payments of reparations are defined and made. Everyone is given a chance to express their feelings and ideas during the discussions. The offender will then be counselled, preceded by a community meal. According to Jenkins, issues are dealt with in such a way that the following day, people are able to relate to one another as if nothing ever happened, implying that all participants would have been satisfied with the outcome.

4.1.2 South Australia Juvenile Justice (SAJJ) project

Daly (2002) presents a study on the use of restorative justice models with juvenile offenders in South Australia. The study was based on a project called South Australia Juvenile Justice (SAJJ). The SAJJ project is a programme on Victim Offender Conferences (VOC), introduced in 1994 by the South Australian government based on the Young Offenders Act. The shift from the traditional approach of handling crime to the use of victim offender conferences could suggest that the policy makers may have realised the inefficiency of the traditional criminal justice systems. Daly (2002) observes that conferences are held for serious cases, suggesting that the Australian government is aware of the positive impact created by restorative justice interventions.

The conference discussions are led by professionals, who facilitate the discussion, yet the entire decision making process lies with those affected by the crime. Since the conference is a state initiative, the police are part of the group, but their involvement is minimal, so as not to influence the outcome of the process. This is similar to the recommendations made by Zehr

(2002) that dialogue enables those with a stake in a crime to discuss the impact caused by the crime, identify the causes of the crime and seek solutions to all of them.

During the conference, the legal aspect is clarified to help the juvenile understand their legal entitlements and the length of the conference, process is also explained to them. This is useful for the participants as it reduces speculations, assumptions and fears associated with uncertainty.

The outcome of the study

The study was carried out on 196 youth, who were participants of 89 conferences held in 1998 and 1999. Of the 196 participants, 107 of them were offenders and 89 were victims. What this process shows, is that victims and offenders were brought together to talk about the crime and this is something that is missing from the retributive criminal justice system. The idea of creating a platform for the victim and offenders is important to conflict transformation. Bringing together victims and offender to deliberate on the crime allays Christie's (1977) fear that the practice of traditional criminal justice is akin to the state 'taking away' property from its owners. Daly reveals that 74 percent of the conferences had victims present, while 6 percent had representatives, while the rest were victimless crimes. These figures suggest an urge within people to make things right.

The results of the study revealed that victims were restored by being involved in the victim offender mediation. Daly (2002: 3), writes "...attending the conference and meeting the offender, and the offenders completing the agreement, victims recovered from the disabling effects of the offence". The study reveals that 50 victims were asked if they were curious to meet their offenders, 36 percent said they were not curious to know what their offender was like, while 32 percent said that they are not at all curious to find out why the offender victimised them. Similarly, the results revealed that the majority of the victims would want to meet their offenders, meaning that the retributive justice system is doing the victims a disservice by not creating such opportunities. The results further indicated that of the 107 offenders 53 percent said that they did not think about their victims when they were invited to the meeting, but they spent most of their time thinking about the penalty they were to receive. The implication is that

the retributive justice system does not create a sense of guilt in the offenders, but fear of the pending punishment.

However, the results of the study reveal that the conference facilitated the sharing of thoughts and feelings, which might result in the resolution of the problem and possibly conflict transformation. Daly (2002: 3) states that “the discussion evokes feelings of remorse in the offender, which leads to a genuine apology and a desire to repair the harm”. However in most cases the victims did not accept the fact that offenders had genuinely repented. They thought the offenders faked their repentance. Such feelings reduce chances for restoration because if victims do not sense the offenders’ genuineness, it is difficult for them to forgive. This reduces chances of a positive outcome of the process since there cannot be reconciliation without forgiveness, which are prerequisites for conflict transformation.

In addition, the study confirmed that all programme participants reported that they felt treated with respect and fairness, confirming Zehr (2002) and Braithwaite’s (2002) suggestion that treating people with respect and fairness are characteristics of a restorative justice process. This enables offenders realise that they and their victims are of great value. Braithwaite (1989) point out that crime affects the self-esteem of the persons involved and treating them with respect might restore the lost dignity for the victims, and the offenders whose loss of dignity might have contributed to their criminal act.

The study revealed that other more general information, besides the legal aspect of the conference, was not spelled given to the participants. Forty-seven percent of the participants reported that they had not been given any information of what was going to happen to them during the process. While 61 percent indicated that they did not know what was expected from them and 54 percent were not aware of the possible outcome of the meeting. These results suggest that the details of the conference were not clearly spelt out to the participants. Such a situation could, to a certain extent, negatively affect the outcome of the process, especially if participants were pensive because they did not have time to reflect about the meeting.

The study revealed that the conferences resulted in decisions agreed upon by all participants. Of the 107 cases, 43 percent of the issues resulted in a plan for reparations, in the form of

manual labour, monetary compensation, and apology and a promise that such behaviour would not occur again. Due dates for payments were agreed upon by all participants and written down as a legally binding document and were honoured. The fact that the decisions were reached by all participants suggests that they were all satisfied with them, implying that the victims too were satisfied by the offer, which is thought to be a tonic for the healing needed by the victim. On the other hand, the completion of the agreement is seen as a way of putting the wrong right. According to Daly (2002: 3):

From their experience of attending the conference and meeting the offender, and the offender's completing the agreement, victims recover from the disabling effects of the offence. From their experience meeting victims and seeing the effects of crime on them, offenders are less inclined to commit another offence.

The general understanding is that conference discussions evoke feelings of remorse and shame from the offender. The results of the study by Daly, suggest a different opinion, 40 percent apologised, an apology had to be drawn out of 28 percent of the offenders while 30 percent did not apologise. Daly (2002: 14) concluded that "... when offenders were remorseful and when outcomes were achieved by genuine consensus they were less likely to re-offend". This concurs with Maxwell and Morris' (2001) finding that previous offences and negative life experiences had stronger influence and that re-offending was less likely when offenders felt remorseful and were involved in decision making and agreed with conference outcomes.

In addition, the results reveal that victims needed assurance that the offender would not reoffend. While 90–98 percent said they were treated fairly and respectfully, 28 percent said others' ideas were favoured over theirs, showing that 72 percent were satisfied. Moreover, at the time of the study, 60 percent of the participants said that they had fully recovered from the effects of the offence, of these 60 percent ascribe the healing to time, their own resilience and support from family and friends, while only 30 percent credited the conference. Other emotions attributed directly to the conference were the reduction of fear and anger in the victims of crime. Daly observes that 77 percent of the respondents were angry before the conference participation, 44percent let go of their anger immediately after the conference while for 39 percent it was over time. According to Zehr (2008) letting go of the anger stops an offence from dominating one's life, which shows a willingness to begin afresh after a crime.

Lastly, Daly observes that the programme had a possibility of reducing offending, when offenders were remorseful and when outcomes were achieved by genuine consensus. The study found that 57 percent of the offenders were repeat offenders who had participated in the SAJJ project before. In some cases, some participants reported that there was no consensus reached by the entire group, as some ideas were ignored altogether. Daly believes that such incidents increased the likelihood of reoffending.

4.1.3 *Pono Kaulike* Restorative Justice Programme, Hawaii

Pono Kaulike (PK) restorative justice programme is practised within the Hawaii state criminal court. The name of the programme *Pono Kaulike* means “equal rights and justice for all” in Hawaiian. The programme was named after the resolution enacted by the Hawaii state judiciary in 2003 for “Restorative justice and *Pono Kaulike*”. Initially, the programme was restricted to offenders and their direct victims. With the realisation that the programme was not meeting the requirement of restorative justice fully, it was decided to include the victims and offenders’ families.

The PK programme runs two kinds of restorative justice models, which are restorative conferencing, also referred to as family conferences, and victim offender mediations. The family conference brings together the offender and his family to discuss the impact of crime and the ways of repairing the harm. The victim offender conferencing (VOC) brings together the victim, the offender and their supporters to discuss the impact caused by a crime. The meetings discuss how each member was affected by an offence and how the harm can be rectified.

Furthermore, the VOC gives parties involved an opportunity of addressing underlying factors associated with the crime and working out a solution in the presence of law enforcers. Thus, a kind of a conflict transformation programme is achieved. According to Walker and Hayisha (2007: 23), “...the best types of cases for the *Pono Kaulike* programme were those involving parties with an on-going relationship, such as relatives, neighbours, friends, spouses, or those with an intimate relationship.”

Family Conferences are held between family members and the offender. They are usually done in a situation where there are no victims. An example given is of a case of a family conference held with a family of a 31 year old man who was a drug addict, who was neglecting and abusing his wife and two children. The conference allowed the offender and his family to discuss how they had been affected by his behaviour and possible ways of addressing the problem and all the harm associated with it. The FC programme was held in a home environment and it was conducted by an agency outside the courts system (Hayisha & walker 2007:21).

The outcomes of the programme

Both parties in the conflict signed a conference agreement, which was a demonstration of their collective decision to resolve the problem. The family had a chance to tell the man the negative impact caused by his behaviour. The man was given an opportunity to talk about his situation and needs, as a way of seeking solutions to his problem. The entire group was given a chance to explore possible solutions to the problem. The offender became remorseful about his behaviour and he and his family agreed that he should go for rehabilitation.

An evaluation of 42 cases of offences dealt with under the programme of VOC was undertaken (Hayisha & walker 2007). The general outcome of the programme was seen in that 40 of the 42 cases were dealt with successfully, to a certain extent there was some restoration of what had been damaged. The study reveals that there was restoration of relationships, self-esteem, self-confidence and a sense of security among other benefits. The 40 cases included 96 individuals, who later became the participants of the study done by Walker and Hayisha (2007). They used an evaluation form to assess the outcomes of the programme. Out of the 96 individuals involved in *Pono Kaulike* conferences, 87 completed the evaluation forms, of these, 61 reported that the programme was very positive or positive. The other 26 participants indicated that the programme was negative. One participant who rated the programme as negative said this was because one of the relatives who had fuelled the conflict had not been part of the dialogue. Those who found the programme positive indicated that the programme had allowed for communication among the parties, suggesting that they found the face to face dialogue with their offenders useful.

Moreover, the study revealed that the programme helped offenders take responsibility of their actions. Out of the 40 cases, only three of the offenders denied any responsibility for the crimes. In addition, the programme had a positive impact in some individuals' lives. One participant indicated that her involvement in the programme helped her to reconcile with herself, implying that she had been negatively affected by the crime and the process gave a chance to heal. Two participants said the programme reinforced positive things in them. Another said the programme helped him to be optimistic and he would recommend the programme to others.

Walker and Hayisha (2007: 23) observe that the *Pono Kaulike* programme has not been evaluated to determine if it reduces levels of recidivism. However, they believe that its effects went beyond the reduction in recidivism, and included participants getting healed. The implication is that the programme can bring inner satisfaction, which cannot be achieved by any other individual or system.

4.1.4 Phoenix Zululand restorative justice programme, South Africa

Phoenix Zululand (PZ) is a South African based organisation with Quaker roots (Harris 2013: 2). According to Harris (2013: 15) and Lushaba (2012: 2), phoenix is a bird which according to Egyptian mythology burns itself on a funeral pyre but then rises again from the ashes to a renewed life. The name signifies that the organisation seeks to contribute toward the transformation of offenders. The organisation was founded in 2003 and has worked with eleven prisons in Zululand, located in the northern part of KwaZulu Natal.

Programme done by PZ

PZ has three main programmes, which are called 'Starting with Us', 'Conversation in Families' and 'Family Conferencing' (Harris 2013; Lushaba 2012; McAree 2011; Phoenix Zululand). These programmes demonstrate the restorative justice work done by the organisation.

Starting with us

'Starting with us' is a foundation programme led by a former prisoner employed by PZ (Lushaba & Shandu n.d: 6; Harris 2013). The participants are divided into groups of eight, where they

work together for eight sessions (Lushaba 2012: 12). The benefit of this is that participants develop trust in each other and their facilitator, and are able to share life's experiences freely. The discussions are framed around self-revelation and articulation, confidence building and managing conflicts (Lushaba & Shandu n.d: 6). The aim of the discussions is to rejuvenate self-esteem, self-awareness and self-dignity in the participants (Lushaba & Shandu n.d: 6). The content covered includes: prison experience, types of behaviour, conflict resolution, parenting, communication, restorative justice, HIV/AIDS, alcohol and drug abuse, gender issues and leaving prison (Lushaba 2012: 12). It is worth mentioning that discussions are not limited to prison life but include discussions on life after prison, which may convey to the prisoners hopes of a potential to change.

Activities such as drawing, acting, music and tree planting are done as a way of empowering the prisoners with insights and awareness of the potential they have in life (Lushaba & Shandu n.d: 6). After completing this programme, participants are given an option to progress to the next programme called Conversation in Families.

Conversation in families

In 'Conversation in families', participants deal with issues relating to family life and responsibilities (Harris 2013: 3). McAree (2011: 26) observes that this is the most influential programme that PZ offers. According to Lushaba (2012: 15), the programme centres on the restoration of relationships between the offender and their family and between the offender and their direct victim(s). This programme has five sessions, which include discussions on the background of the participant. They discuss their experiences of growing up and the negative things they would not want their children to experience (Lushaba 2013; Lushaba & Shandu n.d: 6). All this serves to explore what could be done to heal relationships within the family.

Family Conference

Family conference (FC) is a programme where offenders and their families are brought together in a dialogue with the hope of putting things right. Harris (2013: 3) asserts that, "Family conferences are arranged between groups of prisoners and their families in the last few months before a prisoner's release, with the aim of dealing with the anger and estrangement that

dominate these relationships". The assumptions of FC are similar to Towes' (2006) observation that "...the family's needs may correspond to the offender's needs". During the process, the offenders and their families are given freedom to talk about themselves. The discussion might be a moment to clarify questions family members could have about the crime. In the case of children, she may want to know if her parent loves her and what the parent thinks about them.

Based on the PZ experiences, family conferencing offers a safe space for families to talk about what went wrong, deliberate about what might be done to support everyone affected (Lushaba & Shandu n.d: 7). The inmates tell their stories, family members talk about how it has been for them. Shame is felt by the offender and the family members (Aitken et al 2012). Emphasis is not placed on an individual, but on the bad action done (Harris 2013: 4). The offender is invited to apologise to his family and commit himself to change. The family is invited to forgive him and broken relationships are restored (Aitken et al 2012). The major aim is to set up a plan for offenders and their families for the restoration of relationships, which might facilitate a smooth reintegration process and reduce chances of reoffending.

An evaluation of PZ programme

An Evaluation of the PZ programme was carried out by Harris (2013). He used a quantitative research design to evaluate the impact of the restorative justice work done by PZ. Thirty-five participants were drawn from those who had participated in any of the PZ programme. Data was collected through the use of focus group discussions and individual interviews. A total of four focus group discussions were held. These were followed by 23 individual interviews of people who had been part of the focus group discussions to follow up on some issues raised during the discussions. Focus group discussions were also conducted with 33 of ex-prisoners' family members.

A control group of 16 ex-prisoners who had not participated in the PZ programme was incorporated in two separate focus groups. Harris (2013) argues that "the most powerful way of measuring impact is to have an experimental group (to which training, for example is given) and a control group who do not receive the training but who are otherwise similar." The impact should be seen in the behavioural and attitudinal change in those trained which should be

different from that of the control group. In addition, data from the ex-prisoners' families was collected from 33 individuals in the form of group and individual interviews.

The findings of the study

The findings of Harris' study (2013) show that the programme implemented by PZ are well appreciated and well-spoken of by most respondents. According to Harris (2013: 9) the study showed that participants appreciated the role played by the PZ programme, during and after their prison experience, very much. Harris indicates that many respondents emphasised one or more of the following:

- Controlling their anger and dealing with conflicts well when they occur.
- Taking responsibility for their behaviour,
- Have self-confidence and an enhanced willingness to speak.
- Remembering the respectful behaviour they had learned from their families and communities but had gone away from.

The above statements indicate that the PZ programme's impact is in helping the participants gain self-confidence, self-esteem and conflict resolution skills among other benefits. In another study of the PZ programme by McAree (2011: 38) one participant reported that, "Phoenix made me feel important". In Lushaba & Shandu's (n.d: 7) study, participants expressed similar sentiments. When asked about the impact of the programme in his life, one participant said he had become resilient against prison stigma. In addition, the study revealed that ex-offenders got a chance to ask for and receive forgiveness through the PZ programme. The implication being that forgiveness may result in healing, which could thus break the cycle of violence. One of the participants said "after explaining to my family about the case I was charged with I felt a luggage being removed from my shoulders". Such opportunities allow the experience of re-integrative shaming to take away the stigma that comes with wrong doing. The programme has seen prisoners reintegrated into their families and making promises to change future behaviour. This is seen as a demonstration of their commitment to change their way of life, and has the potential to reduce their chances to reoffend. Lastly Harris (2013: 16) and McAree (2011: 37) observe that the programme's impact is also seen in the reduction of recidivism, although they did not provide statistics to back the claim.

4.1.5 Alternative to Violence Project workshops

AVP could be classified as a conflict transformation programme (Tomlinson 2007: 10; Miller & Shuford 2005: 1). It is a series of workshops designed to offer participants alternative ways to address conflicts instead of resorting to violence of any form (Aubrey 2007). It has been noted that in most instances crime may be a result of unresolved or poorly resolved conflict (Towes 2006: 16).

AVP workshops are experiential workshops, and are conducted in a way that conveys the underlying principles of AVP by promoting the shared experiences of both the facilitators and the participants. Both the facilitators and the participants are involved in interactive exercises, role plays and games that examine the ways in which people respond to life's situations and conflicts that could lead to violence. The facilitators and participants are deemed to be equally important since they all have the element of goodness embedded in them.

Background of AVP

AVP started in 1975 in USA prisons, as a response by the Quaker community to the prisoners' request for materials that could address violence among young offenders (AVP Basic Manual 2002; Miller & Shuford 2005). The AVP workshops have grown since then and are now run in over forty countries, including South Africa, Rwanda, and Democratic Republic of Congo, among other countries (Tomlinson 2007; Miller & Shuford 2005). AVP workshops are not only limited to prisons, but are run in schools, work places, communities and churches.

The nature of AVP

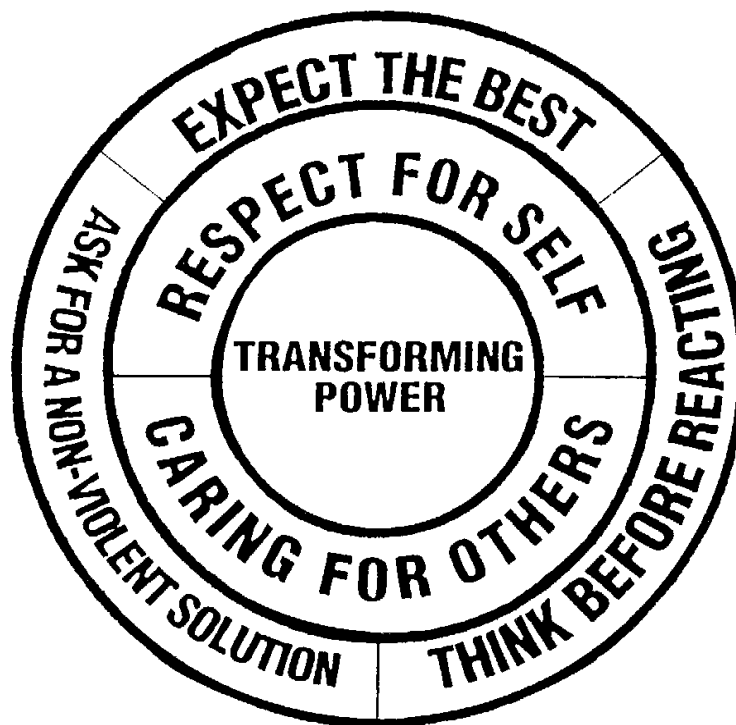
The core philosophy of AVP is the transforming power principle. The transforming power principle is based on the belief that every individual has the ability to transform a violent situation into a constructive situation. The principle is built on the understanding that everyone has an element of goodness in them in spite of the negative actions done, and everyone has the potential to change. The workshops emphasise that there is a power for peace and good in every human being, and this power has the ability to transform conflicts (Miller & Shuford

2005). One of the ways of explaining the transforming power is through the use of the AVP *Mandala* (see fig. 4.1).

The AVP *Mandala* emphasises that everyone has:

- To think before reacting
- To expect the best from everyone
- To have respect for ourselves
- To care for others
- To ask for a nonviolent solution (AVP Basic manual 2002: E54)

Figure 4.1 The AVP Mandala



Source: (AVP Second level workshop manual 2005)

An evaluation of an AVP in Delaware in recidivism

Miller and Shuford (2005: 1-9) did a study to evaluate the outcomes of an AVP workshop done with male inmates at the Delaware Correctional Centre. The study was an analysis of the AVP work done over a period of ten years (1991 to 2001), with the focus on recidivism. Three hundred participants, from those who had taken part in AVP workshops, were randomly chosen for the study. 178 of these were still in prison, while others had died, the study was done with 175 participants. A control group of 34 men were randomly chosen from those who, had participated in another life skills programme in the same prison. The study focused on the impact of AVP in recidivism for a period of three years. The data was collected through questionnaires.

The results presented comparative recidivism cumulative rates and comparative cumulative back to prison rates for the AVP participants and the control group. The results revealed that the control group had higher rates of back to prison and of recidivism. The cumulative back to prison rates were 45.8 percent in year one, 62.5 percent for year two and 70.8 in year three. For the AVP participants the cumulative back to prison rate was 28.0 percent in year one, 40.1 percent for year two and 46.9 percent in year three. For the cumulative recidivism rates, the control group had 20.8 in year one, 37.5 through year two and 58.3 through year three. While for the AVP it was 10.3 in year one, 24.7 through year two and 31.1 through year three. The implication of these results is that those in the control group were more likely to reoffend and return to prison than those in AVP. This seems to suggest that AVP was more effective in reducing recidivism. Tomlinson's (2006) literature review on AVP workshops confirms the decrease in the rate of imprisonment in ex-prisoners who took part in AVP programmes while in prison (see Table 4.1).

Table 4.1 Summary of the five studies on Restorative Justice models

Location	Summary of the programme/ project	data collection process	evaluation process	Reference
US	Jenkins (2006) evaluated a restorative justice programme (peacemaking circles programme) practised by the Gullah community addressing wrong in their daily situations. He also analyses the impact of the community teachings which instilled restorative justice principles in all age groups.	In-depth Individual interviews Document analysis Focus Groups	The programme was evaluated through incorporating perspectives of Gullah people, both the young and the old, (15 to 89 years) on the impact created by the use of restorative justice interventions to redress wrong doing	Jenkins (2006: 299-319)
Australia	South Australia Juvenile Justice (SAJJ) project, a restorative justice programme implemented by the Australian government, to deal with offending juveniles. The programme has been doing victim offender conferences since its inception in 1994.		Daly evaluated both the implementation process and the programme's outcome. She made a comparison between the ideal interventions and the actual interventions.	Daly (2002: 1-21)
Hawaii	Walker and Hayisha (2007) did an evaluation of the <i>Pono Kaulike</i> restorative justice programme, which is an initiative of the Hawaii government. The organisation	Questionnaire	Walker and Hayisha evaluated the outcomes of the programme.	Walker & Hayisha (2007: 18-24)

	does Victim Offender Conference and Family conferencing			
South Africa	Starting with us, Conversation in families and Family Conferences are some of the restorative justice programme implemented by PZ with prisoners in eleven Zululand prisons.	Focus groups Individual interviews	Evaluation questions were asked to two separate groups of ex-prisoners, those who participated in the PZ programme and the ex-prisoners who had not participated in any of the PZ programme.	Harris (2013)
US	AVP is a conflict resolution programme, with programme running in different parts of the world and in different institutions. This study focused on the AVP work done with inmates in the Delaware correctional centre, where a three year cumulative recidivism study was carried out among participants who took part in AVP workshops and a control group.	Participants were randomly selected from those who were trained in AVP and were followed up through the criminal justice system for three years.	Participants who had taken part in AVP workshops were compared with those who had participated in another life skills programme	Miller and Shuford (2005: 1-9)

4.2 The impact of restorative justice

Dhami, Mantle and Fox (2009: 441) present a standard that can be used to measure the process and outcome of a restorative justice programme. The standard includes the following:

- the educational material created
- workshops conducted
- mediations conducted
- the numbers of prisoners and victims involved
- number of community hours served
- number of restitution agreements reached
- rate of compliance with restitution agreements
- rate of reduction in reoffending
- learning responsibilities
- learning listening and communication skills
- learning pro-social skills
- changing attitudes and beliefs
- developing a sense of civic responsibility
- Forgiveness and reconciliation
- De-stigmatisation
- Empowerment
- Increased positive emotions such as respect, hope and empathy,
- Reduced negative emotions such as fear, shame, anxiety and guilt.

The above list proposed by Dhami et al gives both measurable and non-measurable outcomes that can be created by restorative justice interventions. The suggestions they made seem to be largely reflected in the outcomes of the five case studies above.

4.2.1 Case studies

Table 4.2 Outcomes of the restorative justice models presented in the five case studies

Case	Impact	Evidence of Impact
Gullah Island (Jenkins 2006)	<p>Community coming together to resolve its problems</p> <p>Restoration of relationships between offender, victim and community</p> <p>Community engagement in the resolution of conflicts</p> <p>Restorative justice is a way of life— the community works together(the young and the old) at all levels of life</p> <p>The community takes up the responsibility as parents of education their children about moral living</p>	<p>The community has been coming together for a long time to discuss the problems they experience</p> <p>Creation of a peaceful community</p> <p>Good community relations are maintained</p> <p>Signs of cooperation rather than competition</p> <p>Unity of the community, reducing the chances of committing wrong against each other</p> <p>Increased respect for human life, implying reduced levels of offending</p>
SAJJ (Daly 2002)	<p>Completion of agreement by all</p> <p>Victim and offender allowed to come together to discuss the impact of crime</p> <p>Decision reached and agreed by all</p> <p>Thoughts and feelings are shared</p> <p>Agreement on reparations</p> <p>All are satisfied by the outcome</p> <p>Apology and feeling of remorse by offenders</p> <p>Reduction of fear and anger among victims of crimes</p> <p>Recovery from offence by victims</p> <p>Everyone is treated with respect and fairness</p> <p>Issues that resulted in the offence are addressed</p> <p>Offenders completing the agreement</p> <p>Victims recover from the disabling effects of</p>	<p>74% of the victims attended conferences, 6% represented others and the rest were victimless crimes.</p> <p>43% plans of reparation were made</p> <p>Apologies: 40% were optional, 28% were drawn out and 30% did not apologise</p> <p>77% were angry before meeting, 44% let go of anger after conference and 39% let to go with time</p> <p>60% fully recovered before conferences and 30% recovered due to conference</p>

	the offense.	
<i>Pono Paulike</i> (Walker and Hayisha 2007)	<p>Bringing together all affected parties</p> <p>Signing of restorative agreements by all participants</p> <p>Addressing of underlying causes of crime</p> <p>Restoration of relationship (especial those with on-going relationships)</p> <p>Participants viewed conferences as positive</p> <p>Allow restorative dialogue between parties</p> <p>Offenders took responsibility for their actions through reparations</p> <p>Reconciliation with self (one participant)</p> <p>Reinforced positive things within self (two participants)</p> <p>Participants were reported to have been healed</p>	<p>40 out of 42 recommended cases were done.</p> <p>46 conferences were done</p> <p>Out of the 87 respondents, 61% said the conferences were positive or very positive. 26 said they were negative</p>
Phoenix Zululand (Harris 2013)	<p>Offenders able to control anger</p> <p>Offender able to deal with conflict when they occur</p> <p>Offenders taking responsibility of their behaviour</p> <p>Offenders gaining self-confidence self-esteem and self-dignity</p> <p>Offenders encouraged to hold the values learnt from the community and families</p> <p>Offenders able to ask for forgiveness and be forgiven resulting in their earned</p> <p>Offenders commit themselves to change of lifestyle</p>	<p>Programme well-spoken of by all participants</p> <p>An enhanced willingness to speak</p> <p>Making promises about future behaviour</p>

	Change of attitudes and actions Restoration of family relationships	
AVP workshops Miller and Shuford (2005)	<p>Reduced numbers of those who went back to prison after release as compared to those of the control group</p> <p>Reduction of recidivism, as compared to those of the control group</p>	<p>The return to prison rates for the control group for a period of three years were: 45.8 percent in year one, 62.5 percent through year two and 70.8 percent through year three</p> <p>For the AVP participants it was 28.0 percent in year one, 40.1 percent through year two and 46.9 percent through year three.</p> <p>For the cumulative recidivism rates the control group had 20.8 percent in year one, 37.5 percent through year two and 58.3 through year three.</p> <p>For the AVP participants the cumulative return to prison 28.0 percent in year one, 40.1 percent through year two and 46.9 percent through year three.</p> <p>The control group had 20.8 in year one, 37.5 through year two and 58.3 through year three. While for the AVP it was 10.3 in year one, 24.7 through year two and 31.1 through year three</p>

The findings of the cases in (Table 4. 2) seem to suggest that restorative justice is effective in various aspects. To begin with, the programme created a platform for communication between the offender and the offended, allowing them to define their problems and work together toward a solution. The idea of offenders meeting their victims seems to have been able to bring about the desired changes and restoration of relationships; changes in attitudes about self, others and crimes and influencing the behaviour of individuals among other things. In addition, issues of reconciliation, forgiveness, and healing were part of the key results attained through the programme.

4.2.2 Results from other projects/programmes

Two thirds of participants in Price's (1996) study participated voluntarily. Offenders and their victims had a chance to talk about the offence and its impact, and 90 percent of the meetings resulted in a written agreement. More than 90 percent of the cases were completed satisfactorily. The victims who participated indicated that their levels of fear were reduced after the VOM, while offending tendencies were eradicated in some offenders. A similar study by Bloom (1999) on the VOM revealed that offenders identified with the feelings of the victim during the VOM process. His observation mirrors that of Jenkins (2006: 319), who observed that the Gullah community allowed the victims to speak to the offender about everything. This included feelings and physical losses and enabled the offenders to get a better understanding of the negative effects of their actions. Bloom asserts that the process has high chances of reducing recidivism. Jenkins also points out that restorative meetings foster an attitude within an individual that makes them want to shun wrong doing. It is likely that the discussions during the VOM create an inner sense of wanting to do right. The studies seem to indicate that VOM helps victims recover from their traumatic experiences. Bazemore and Umberit (2001) also observed that the programme created a feeling of fairness and satisfaction among victims, who worked together with the offenders to determine the restitution to be paid. Table 4.3 presents outcomes of restorative justice programmes from other empirical studies.

Table 4.3 Other empirical studies on restorative justice programme

Reference	Outcomes of the restorative justice programme
Price (1996)	<p>About two thirds of victims of crime who were invited to participate in mediation chose to do so and</p> <p>about two thirds of the cases referred to mediation resulted in face to face mediation sessions</p> <p>90% of the cases mediated face to face results in written agreement</p> <p>Over 90% of the written agreements were satisfactorily completed</p> <p>Victims and offenders who participated in mediation were more likely to experience satisfaction and a perception of fairness and justice</p> <p>Victims who participated in mediation reported a reduction in their fears of being re-victimised by the same offender</p> <p>Offenders committed fewer and less serious offenses after participating in mediation.</p>
Delgado (2000: 757)	<p>Victims gained emotional and material reparations</p> <p>Most offenders were remorseful</p> <p>Decrease in recidivism</p>
Bloom (1999: 3)	<p>Offenders identified with the victims' feelings</p> <p>Reduction in recidivism</p> <p>Helped victims to recover from their traumatic experiences</p> <p>Satisfaction, fairness and restitution</p>
Umbreit (1994)	<p>90% of victims who took part in the VOM process were satisfied by the outcome of the process</p> <p>Victims were less afraid of their offenders after the mediation process and were less upset about the crime</p>
Bazemore and Umbreit (2001)	<p>95% of the cases resulted in a successfully negotiated restitution agreement to restore the victims financial losses</p> <p>79% of the victims were satisfied by the outcome as opposed to 57% who were satisfied by the court process</p> <p>The victim who participated in the VOM was less fearful of being re-victimised.</p> <p>81 percent of offenders were successful in completing the restitution as opposed to 58% of those who had not</p>

	Recidivism rate decreased with those who participated in the VOM being at 18% as opposed to those who did not, which was at 27%.
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Consolidated results of the restorative justice cases revealed that there was a positive impact created by the interventions. It is clear that restorative interventions bear a positive impact on the lives of those affected by an offence. The impact of the interventions centres on the fact that those affected by the crime were given a platform to discuss their problems and work together toward its settlement. Their involvement has been identified as the factor which created inner satisfaction among the parties involved. It went to the extent of boosting self-esteem, reminding offenders of some morals they learnt when they were young thus contributing to restoration of relationships among other things.

4.3 Summary and conclusion

This chapter presented five case studies, and analysed different restorative justice interventions with prisoners in different parts of the world. They included the Gullah Island community, US (Jenkins 2006), South Australia Juvenile Justice Project, Australia (Daly 2002), *Pono Kaulike* Restorative Justice Programme in Hawaii (Walker & Hayisha 2006), Phoenix Zululand restorative justice programme, South Africa (Harris 2006) and The Alternatives to Violence Project in Delaware, US (Miller & Shuford 2005). The general outcome of these evaluations, indicate that the efficacy of restorative justice interventions lies in its ability to create inner satisfaction among parties involved, improving interpersonal relations, restoration of relationships and improving self-esteem, among others.

Chapter five will discuss the Zimbabwe criminal justice system and explore the work done by civil society organisations to enhance government's efforts of rehabilitating prisoners.

CHAPTER 5: THE ZIMBABWEAN CONTEXT

5. Introduction

The criminal justice system used in a country determines the effectiveness of the prisoner rehabilitation programme. One possible way of measuring its effectiveness could be through accessing recidivism levels. Traditionally, each African state had its own justice system that defined the ways of dealing with crime even before colonisation (see section 3.2). Dalglish (2005: 62) argues against the hypothesis that the European colonialists brought criminal justice, law and order to Africa. Dalglish proves empirically that the Shonghai Empire, which is the modern Western African countries, had existing criminal justice systems way before the colonial era. Similarly, Saka and Chiwari (2007); Kaseke (1998) and Ladley (1982) argue that Zimbabwe had traditional ways of addressing crime before colonisation, what is now referred to as the 'Customary Law'. According to the Zimbabwe Human Right NGO Forum (2012: 7) and Ladley (1982) the traditional system reflected in the Customary Law had both restorative and punitive elements, which were believed to be transformative in nature. It aimed at the restoration of the rights of individuals, their dignity, their interests, and the well-being of victims, offenders and the entire community.

This chapter is going to explore the current criminal justice system, in Zimbabwe, which is a dual system made up of the Customary Law and the General Law which were combined in 1980 at independence (Ladley 1982). In addition, this chapter is going to explore the work done by Civil Society Organisations (CSOs) in reinforcing the government's efforts of rehabilitating offenders. Attention will also be given to the work being done by Second Chance Rehabilitation Centre (SCRC), in order to explore initiatives that can be implemented to enhance their work. However, it is worth noting that there are currently no scholarly articles written about the work done by most of the Zimbabwean CSOs working with offenders.

This Chapter will deal with the first three research questions for this study which are:

- What is the broad approach of Zimbabwe's criminal justice system towards offenders?
- What activities are currently being carried out by the state and Civil Society Organisations (CSOs) to help the rehabilitation of the prisoners and how effective are these?

- Using an action research design, what new restorative justice initiatives could be established to enhance the work of SCRC?

5.1 Zimbabwe's criminal justice system

Saka and Chiware (2007: n.p.) observe that “the justice system is a crucial ingredient to the smooth flow of the rule of law in Zimbabwe...it is the apex to ensure the separation of powers is observed and practiced...” Steytler (1991) wrote about the need to establish a democratised criminal justice system which is premeditated, prescribed and defined by the general populace, so that it becomes easier for them to abide by it. The legal system used in Zimbabwe does not meet this criteria of a democratised system as defined by Steytler, as it is has a top– down approach, where the law is set by parliament, and the President has the final say on it (Saka & Chiware 2007). However, efforts have been made to codify the laws into a clear and simple language so that they are comprehended by the general public (Saka & Chiware 2007).

5.1.1. Zimbabwe's legal justice system before colonialism

Schonteich (2012: 21) observes that, many African countries are at the mercy of oppressive and corrupt justice systems. Zimbabwe is one such country using a legal justice system with colonial roots. Saka and Chiware (2007) suggest that “Zimbabwe has a hybrid, or plural, legal system” alluding to the fact that the current criminal justice system was adopted from foreign jurisdictions and imposed onto the country by settlers during the colonial era. The law still reflects residual traits of the process of transplantation of the disempowerment of the natives and the colonial takeover (Saka & Chiware 2007). According to Saka and Chiware (2007) and Ladley (1982), the criminal justice system used in Zimbabwe during the colonial era was a tripartite legal system, with each part governed by separate legislations. There were common law courts, composed of the High Court, and the Magistrate Court, which was governed by the Roman Dutch Law. According to Saka and Chiware (2007), the Roman Dutch Law was transplanted from the Cape and imposed to Zimbabwe and was used for white people who stayed mostly in urban areas. Then there was the Tribal Court of Law which included the customary law, which was modified in 1969 by the colonisers. The system had a chiefs' court and a headman's court, which dealt with issues of the black Rhodesians, living mainly in the rural areas (Ladley 1982: 87).

In between the High Court and the Tribal Courts was the District Commission Court where crimes between a black and a white person were tried as well as among the urban blacks because there were no chiefs in urban areas. According to Ladley (1982: 98) “the Tribal Courts sentenced offenders to a fine, if the convicted person was a youth, he would be given a moderate correction of whipping, or make such order for compensation or reconciliation as the justice of the case required”. Ladley seems to suggest that the Tribal Courts employed a system, that was both retributive and restorative in nature as was the case with traditional customary law. However, it seems there was a shift with the system used for adult offenders, who were penalised through the payments of fines, imprisonment or capital punishment. During that time, fewer black people managed to pay fines, resulting in the imprisonment of the majority of the blacks (Ladley 1982).

5.1.2 The current criminal justice system in Zimbabwe

After independence, the Zimbabwean court system changed from a tripartite system to a single hierarchy system (Saka & Chiware 2007; Ladley 1982). It is a dual system of laws composed of the Customary and General Laws. The Customary Law is based on the customs of the different tribes throughout the nation. The General Law is composed of the Roman Dutch Common Law and statutory law, which is the law introduced during the colonial era by the British South African Company in the nineteenth century (Saka & Chiware 2007). Before the arrival of the colonialists, Customary Law was used throughout the country. Currently, Customary Law is used mostly in rural areas to govern the courts presided over by the headman at village level and the chief at community level.

At the bottom of the Zimbabwean criminal justice system’s hierarchy are the primary courts composed of the village courts and the community courts respectively (Legal Resources Foundation (1984: 11; Ladley 1982). As suggested above, the primary courts are governed by Customary Law, which is not prescribed as customs differ from tribe to tribe. However, there is a Customary Law Act that governs the application of Customary Law. The Customary Law is only applicable to civil and not criminal matters. A criminal offence is referred to the court of Law. Customary Law goes beyond the process of establishing justice through compassion to the setting up of a platform for reconciliation (Zimbabwe Human Right NGO Forum, 2012: 8). The

community fabric and interconnectedness are maintained through addressing wrong doing and attainment of justice through engaging the wrong doer, the victim and the entire community in a dialogue, presided by the headman or the chief. In this way one may suggest that Customary Law is restorative in nature, because according to Zehr (2002: 4), a programme is restorative if it shows equal concern and commitment to victims and offenders, involving both in the process of justice.

The main focus of bringing the community, the offender and the victim together is to find the factors underlying the crime and to determine the compensatory damages to be paid by the offender to the victim (Legal Resources Foundation 1984: 17). Such an effort is meant to restore the relationship of the people involved and transform the situation so as to prevent the reoccurrence of the conflict. It is worth noting that in some cases the traditional courts are restricted to determining only the compensation, while the criminal element is dealt by the magistrate court. For example, if a villager rapes another villager's child, the community court focuses on the compensation for the victim's father and the criminal aspect will be left to the magistrate court (Legal Resources Foundation 1984: 17). The girl's father is the one compensated because it is said that he will charge a lesser bride price because of the rape incident. The negative side of this is that the actual victim is not recognised as a victim, who deserves to be compensated, but the father is seen as a victim who deserves to be compensated.

The Magistrate Courts are presided over by a Magistrate, who is guided by General Law. Above the Magistrate Courts are the High Court and the Supreme Court, which are also administrated by General Law. Saka and Chiware (2007) aver that Zimbabwe's legal system consists of Common Law (non-statutory or written Anglo Roman Dutch, law), legislation case law, customary law, and criminal law, which has been recently codified and reformed.

The high Court is headed by a judge and the Supreme Court is regulated by five judges. Ladley (1982: 101) notes that "this new system was to eliminate the racial basis of the court system, provide much more popular forums and restore Customary Law to the centre of national life". Fines and compensations are allowed but whipping of offenders is not allowed (Ladley 1982: 101). The Constitution of Zimbabwe (2013) introduced a Constitutional Court above the

Supreme Court, which is headed by the Chief Justice sitting with nine judges. The Constitutional Court deals with cases of violation of fundamental rights guaranteed in the Constitution.

Zehr (1975: 118) observes that there is a high crime rate in urban areas than in rural areas. Unfortunately there were no accessible statistics showing levels of offences in rural settings in the Zimbabwe. The Zimbabwean prison population, which is at 18 857(IPCS 2015) as of 2015 suggests high rates of offending. The prisons in Zimbabwe as already noted are governed by General Law, which is retributive in nature. The 'what works' debate of the 1970s (McGuire 1995), about the inefficiencies of retributive justice, is also relevant for Zimbabwe, where retributive justice has not worked to reduce recidivism. According to Zehr (2002) and Braithwaite (1999) the retributive approach uses a stigmatising system that is destructive as opposed to the re-integrative shaming that builds up the offender, reducing their levels of offending.

The Legal Resources Foundation (1984: 17, 19) assents to the effectiveness of the use of Customary Law, which has restorative elements, saying:

The proceedings are conducted in a simple and informal manner and lawyers do not have a right of appearance. The presider (chief or the headman) has the overall say regarding procedure which he sees will ensure that sustainable justice prevails...the concept of justice is applied in a mechanical way, but in a manner that in practice, does justice to both parties

The outcomes of the primary and community courts are guided by the natural good theory (see section 2.2.1, which is based on a natural sense of what is wrong and right (Noll 203: 272). The concept behind this is that those having a dispute are entitled to be afforded a fair and impartial hearing before a decision is reached. According to the Legal Resources Foundation (1984: 11), natural justice is guided by two rules which are; both sides are to be heard, and there is no one fit to be a judge in his own case. In connection with the first rule, all those with a stake in a crime are given a chance to present their stories and their witnesses. Whatever decision is reached, the chief or the headman is meant to be impartial (Legal Resource Foundation 1984: 15).

5.2. Current objectives of the criminal justice system in Zimbabwe

According to the Constitution of Zimbabwe (2013: section 90), the objective of the Zimbabwe criminal justice system is to protect society from criminals through the incarceration and rehabilitation of convicted persons and others who are lawfully required to be detained, as well as their reintegration into society. According to Kaseke (1993: 11), the objectives of the criminal justice system in Zimbabwe are protection of society, and maintenance of order and stability. These objectives emphasise security of the society, as opposed to the creation of crime free societies. On analysing the objectives as stated in the constitution, it would seem that the criminal justice system is solving society's security problems while creating more problems for the offenders and their families. The offenders are shaped by the prison environment, which might affect their future. For example, when an offender is released from prison, their chances of getting employed are very slim even though the crime committed had nothing to do with their job. Their family members experience all sorts of negative impact that goes with the offending of their relative and the imprisonment that follows.

5.2.1 Current situation

It is important to highlight that there is little written about the Zimbabwean prisons situation. Table 5.1 below gives information a regarding prisons in Zimbabwe, which forms the context of the criminal justice system in Zimbabwe.

Table 5.1 Zimbabwe prisons information 2015 and prison population figures

Country	Zimbabwe	
Ministry responsible	Ministry of Justice, Legal and Parliamentary Affairs	
Prison administration	Zimbabwe Prison and Correctional Services	
Contact address	Private Bag 7718, Causeway, Harare, Zimbabwe	
Telephone	+263 4 706501/4 or 777384/5 or 710095/7 or 754197	
Fax	+263 4 754157	
Website	http://www.justice.gov.zw/ (link is external)	
Email	zps@gta.gov.zw	
Head of prison administration (and title)	Paradzayi Willings Zimondi (Commissioner)	
Prison population total (including pre-trial detainees / remand prisoners)	18 857 as of 9.1.2015 (national prison administration)	
Prison population rate (per 100,000 of national population)	145 based on an estimated national population of 13.01 million United Nations figures)	
Pre-trial detainees / remand prisoners (percentage of prison population)	17.1% (9.1.2015)	
Female prisoners (percentage of prison population)	1.8% (July 2014)	
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	0.5% (28.5.2014 - under 18)	
Foreign prisoners (percentage of prison population)	<i>Circa</i> 2.0% (September 2014)	
Number of establishments / institutions	46 (2015 - 46 main prisons)	
Official capacity of prison system	17 000 (9.1.2015)	
Occupancy level (based on official capacity)	110.9% (9.1.2015)	
Prison population trend: (year, prison population total, prison population rate)	Year	Prison Population
	2000	20,567
	2002	c 21,000
	2004	19,608
	2006	18,081
	2008	14,029
	2010	13,361
	2012	c 16,900

Source: ICPS (2015)

Zimbabwe has 72 institutions which function as prisons. Of the 72 institutions, 46 are main prisons and 26 are satellites prisons. The institutions have an official carrying capacity of 17, 000 (ICPS 2013; ICPS 2014; ICPS 2015). The 2015 statistics show that the prison population was at 18 857 in September 2015. It is quite possible that had it not been for the February 2014 presidential pardon [in which some 2000 inmates were released]; the population would have been higher than this. The current figures suggest that the facilities are over populated, which might suggest that there is minimal rehabilitation taking place. The prisons are administered by the ZPCS that is headed by a commissioner, who is under the Ministry of Justice, Legal and Parliamentary Affairs (Zimbabwe Constitution 2013). The researcher was unable to obtain the actual figures of the prison service officers.

The Prison Population total was at 18 460 as of December 2013, with the prison population rate of 143 per 100, 000 of national population (ICPS 2014; Parliament of Zimbabwe Report 2011). According the ICPS (2013), the prison population was at 16 902 as of February 2013, while the rate was at 129 per 100 000 of national population. It is of paramount importance to note that the 2013 and 2014 ICPS statistics include pre-trial detainees and remand prisoners, which are at 30% and 27.6% respectively. This suggests there were 1558 people imprisoned in Zimbabwean prisons within a space of ten months, indicating that the rate of imprisonment is high. There are more males in prison, with 3.5% female prisoners and 0.7% being juveniles. This was before the presidential pardon, where most females and all juveniles were released (Mushova 2014)

The prison conditions

The Zimbabwean prisons, like most institutions, have been affected by the economic hardships and the political instability being experienced by the nation for over a decade now. Some of the prison facilities are dilapidated (US State Department Human Rights Country Report 2012). There is overcrowding in the prisons, as evidenced by the yearly statistics given by ICPS (2013; 2014; 2015), and poor sanitary conditions, which have resulted in the spread of diseases, such as tuberculosis, HIV/ AIDS and diarrhoea. The prisoners experience shortage of clothing, medication, and transportation to court hearings (Zimbabwe Parliament Report 2011 & 2013).

The prison expenditure

The ZPCS falls under the Public Service Commission and relies on government funding (Hodzi 2011: 14). Currently, the budget for prison services stands at US\$21 million, which includes running the courts; maintaining prison facilities and remuneration of court and prison staff. The figure on its own reveals the constraints in the civil service commission in paying its workers meaningful salaries, maintaining prison facilities and delivering quality service. The remunerations and conditions of service of the officers are poor, which might affect their efficiency. Shumba (2015) observes that government is not able to meet this cost, which is evidenced by poor and substandard equipment in the prisons.

The ZPCS lacks financial autonomy, yet it has 27 farms, which could produce food for the prisoners for the whole year (Zimbabwe Parliamentary Report 2013). The main hindrance is the unavailability of capital. However, Shumba (2015) shows that corruption among the prison senior staff is affecting the functioning of the prisons. Some senior prison officers are said to have taken over some of the farms for personal use, with prisoners providing free labour. On the other hand some prison officers are said to misappropriate prison donations for their own use. This works against the objectives of the department due to a lack of integrity and faithfulness on the part of the prison officers.

5.3 Impact of the Zimbabwean criminal justice system.

According to Babbie and Mouton (2001) impact is measured by change of behaviour and attitudes. The Constitution of Zimbabwe indicates that the objectives of the Zimbabwean criminal justice are to incapacitate and deter convicted offenders and potential offenders, while at the same time rehabilitating offenders. Table 5.1 presents the numbers of the prison population which shows high population figures. The Zimbabwe prison system has been able to deter potential offenders, as seen by the new population of prisoners which stands at thirty-two percent. Based on SCRC information the population of re-offenders is at 68 percent, which suggests that the system is not effective when it comes to reducing offenders and deterring prisoners. Table 5.2 presents a list of prison trends since 1992 to 2012.

Table 5.2 Recent prison population trend

Recent prison population trend (year, prison population total, prison population rate)	1992	21,212	191
	1995	21,212	180
	1998	18,977	154
	2001	19,376	154
	2004	19,608	156
	2007	16,429	132
	2010	13,361	107

Source: (ICPS 2014)

On the other hand, looking at the statistics in Table 5.2 there is a clear indication that there is a reduction in the rate of imprisonment in Zimbabwe. As from 1992 to 2010 the number of prisoners seems to have decreased (ICPS 2013; 2014). In 1992 the rate was at 191 per 100000 people and the rate has been decreasing every year since then. The decreasing statistics might suggest that the criminal justice system in Zimbabwe is effective. According to Prison Reform International (2002), the reduction of the prison population was a result of the introduction of community service as an alternative to imprisonment. In 1992, 60 percent of the prisoners were serving sentences from three months and upwards, but 1993 those sentenced to three months and less undertook community service (see section 5. 4).

Zimbabwe is one of the nations cited by Maguire, Howard and Newman (1998: 41) in a study assessing the impact of the criminal justice systems used by different countries throughout the world. Three indicators of equity, efficiency and fairness were considered and out of 104 countries, Zimbabwe—at the time—was number 46, with 26 out of 39 points, suggesting that its justice system was fair. However, it should be noted that the study was carried out before the nation’s severe political and economic hardships, which have since affected the system. The

study showed that countries such as the Netherlands, New Zealand and Norway, which are both economically and politically stable had the best criminal justice systems. On the other hand, countries in crisis such as Iran, Sudan and Burma had the poorest criminal justice systems. This suggests that when a nation is experiencing some form of violence or conflict, these are also reflected in their justice systems, suggesting that there is a need for the transformation of underlying national problems in order to improve other sectors.

Similarly, Hodzi (2011: 2) writes, “in a society where ‘clientelism’ determines how institutions, such as the judiciary, prosecuting authorities and the police operate; laws are applied selectively and justice is mocked, the public loses confidence in the justice system and the likelihood of mob justice is present”. Such is the case with the Zimbabwean criminal justice system, whose standards seem to have deteriorated together with the economic meltdown and the political crisis. The report by Parliament on prisons (2011), states that the government has prioritised popularity with the populace at the expense of service delivery. The other problem is the politicisation of the judiciary. The Legal Resources Foundation (1984: 25-30) cites a case of the then High Court judge who fined the minister of justice and sentenced him to three months in prison but because he belonged to the ruling party, his sentence was nullified. Such moves discourage people from bringing charges against those aligned to the ruling party (Legal Resources Foundation 1984).

5.4 The Special issues within the Zimbabwean criminal justice system

Special issues within the criminal justice system were added by the government after seeing the need for change in those specific areas. Such moves suggest that the government has the ability to develop its criminal justice system to suit the needs of the time.

The Juvenile justice

There are two Acts of parliament that deal with issues of juvenile justice, the Children’s Protection and Adoption Act (Chapter 33) and the Criminal Procedures and Evidence Act (Chapter 57). Chinyagara et al (2007: n.p.) state; “the fact that the country has two legal instruments that address issues of juvenile justice provides a strong basis for the rights of children...” However, taking a closer look at these Acts, the Children’s Protection and Adoption Act, places emphasis on the protection of children, while the Criminal procedure and Evidence Act emphasises the protection of society and the punishment of offenders. Similarly, Kaseke

(1993: 11) observes that Zimbabwean law has two functions pertaining to the juvenile justice which are, to enforce societal norms and to reinforce and perpetrate the status quo in which children are treated as suspects all the time. Bidaguren and Nina (2004: 167) suggest that the idea of nations weighing the juvenile offence against their socio-economic situations will guarantee the stability of economic transition, social peace, and improvement in the administrative abilities of the state.

Table 5.3 displays a comparison of General Law with Customary Law in connection with the juvenile offender. According to Customary Law, a juvenile's offence is considered at a communal level, while with General Law, the case is handled at an individual level. The families of the offender are incorporated in the process of seeking Justice Chinyagara et al (2007). In cases where the crime is considered to be serious, the case is taken to the traditional court where the parents of the offender are judged on behalf of the juvenile, the assumption being that the parents did not teach their child good moral behaviour. The thinking behind the entire process is that childhood is a process and it takes the entire community to assist all children to grow and be productive citizens. Such is in line with the thinking of Swanzen and Harris (2012: 5), who argue that;

Superlatively, juvenile justice is based on the basis that a human being is not a finished product, but one who is in a continuous process of transformation in order to maintain balance between his needs and the demands of his environment so that he functions as a fully integrated individual.

Table 5.3 Comparison of General and Customary laws

	Official (General Law)	Customary
Principles	Individual Clear-cut child/adult divisions in terms of chronological age	Communal Childhood is a process, rather than an event; it is continuous and linked to social responsibilities
Ages	Under 18 years: a minor Under 7 years: a child, not subject to legal process 7-18 years: a 'juvenile' subject to legal process, but with the subdivision that from 7 to 14 years a child offender has situational factors taken into consideration, while the emphasis between 14 and 18 years is on punishment	An unmarried person, with no children has low status regardless of age The administration of justice and punishment is left to families or, in serious cases, involves all adults in the community. If the matter comes to the traditional court, it is the father who is subject to the process and punishment

Source: (Chinyagara et al 2007)

The death sentence

Zimbabwe still holds on to the death penalty. However, according to the new Constitution, the death penalty no longer applies to women, juveniles and males over the age of 70. It is however still a debate that the 2014 presidential amnesty was not extended to female prisoners on death-row and life imprisonment, suggesting that the new Constitution was considered not applicable in these cases (Mushova 2014).

According to Mushova (2014), there are 71 prisoners sentenced to death currently isolated at Chikurubi maximum prison. Three of these are female. Mushova asserts that some prisoners on death-row have served for over fifteen years still awaiting execution but there has not been any execution since 2005. According to a report by ZACRO (2008), ZPCS had been seeking to fill the vacancy of a hangman since 2005. However there have not been any takers for the position,

implying that locals are unwilling to take up the post. According to Mushova (2014) most Zimbabweans view the death penalty as revenge and not a way of attaining justice and feel it must be abolished.

Prison reform initiatives

As already noted, Zimbabwe initially ventured into prison reform in 1992, and according to Penal Reform International (2002), this has contributed to the reduction in the rate of imprisonment. Zimbabwe is one of forty African countries, that are part of Penal Reform International, which drew up the Kampala declaration of 1996 and the Kadoma declaration of 1997, which sought to discourage imprisonment through the establishment of alternatives to imprisonment (Stern 2001: 95-97; Stapleton 2002: 33).

Prison reform in Zimbabwe began when the minister of Justice, Parliamentary and Legal Affairs proved empirically that 60% of prisoners were serving sentences of three or less months (Prison Reform International 2002). Some were imprisoned for minor crimes such as failure to pay fines. It is then, in 1993, that the Ministry introduced community service as an alternative to imprisonment for minor crimes (Stern 2001: 97). Stapleton (2002: 36) observes that most African countries lack the means to produce inmates before the courts because of economic crises. According to the report to Parliament on prisons (2011), Zimbabwe is in a similar situation, where some offenders stay for as long as three months on remand without going for trial, even for minor crimes. The reform of the criminal justice system in Zimbabwe brought about the introduction of payments of fines for minor crimes, the revival of community courts and community service sentencing (Stern 2001).

Community service in Zimbabwe

Community service is defined as a process where offenders perform socially useful duties in the community under the supervision of a clearly designated authority (Kaseke 1993: 13). The community service scheme in Zimbabwe is guided by a national committee, which is the policy and operational arm of the scheme, which is chaired by one of the High Court judges (Prison Reform International 2002). Dhami et al (2009: 439) observe that the effectiveness of community service is that offenders are given an opportunity to compensate communities for their criminal behaviour, as they work in the community they wronged. In so doing they are reintegrated into the community as they interact with community members they wronged

while compensating for the wrong done. In this way, they demonstrate that they are capable of changing and regain trust from the populace.

Each of the ten provinces of Zimbabwe has a committee that works under the national community service committee (Stern 1999: 33). One of the tasks of the committees is to educate communities about crime and justice, hoping that knowledge will change the attitudes of the community members about crime and the way they deal with offenders. The magistrate and community courts are responsible for sentencing offenders to community services (Prison Reform International 2002). In some instances, the offender is given an option to choose between community service, payment of a fine or imprisonment (Stern 2001). Community service is served in places such as hospitals, schools, children's homes and police stations under supervision of a designated leader of the particular institution (Stern 2001). Community service has possibly led to the reduction of the prison population as observed by Okech (2012: 3) who writes that "the prison population can reduce significantly if persons charged with petty offences and special need offenders are diverted before they get into the mainstream judiciary process". In light of the Zimbabwean situation, in 1997 the prison population was at about 22 000, but since the introduction of community service it has reduced to around 18 000 (Stern 2001: 100; ICPS 2013; 2014). According to Stern (2001: 100), the impact of the community service scheme in Zimbabwe, has been successful to the extent of influencing the development of community service in other areas such as Latvia and Baltic in Russia.

The impact of community service is noted by Kaseke (1993: 14), who observes that community service bears less cost to offenders as they have their means of survival as opposed to when they are imprisoned. More importantly, the offenders serve their sentences while they are with their families, in this way the family relations are maintained and the offenders and their families are able to mutually benefit from each other. The community is able to witness the offenders serve their punishment and this can act as a deterrent. Zimbabwe has not been able to go beyond issuing community service to offenders, as done in other countries such as Australia (Daly 2002) and Hawaii (Hayisha and Walker 2007), where the courts implement restorative justice models such as victim offender mediation and Family conferences.

5.5 Rehabilitation

Rehabilitation is about equipping offenders with occupational skills and educating them to deal with their emotional problems better and address factors that led to offending. The aim of rehabilitation is to enable offenders to cope with life after release (see section 2. 6). It is worth noting that rehabilitation under the retributive system entails the learning of life skills under strict conditions.

5.5.1 Rehabilitation work by the state

Ideally, ZPCS is meant to be helping offenders socially, physically and psychologically by moulding them to abide by socially acceptable norms and ethics. Furthermore, prisoners are meant to be equipped with skills and knowledge to aid them to live free of crime. Kaseke (1993: 16) attest that due to economic hardships, the ZPCS only meets the basic needs of prisoners such as shelter, food and clothing. In the same vein the Parliament report (2011) observed that prisoners spent much of their time locked up in cells because there was not much for them to do.

5.5.2 Rehabilitation work by civil society

There are a number of civil society organisations (CSOs) that work with offenders, the released prisoners, prison staff, and the victims of crime, so as to enhance government's effort of rehabilitating offenders. Shearing (2001) suggests that CSOs refers to a variety of institutions that include non-governmental organisations, community-based organisations, academic and research institutions, religious groups and the media. Such organisations, which are predominantly faith based, exist in Zimbabwe with the sole purpose of complementing the state as it plays its rehabilitative role.

There are limited scholarly articles written about the work done by CSOs in Zimbabwe. In this regard reference to some non-scholarly articles will be made. It is worth noting that most CSOs in Zimbabwe focus on prisoners and less is done with ex-prisoners, this might be a way of countering the prison system that is said to be harsh on inmates. Addressing the needs of prisoners might be a way of reinforcing the work done by ZPCS with the hope of reducing offending habits.

ZWLA and ZLHR

There are a number of organisations that deal with Para-legal aid in Zimbabwe, but I will refer to the two most common ones; the Zimbabwe Women Lawyers Association (ZWLA) and Zimbabwe Lawyers for Human Rights (ZLHR). The former is limited to assisting women, while the latter works with human right defenders (Kubantana.net). ZLHR assists political detainees and those accused of politically related crimes, to access justice in situations where they have acted against the wishes of the ZANU PF government. In the words of Schonteich (2012: 21-25), “both ZWLA and ZLHR equip the prisoners and the communities in general, to understand their constitutional and human rights”. They advise detainees on how to apply for bail. In prisons, they train the pre-trial individuals on how to prepare bail applications and inform prisoners about court procedures.

The effectiveness of these organisations is that they provide legal services to those who are not able to raise funds to hire private lawyers. In addition, ZWLA and ZHLR simplify the state laws into language understood by lay people. These organisations also carry out constitutional awareness campaigns to the public, giving clarity to some issues people might not understand. For example, ZWLA carries out awareness campaigns on issues of violence against women and children, while ZLHR trains human right defenders on risk management during the periods of heightened political tensions such as elections.

ZACRO

The organisation called the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO) was established in 1997. ZACRO does much of its work in prisons (ZACRO 2008). It is one of the very few CSOs with direct access to Zimbabwean prisons. Zimbabwe is very secretive about its prisons, such that visitors are not allowed to enter the premises, but are kept by the entrance where they are served. The organisation advocates for justice, respect and protection of prisoners’ rights (Kubatana.net).

ZACRO equips prisoners with skills of coping with life after imprisonment, thereby facilitating their rehabilitation and reintegration back into society. It complements the effort of ZPCS as it supplies prisons with resources needed for the training of prisoners. Prisoners are trained in carpentry, gardening, welding, sawing and poultry. In addition, the organisation supplies food stuff, medication and other items to prisoners. According to the Zimbabwe’s Parliamentary

portfolio committee on human rights (2011), the organisation has been offering humanitarian assistance to different prisons in the nation, with the hope of forcing the prison services to maintain international standards of treating prisoners.

ZACRO works in different communities throughout the country doing crime reduction awareness programmes (ZACRO 2008). The organisation visits offenders sentenced to community service at their work stations, giving them emotional support, reinforcing community culture that is more responsive to the needs of offenders and victims. Their work with communities gives community members a better understanding of the impact of offending. Supposedly, this is meant to be learnt through the prisons, but their remoteness prevents this. In instances where the prisons are close to people, the prisons are secured with very high walls, such that there are no prison activities visible to the public.

Female Prisoners' Support Trust (FEMPRIST)

Female Prisoners' Support Trust (FEMPRIST) was established in 2011 (Kubatana.net). The organisation does rehabilitative work with female prisoners and those released from prisons. It trains women in life skills for the purpose of empowering them economically with the hope that such will reduce their chances of reoffending. The women are helped to develop support groups where they meet and share about issues affecting their well-being. This enhances their sense of identity and belonging as they find solace from colleagues in and out of prison. FEMPRIST's task is not limited to rehabilitation services, but they also mobilise resources needed by female prisoners and children staying with their imprisoned mothers. The organisation advocates and lobbies for better prison conditions for female prisoners. FEMPRIST conducts awareness campaigns on health issues including HIV/AIDS. The effectiveness of the programme is in the fact that women are taught economic independence, which helps them to be economically stable.

Another Chance

Another chance is a programme screened on Zimbabwe National Television (ZTV) presented by Alpha Zimbabwe. Alpha Zimbabwe is a faith-based organisation that preaches the gospel of Christ throughout the prisons. Their main focus is to bridge the gap between prisoners and their families, with the hope of uniting them (Kubatana.net). The organisation does mediation work between the offender and their families and in some cases, between the offender and their

victims. The mediation process is done while the offender is still in prison. The programmes are screened on ZTV weekly. The offenders narrate the events of their offence. They speak about their feelings, the offence, prison experiences, and lessons learnt during their imprisonment. However, the limitation is that the prisoner does not make a face-to-face confession to the family or the victim, prison officers are sent to speak on their behalf. The victim might fail to put a face to the wrong act done to them. This raises the question of the effectiveness of this programme. It is not clear if the prisoners are genuinely repenting or it is a temporary thing stimulated by tough prison experiences and peer influence. Another limitation is that ZTV shows edited file tapes which do not show incidents that might have happened beyond the screened episodes.

Second Chance Rehabilitation Centre (SCRC)

The main focus of this study is the work done by SCRC. SCRC is a faith-based organisation doing rehabilitative and reintegration work with ex-prisoners using restorative justice principles. The organisation was founded in 2009 by a former offender, who was motivated by his own prison and post-prison experiences. Released prisoners are equipped with vocational skills that rejuvenate their self-worth and relationships through restorative justice models. The aim of the organisation is to transform the relationship of the just released prisoners and their families by fostering attitudinal and behavioural change in them. The ex-offenders are offered counselling services and spiritual guidance with emphasis on restorative justice. In some cases, SCRC does mediation work between ex-offenders and their families, and between ex-offenders and those they wronged.



Some of the SCRC participants during a skills training session (photo courtesy of SCRC)

Offenders are able to earn a living through the work they do at SCRC. Ex-offenders are taught sewing and carpentry and the organisation supplies a mining company with work suits. They also manufacture furniture and coffins which are sold to the public and factories and this enables them to get a living allowance at the end of each month. Upon graduation, after a year, graduates are given a certificate, a recommendation letter and a set of tools for those doing carpentry, and a sewing machine for those doing sewing. This is a way of empowering them to initiate their own projects in case they don't get formal employment (BMS World Missions; SCRC). Participants are taught to work under minimum supervision, team work, and working to meet targets, they also gain financial independence through the monthly allowances they get.



The SCRC participants receive food packs from the organisation (photo courtesy of SCRC)

5.6 Summary and conclusion

The situation in the Zimbabwean prisons is not rehabilitative, as evidenced by the high levels of recidivism, which are at 68 percent. Prison conditions and systems have not been able to meet the objectives of the criminal justice system fully. Rehabilitation and reintegration of prisoners seems to be minimal, which might be one of the problems contributing to high levels of reoffending. In addition, the retributive system used in Zimbabwe, like in most parts of the world, does not seem to be effective in reducing recidivism. CSOs play a major role in enhancing government's rehabilitation efforts. Therefore one of the aims of this research was to enhance the SCRC's rehabilitation work with ex-prisoners. Chapter six will discuss methodologies used in the interventions carried out with SCRC and evaluates their impact.

PART THREE: Methodology

CHAPTER 6: RESEARCH METHODS

Action research is a participatory process concerned with developing practical knowledge in the pursuit of worthwhile human purposes. It seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people, and more generally the flourishing of individual persons and their communities

Reason and Bradbury (2008)

6. Introduction

The previous chapter indicated that the punitive criminal justice system used in Zimbabwe has not been effective when it comes to the rehabilitation, reintegration and restoration of offenders. The restoration of human dignity and relationships of all people affected by the offence, and all that was damaged by crime, is not mentioned at all within the Zimbabwean justice system. Instead, offenders are secluded from their community through imprisonment as a way of protecting the society. In so doing, the state's intention is to rehabilitate the prisoners, yet regrettably, most of the prisoners end up becoming habitual offenders. Moreover, imprisonment affects the individuals' sense of self-worth (Towes 2006: Zehr 2002) and their relationships with their family members are forfeited (Towes 2006: 16).

This thesis seeks to assess if restorative justice interventions with former offenders can restore their total well-being and the lost relationships with family members. Scholars such as Zehr (2002) and Braithwaite (2006) posit that each human being has an element of good within them and if that element is upheld, it might yield a desire to do well. This could imply that if offenders are sensitised about the goodness in them and in every human being, they may be encouraged to maintain good attitudes and behaviour. This sentiment was echoed by Sister Usha Jevan, of the Durban Brahma Kumaris group, in a talk presented on 16 March 2013. She said, "People should be encouraged to concentrate on doing right, which will slowly eliminate the desire to do wrong, just as it is in the life of a growing onion, which naturally peels off the outer old layers when new layers develop inside..." I hoped that the intervention implemented

towards the enhancement of the work done by SCRC might help participants to realise the goodness in them and be encouraged to commit themselves to good works (see section 7).

The overall aim of this research is to enhance the impact of SCRC's rehabilitation and restorative justice work with former prisoners in Bulawayo, Zimbabwe, using a restorative justice conceptual framework (see section 1. 4). This chapter presents the research design and methodology used to enhance the work done by SCRC and the strategies used to evaluate the impact created by the interventions.

This study was guided by the following three research questions:

- What is the broad approach of Zimbabwe's criminal justice system towards offenders?
- What activities are currently being carried out by the state and civil society organisations (CSOs) to help the rehabilitation of the prisoners and how effective are these?
- Using an action research design, what new restorative justice initiatives could be established to enhance the work of SCRC?

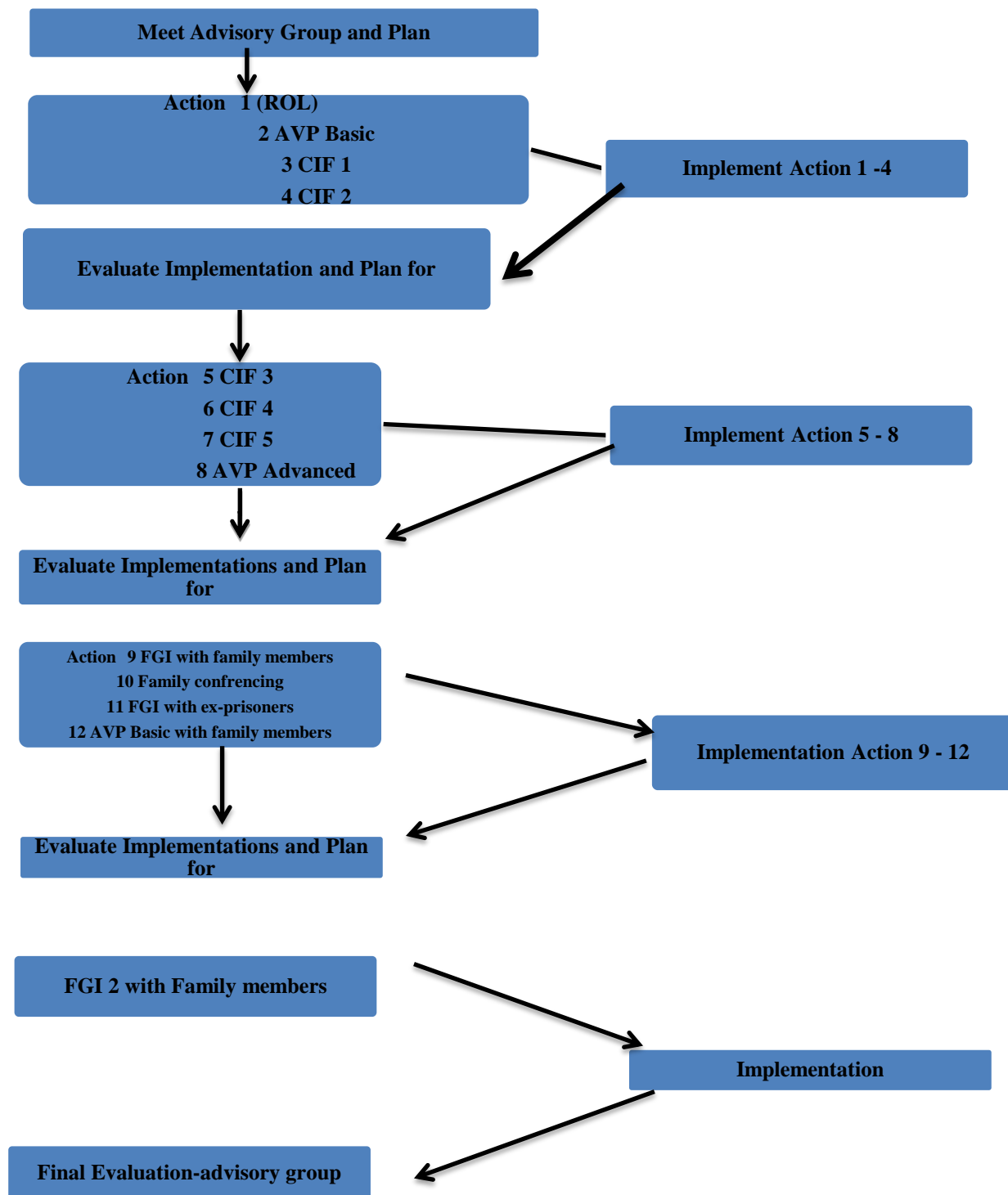
The aim of this chapter is to explain the research design, research methodology and data collection methods employed during this research. Scholars differ on the definition of research design and research methodologies. In this study, I chose to use definitions in (Mouton 2001), the standard South African text.

An advisory group of six members (who became five after the relocation of one member, see section 6.1.1) with skills and experience in the rehabilitation processes was formed. The advisory group was formed to advise me on a model that could be used to enhance the rehabilitation work done by SCRC. Twelve ex-prisoners took part in at least one of the eleven sessions of interventions implemented, while a total of ten family members of ex-prisoners took part in at least one of the four interventions held with them.

Participants were encouraged to share their life stories using the River of Life stories (ROLs). In addition, Alternatives to Violence Project (AVP) workshops and two of the interventions used by Phoenix Zululand (PZ) called, Conversation In Families (CIF) and Family Conference (FC), (see chapter 4) were used. An evaluation of these interventions was later done through two separate FGDs with ex-prisoners and their families. These FGDs influenced the second round of interventions where families of ex-prisoners were trained in AVP Basic workshop; and an

evaluation of the intervention was done with families of ex-prisoners (Chapter 8). The initial plan was to train a second group of ex-prisoners, but I ended up training ex-prisoners' families instead (see section 7.2.4). Figure 3.1 below shows a flow chart of the planned interventions and the way they were intended to be done.

Figure 6.1 Flow chart of activities implemented



6.1 Research design

Action Research (AR) design was utilised during this study. AR refers to an overall plan that can be utilised by a researcher when investigating a problem and seeking to establish a resolution of the problem. According to Mouton (2001: 144), the entire plan involves the description of the problem, the location of the study and the data required to find the solution to the problem. An advisory team of six individuals skilled in rehabilitation work and I met and planned interventions for SCRC. The advisory group identified the needs of SCRC and explored possible interventions.

6.1.1 The advisory group

Table 6.2 advisory group members

Name	Age	Sex	Organisation	Qualification	Years of experience in rehabilitation work	Reason Chosen
John Derks	62	M	SCRC	Director & founder	8 years	Founders of SCRC Prison experience (15 years) Part of SCRC management
Letters Mkhoyi	44	M	SCRC	Pastoral training SCRC Programme manager	8 years	He is responsible for the running of the programme part of SCRC management
George Chantuga	56	M	SCRC	Financial Administrator	3 years	Part of SCRC management former beneficiary of the SCRC programme Has prison experience (12 years)
Rev. Hlungwane	67	M	SCRC Chaplain	Retired ZPCS Chaplain	26 years	Worked in rehabilitation for a long time under ZPCS under different prisons in Zimbabwe
Sikholiwe Ncube	29	F	Thuthuka Street children rehabilitation project	Degree in Social Work (UNISA)	6 years	Field officer (Works as street children rehabilitator)
Nokuthula Macebo	33	F	Vessels of Worship Rehabilitation Centre (VOWRC)	B. A. Degree candidate in Social work (UNISA)	9 years	Founder of VOWRC Has experience in rehabilitation work

The advisory group members were chosen using purposive sampling. In purposive sampling, “the researchers rely on their experience, ingenuity and or previous research findings to deliberately obtain participant” (Huysamen 2001: 44). The advisory group was selected by the SCRC Director and the researcher. We selected them based on our desire to improve SCRC’s rehabilitative and restorative justice programme and their skills in rehabilitation work.

The SCRC Director suggested that we incorporate the organisation’s entire management team, which was composed of four males, into the group. The management team consisted of the director, the programme manager, the chaplain and the administrator. These four were chosen because they were responsible for the day to day running of SCRC’s programmes. In addition, both the SCRC director and the administrator were former prisoners. The director was imprisoned for fifteen years, while the administrator was imprisoned for twelve years. The input from these two was valuable as an IsiNdebele proverb says ‘*indlela ibuzwa kwabaphambili*’ (loosely translated, those that have travelled before you know what lies ahead, so ask them). Moreover, the administrator was a beneficiary of the SCRC programmes prior to being employed by the organisation. Unfortunately the chaplain, formerly a ZPCS chaplain for over 25 years, relocated and left his job before the interventions began. I proposed the inclusion of two females, with experience in rehabilitation work, into the advisory group. One of these women works with an organisation that rehabilitates children living in the street and the other is a junior school teacher, who founded an organisation that rehabilitates female commercial sex workers in the city. In addition, they both hold social work degrees from the University of South Africa (UNISA). These two, brought a female perspective and balance to the advisory team. Working with SCRC management enabled me to be accepted by most ex-prisoners who had previous links with SCRC. Having selected the advisory group, I worked to develop trust among the group members as they got to know each other.

The aim of the advisory group was to develop a peace building strategy and model that could be used to rebuild relationships between offenders and their families. I chose AR as the research design because it involves both the researcher and the researched in knowledge generation and social change. Reason and Bradbury (2008: 2) note that, “within an action

research project, communities of inquiry and action evolve and address questions and issues that are significant for those who participate as core researchers”. Both the SCRC management and the rest of the team obtained information and experience that is significant to their work, which might influence the way they relate with those they seek to rehabilitate.

The advisory group met five times. The first session was for introductions, members were given a chance to talk about themselves and their work. I explained the purpose of the study to the group and spelt out their roles and tasks in the action research. I also highlighted my expectations of the group members, these included planning, overseeing the implementation and evaluation of the interventions. We also discussed the goal of the study, the research design and the methodology to be used, data collection methods, the language to be used and the evaluation process. We agreed that evaluation would be based on Adkins’ (2006) conflict management style instrument (see section 6.1.2). Participants filled in a pre and post-test form. We also agreed that both the participants and the advisory team would participate in the evaluation process. Each advisory team meeting involved an evaluation of the interventions already implemented and planning for the next interventions. Table 6.2 below, gives the dates of the meetings and summary issues discussed.

Table 6.2 Dates and summary of issues discussed by the advisory group

Dates	Issues discussed
6 June 2014	<p>Introduction of the study and members of the advisory group.</p> <p>Explanation of the context of the research.</p> <p>Explanation of the research design and methods to be used.</p> <p>The roles of the advisory group.</p> <p>The discussion of the plan for Actions 1 to 4 (ROLs, Basic AVP, CIF 1 and CIF 2) and the pre-test conflict management quiz</p>

26 September 2014	Evaluating the outcome of the four interventions and the conflict management style quiz Planning for Actions 5 to 8 (CIF 3, CIF 4, CIF 5 and Advanced AVP)
5 February 2015	Evaluation of Actions 5 to 8 Discussions and planning for sessions 9 to 12 (FGD with ex-offenders, FGD with family members and family conferencing)
14 August 2015	Evaluation of Actions 9 to 12 Preparation for the second round of interventions AVP with family members
16 October 2015	Final Evaluation

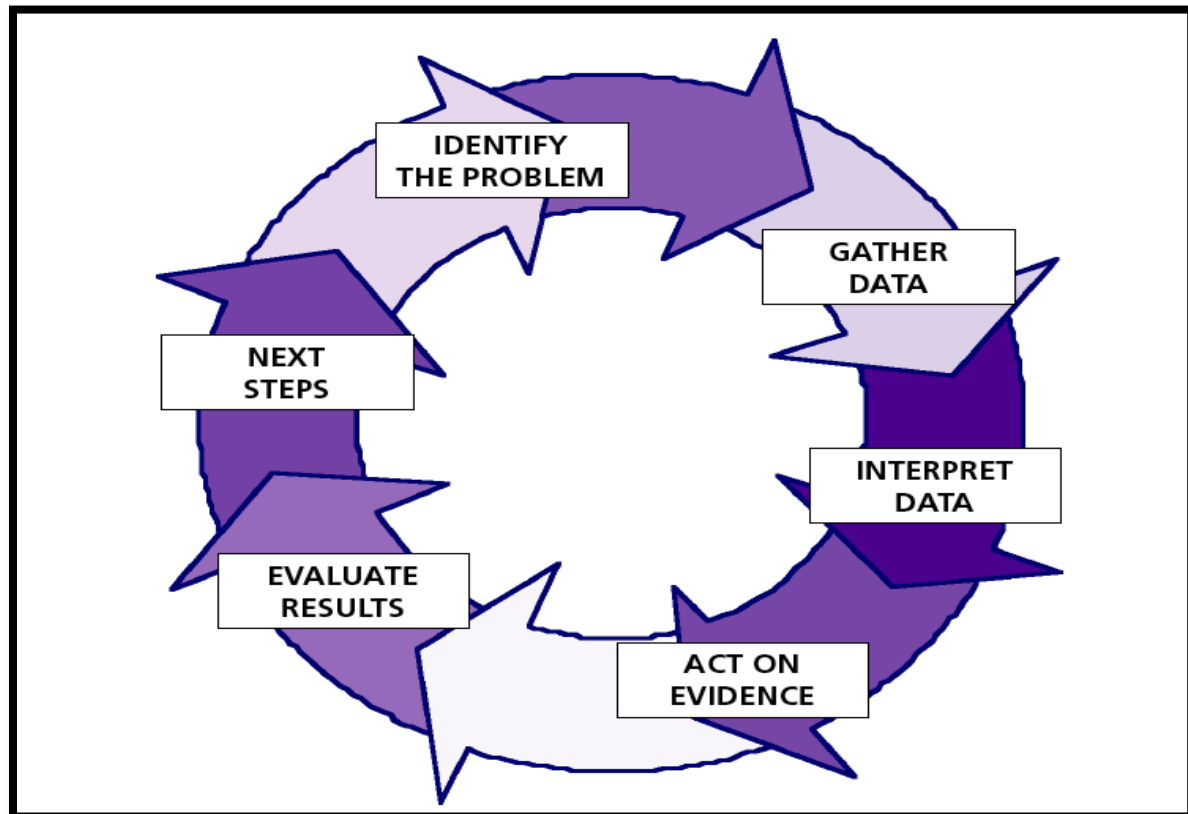
6.1.2. Action Research

Action Research design was instigated by Kurt Lewin in the 1940s, when he promoted research that combined the traditional social science research approach with social action to address the social problems being researched (Lewin 1940). Lewin saw AR as a process whereby a researcher involves his/her participants in the production of knowledge that leads to individual or social change. Similarly, Greenwood and Levin (2007: 2) describe AR as “a set of collaborative ways of conducting social research that simultaneously satisfies rigor, scientific requirements and promotes democratic social change—a research strategy that reforms practice”. For Thorpe and Holt (2008: 18), “AR is a method by which the researcher may bring new knowledge to organisational members and discover a workable local theory of benefit to organisation, which may also inform the research community”. All these definitions influenced my choice of AR design as I included my advisory group in the knowledge production process.

The four stages of AR

AR research is composed of a four stage (figure 6. 2) process, which involves questioning, reflecting, dialogue and decision making as shown in the diagram below (see also Reason and Bradbury 2008: 6; McIntyre 2008: 16; Schwandt (2007: 4).

Figure 6.2 The action research process



Source: (www.sitesupport.org)

Identifying the problem

The key feature of AR is the search for a significant problem that the research can focus on. Lewin (1940) argues that the first step in any research should be problem identification. It is crucial for the researchers to identify the nature, causes and extent of the problem, so as to ascertain its intensity and find ways to improve it. This helps with the formulation of the research question and objectives. However for this research, I had already formulated them as per university requirements.

Data collection

After the identification of the problem, the next stage is gathering data relating to the problem. The findings are meant to influence the interventions to be implemented. Fraenkel and Wallen (2003: 42) suggest that one of the ways of collecting data is through existing records. We analysed the SCRC records to get supplementary information related to the problem identified. To learn about how similar programmes had been done elsewhere, I carried out a literature review of prisoners' restorative justice programmes so as to inform our interventions (see chapter 4). These were then presented to the group as possible interventions we could undertake.

Data analysis

After collecting the data, it should be analysed, to assist the researcher to get a better understanding of the situation, which in turn will influence the formulation of interventions. We analysed the data collected from the SCRC records, and identified issues that sustained the problems. We compared our participants' situations with those of other offenders, who had participated in restorative justice programmes elsewhere (see chapter 4).

The Interventions

Having identified and substantiated the problem we then identified and implemented the interventions. Based on the literature review, I shared my innovation with the advisory group. I explained the AVP workshops (Bischoff 2003: 3), the CIF (Harris 2013; McAree 2011), the FC (Walker & Hayisha 2007; Bazemore & Umberit 2001) and restorative justice (Jenkins 2006). The advisory group was overwhelmed by the new ideas, although SCRC management had heard about the AVP workshops from their Quaker friends. Someone suggested the inclusion of the River of Life stories (ROLs), where participants would tell their stories using the river metaphor. In addition, I suggested the use of the conflict management style quiz as an impact assessment tool (Adkins 2006). The idea of the pre- and post-intervention evaluation was influenced by Harris (2013) and Daly (2002). We chose Adkins' conflict management style assessment form because it was simple and straight forward and could be understood by anyone.

All interventions were outlined during meetings and a summary of how they would be implemented was presented and discussed by the group. I recorded all the key points, raised during these discussions, in my research diary and these served as guidelines during the implementation period.

Evaluation

Evaluation is one of the crucial processes in AR. The purpose of evaluation is to find out if the task implemented addresses the identified problem (Townsend 2013: 111). According to Lienert (2002: 16), evaluation in AR gives the researchers an opportunity to reflect on the intervention that has been carried out and to note observations that would aid the planning for future interventions. During each meeting of the advisory group, evaluations of the implemented tasks were done and recorded in my research diary, and these contributed to the final evaluation. We evaluated every stage implemented followed by the next set of interventions. As highlighted in the flow chat (figure 6.1), the advisory group and I met five times to plan and evaluate the interventions. The first session was three hours long, while subsequent sessions were done within an hour or two. The final evaluation was done at the last meeting where the overall outcomes of the interventions were analysed based on the advisory group's assessment, and feedback from the participants.

Reasons for choosing action research design

I chose AR because it benefits both the researcher and the researched. Salkind (2010: 6) views AR as a methodology that involves learning for practice, learning in practice, and learning from practice. Thus AR enables the researcher and the researched to work together in the generation of new knowledge and actions to bring about the desired social change (Salkind 2010: 5; Reason & Bradbury 2008: 8). The rehabilitation experts in the group assisted in the development of strategies that would assist in the restoration of dignity in the offenders and restore relationships with their families.

The advisory group members gained knowledge on the use of AR and it is hoped that these individuals will adopt this methodology in their own work. They also learnt some restorative justice models that could be used in their rehabilitative work.

AR enabled us to explore the potential we have in working for social justice and peace. To an extent, we witnessed relationships broken by crime being restored. As Salkind (2010: 5) has observed, “AR is typically underpinned by ideals of social justice and an ethical commitment to improve the quality of life in particular social settings”. AR allowed us to develop action plans that met the needs of the ex-prisoners and to evaluate their impact so as to improve further action. In this way we were able to identify specific factors that promote recidivism and came up with strategies to mitigate them.

6.1.3. People worked with

Research assistants and core facilitators

In addition to the advisory group, I had seven research assistants who helped me during the research. Two of these were core-facilitators during the AVP workshops, and the rest assisted with workshop logistics and data collection. Rev. Motsi was a counsellor on standby throughout the intervention, especially during the FC. These individuals were selected because of their training and skills. Table 6.3 below gives details and roles performed by the research assistants and core-facilitators.

Table 6. 3 Research assistants/core facilitators

Name	Age	Sex	Experience	Role played	Reason chosen
Rev/Dr. Ray Motsi	50s	M	PhD Peacebuilding (UP) and pastor with Baptist Church President of Theological College of Zimbabwe	Counselling	<ul style="list-style-type: none"> Experienced counsellor and peace builder
Wakhumuzi Ndlovu	33	F	M. Tech (DUT) student in Peacebuilding Studies	AVP workshop facilitator	<ul style="list-style-type: none"> Skilled in peace building Trained in AVP facilitation
Nkomo Kevin	29	F	M. Tech (DUT) student in peacebuilding studies	Research assistant	<ul style="list-style-type: none"> AVP facilitation, research skills and peacebuilding
Nomathemba Ndlovu	30	F	Administrator	Research assistant	<ul style="list-style-type: none"> Experienced in administration and workshops logistics
Tawanda Sewera	24	M	Student	Research assistant	<ul style="list-style-type: none"> Bring in gender balance to the facilitation team
Yvonne Moyo	26	F	Researcher/ Student	Research assistant	<ul style="list-style-type: none"> Experienced in field research and workshop logistics
Nomakhosazana Ndlovu	25	F	Primary School teacher	Research assistant	<ul style="list-style-type: none"> Experience in field research

Ex-prisoners

Convenience sampling was used to select ex-prisoners to be participants in the research. Convenience sampling is a type of non-probability sampling method, where the population for the study is selected from those that are available (Davies 2007: 147). Participants were recruited with the help of SCRC management, who had information about the whereabouts of some of the just-released prisoners in the city. Convenience sampling was utilised because of the mobility of most ex-prisoners who relocate from their residences after release from prison, due to fear of stigmatisation. Due to the fact that SCRC is based in Bulawayo, participants were drawn from those based in Bulawayo during the period of the study. The advantage of using people in Bulawayo was the reduction of transport costs, since participants were expected to attend eleven sessions. The disadvantage of convenient sampling was that this was not a proper representation of the population of ex-prisoners in Zimbabwe. In addition, they were all associated with SCRC in one way or the other; hence there is a probability they were already predisposed toward change. However, five of these had never participated in any of SCRC's programmes.

My primary intention was to do this research with prisoners, but unfortunately SCRC did not have a licence to operate within prison. I could have tried to do the research within prison on my own, but the process of attaining permission to research in prison was difficult and complicated, which prompted me to settle for ex-prisoners through SCRC.

Table 6.4 gives details of ex-prisoners who were participants in this study (however, it should be noted that it was not everyone who took part in all interventions). Names shown are pseudonyms they gave themselves during the introductory stage of the programme. Each participant was asked to select an adjective starting with the same letter as their first name (although some chose verbs). One participant refused to do this and we addressed him by the first letter of his name, so he became Mr S. Twelve ex-prisoners participated in at least one intervention during this study. Of these twelve, only one was female. Their ages ranged from 27 to 52 years. Five of the participants had been imprisoned once, while seven were repeat offenders. According to the River of life stories (ROLs) shared, most of the males were married prior to their imprisonment, but did not go back to their spouses after release; instead they

started new lives with different partners. Some indicated that they had found their previous wives married to other men, while others indicated that they did not return to their wives because they relocated after release from prison.

Table 6.4 Participants' details

Adjective name	Sex	Age	Marital status	Num. of children	Years in prison	Num. of imprisonment	Offence	Sessions attended
Adorable	M	30	Married	1		Not known	Attempted rape, accomplice to wrong done	ROL, Basic AVP & CIF 1
Alert	M	35	Married	1	13	1	Rape	AVP, CIF 1-5, FC & FGD
Bold	M	37	Divorced	2		1	Robbery	ROL ,AVPs, CIF 1-5 FC & FGD
Builder	M	41	Married	2		3	Theft and house breaking	ROL, AVP, CIF 1-5, FC & FGD
Connect	M	34		Single		2	Theft	ROL & AVP Basic
Gracious	M	52	Married	3	16(served 6 then got pardon)	1	Fraud	ROL, AVP, CIF 1-3
Smile	M	37	Married	4	2 years		House breaking, street robberies	ROL, AVP Basic
Prosperous	F	46	Widowed	3	11 years(got pardon before finishing his term)	1	Murder (associate with rituals)	ROL, AVP, CIF 1-5, FC & FGD
Promise	M	27	Not married	1		3	Armed robbery, car hijacking, Bank robbery	ROL, CIF 1-5, F.C & FGD
Mr S	M	51	Not married	1	Many	Many	Murder, robbery, theft, Smuggling	ROL CIF 3-5 F.C & FGD
Think-things	M	33	Married	3(with different	8 years 6 months	6 (currently on the run)	Robbery, house breaking,	ROL, AVP, CIF 1-5

				women)			Stealing	
Trust	M	34	Not married	1	2 years	Once	House breaking	AVP, CIF 1-5, FC & FGD

Family members of ex-prisoners

A total of ten individuals who were direct family members and members of the extended families of the ex-prisoners took part in at least one of the four interventions held with relatives of ex-prisoners. Six out of ten of these participants were females. The family members were part of the FC and were also trained in an AVP Basic workshop as part of the second round of interventions. Two FGDs were held with these participants, the first was an evaluation of the work with ex-prisoners, and the second an evaluation of the work done with family members. Table 6.5 below, gives details of the participants and the programmes they participated in. These participants, like ex-prisoners were asked to identify adjectives which started with the same letter as their first names and these became their pseudonyms for the study. These participants became part of this study at the invitation of the ex-prisoners who had participated in the first interventions. The aim of involving this group in the first round interventions was to facilitate dialogue between the ex-prisoners and their families. For the second round interventions, the ex-prisoners requested their involvement (see session 7. 2.4).

Table 6.5 details of family members of ex-prisoners

Name	Age	Gender	Relationship to participant	Session attended
Charitable	23	F	Sister	FGD-1, AVP & FGD-2
Dalukuthula	56	F	Aunt (mother's sister)	FC ,AVP & FGD-2
Famous	19	F	Cousin	FGD , FC, AVP & FGD-2
JB	36	M	Uncle	FC
Smart	48	F	Aunt (brother's son)	FGD-1,F.C,AVP, FGD-2
Thembisa	31	F	Brother in law	FGD-1,AVP, FGD-2
Vezubuhle	46	F	Aunt (brother's son)	FC
Gorgeous	25	M	Brother	FGD-1,AVP& FGD-2
Dingulwazi	26	M	Friend to brother of participant	FGD-1,AVP& FGD-2
Kindness	26	M	Friend to brother of participant	AVP

An analysis of the state of relationships between the ex-prisoners and their families confirms Towes' (2006) observation about the web of relationships. Towes (2006: 13) observes that crime affects family relationships deeply, in such a way that family members may struggle to connect again to that web of relationships. Most of the family members were not from the ex-prisoners' immediate families, but their being there suggests that they were, one way or the other, affected by the behaviour of their relatives. The findings of the study (see section 7.3) reveal that if anything could happen to the offender, these family members would be directly affected.

6.1.4. The training/interventions

A total of eleven interventions were implemented during the first round of interventions, under four categories namely; River of Life stories (ROLs), AVP workshops, Conversation In Families (CIF) and family conferences (FC). In addition, the family members were trained in one more intervention as part of the second round of interventions, which was later evaluated using FGD.

Presentations of life stories

River of life stories (ROLs) is a model usually used during trauma processing, where participants are given a chance to draw the events of their lives, from birth up to where they are at present using the metaphor of a river (www.click44.org/index.php/river). The exercise gave the ex-prisoners a chance to use visual narratives to share their past and present with others. The exercise was meant to give participants a chance to reflect on events in their lives and realise their past failures, successes and potentials. The exercise also gave participants a chance to know each other better and gave the facilitators a chance to know and evaluate their circumstances. We were furnished with the events and experiences of their lives, issues that led to their imprisonment, the number of times and reasons for imprisonment. We were able to deduce where some of the participants were in life with regards to their family relationships. That enabled us to understand the challenges they experienced in life and think through the kind of assistance they needed in terms of the restoration of their self-worth and relationships with family. Participants were given fifteen minutes to draw their ROLs. A total of eleven ex-prisoners participated in the exercise. The participants were informed of the purpose and nature of the exercise. It was emphasised

that participation was voluntary and they signed informed consent forms. One participant did not participate in the exercise, although he had signed the form. He said he was uncomfortable doing so. Two other participants started the exercise but dropped out during the exercise claiming they were not comfortable with the exercise.

Having drawn their ROLs, the participants were given a chance to share their stories with the group. Three of the participants indicated they were not free to share their stories, although they had drawn them, which left us with seven participants who presented their stories. One participant said she was not free to talk about her imprisonment and the events that led to it.

After sharing the ROLs, there was a group reflection using the following questions:

- How was it to draw your ROLs?
- How was it to share your ROLs?
- What did you learn from the exercise?
- What general comments can be made in connection with the exercise?

Alternatives to Violence workshops

Usually, there are three levels of AVP workshops, which build one on top of the other (see section 4.1.5). For this study only two levels were done, as per our plan. Eleven ex-prisoners were trained in AVP Basic and seven were trained in AVP Advanced workshops during the first round of interventions. AVP basic was done during the second round interventions for eight family members. All participants were given certificates after the trainings, as is the norm with AVP workshops. However, SCRC management requested that the ex-prisoners be trained up to level three, which is the AVP Trainer of Trainers workshop, for the sake of continuity. Due to time constraints it was agreed that training of trainers would be done outside the scope of this study.

Each workshop was facilitated by a team of two. My two core facilitators (Wakhumuzi and Kevin) and I were trained as AVP facilitators under the DUT peacebuilding programme in 2014, 2015, and 2013 respectively. The workshops were guided by the principles of AVP as suggested by Philips (2002) which are as follows:

- AVP is not therapy. It is concerned with personal growth and changes in attitude to self and others
- AVP workshops are experiential and intensive

- AVP workshops include fun and humour
- AVP workshops draw out from participants their hidden knowledge of themselves, their needs, aspirations, and ability to find creative alternatives
- AVP facilitators take part in the workshop's activities and exercises, so that everyone presents in both teacher and learner
- Matters shared in AVP workshops are confidential



Participants during an AVP workshop

Both the AVP Basic and Advanced workshops with ex-prisoners were implemented over a period of two days each for eight hours a day. Participation was optional for ex-prisoners who were invited through the SCRC management. AVP Basic workshop with family members was done with eight participants (see Chapter 8). Emphasis was placed on the life experiences of both facilitators and participants, which became the material from which everyone could collectively learn (Phillips 2002: 6). Furthermore, all the discussions were conducted in a way that allowed everyone to experience the way of nonviolence.

Conversation In Families

Conversation In families (CIF) is one of the restorative justice programmes designed and implemented by Phoenix Zululand (see section 4.1.4). Originally, CIF was designed for prisoners, who were given a time to reflect on their lives and their relationships with their

families members. The objective of CIF is the restoration of self-worth and dignity in the participants and the restoration of relationships between offenders and their families (Harris 2013: 3; Lushaba 2011). We adapted the model and used it with ex-prisoners knowing that in most cases crime strains relationships, which are often not restored even after release from prison.

These objectives of the CIF were to help the participants to (see section 4.1.4):

- Reclaim what it means to be part of a family
- Affirm their places in a family and their family relationships
- Acknowledge the impact of imprisonment on their family relationships
- Seek healing of the damaged relationships

The topics covered under the CIF were:

- What do we mean by family?
- Growing up
- Being a parent
- Personal relationships
- Family relationships

The CIF sessions became a vehicle that reminded the participants about the importance of family and the roles that each family member plays in a family set up. Seven of the twelve participants attended all five sessions, three missed two sessions each; one attended only one, while two participants who had attended the AVP Basic did not attend at all. One participant committed a crime and went back to prison, while the other relocated.

Five sessions of CIF were held where participants shared stories on individual identity, background and growing up, parenting, personal relationship. The programme questions the role and the contribution of participants within their families and looked at what might be said or done to bring about healing in family relationship (Lushaba 2012:15). The participants were given a chance to ponder though the roles they play in the survival of their families, helping them to realise the difficulties experienced by their families when a member of the family is in prison.

The sessions enabled participants to discuss the background and life experiences of the ex-prisoners. The debate on nature versus nurture was one of the issues that stood out in one of the sessions, where one participant, Bold said that some of the tendencies to commit crime were hereditary, while others were influenced by one's environment. The discussion

reminded me of some of the issues that were raised during the ROLs, which linked criminal behaviour to background or genetics.

The subject of parenting and disciplining children was discussed including the methods that were used by parents and teachers to discipline the participants. It was noted that most participants agreed that they disciplined and punished their children using the same methods that were used on them. Some participants were holding on to tendencies and practices that had affected their lives and used them on their children. In addition, challenges of parenting behind bars were highlighted.

Family Conference

Family Conference (FC) is one of the common models used by most organisations who do restorative justice work with prisoners worldwide (Walker & Hayisha 2007: 23; see section 4.1.3). FC refers to a situation where an offender is assisted to work towards the restoration of his/her relationship with his/her family that was damaged because of crime. The aim of family conferencing is to deal with anger and estrangements that dominate family relationships (Harris 2013: 4). Family conferencing can be done at an individual or group level (Walker & Hayisha 2007; Bazemore & Umberit 2001) and for this study it was done at group level.

Moreover, FC became a continuation of the CFI activities. The CIF sessions culminated in a reflection on the state of their relationships with family members and all ex-prisoners were encouraged to work on their family relationships. Twelve participants took part in the FC; seven of these were ex-prisoners, while five were relatives. During the FC ex-prisoners were given a chance to confess publicly the wrong they had done and ask for forgiveness. The ex-prisoners were also given a chance to express their feelings about the crimes committed and the events associated with that. This was in line with Braithwaite's (2002) concept of integrative shaming which says that if integrative shaming is left out when dealing with crime, the offender is likely to re-offend within a short period. Public shaming makes it clear to an offender that certain behaviour is unacceptable to the community and that remorse, apology, reparations and a commitment to change his/her behaviour is required.

6.2 Methodology

Methodology details the strategies that were used to obtain the results of this study. Salkind (2010: 9) observes that AR is a complex process that may include either qualitative or quantitative methodology. In this study, a qualitative AR methodology was used because it facilitated learning for researcher and participants at the same time.

6.2.1. Qualitative methodology

A Qualitative research methodology was used to guide data collection. Qualitative research is a process where an in-depth enquiry is made into a certain situation or people, so as to comprehend it better (Davies 2007). Similarly Bashir et al (2008: 43) note that, “qualitative research seeks to understand, as completely as possible, the phenomena under study”. In this study, qualitative investigation was employed throughout the planning, implementation and evaluation sessions. Attention was given to the meaning of words spoken by the participants, members of the advisory group, ex-prisoners and their families. This approach was used to deduce attitudes and interpret the behaviour of the ex-prisoners in relation to crime and the way they relate with others around them. In light with this, Golafshani (2003: 600) posits that qualitative research uses a naturalistic approach that seeks to understand phenomena in context-specific settings, where the researcher does not attempt to manipulate the phenomenon of interest, but it unfolds naturally. Emphasis was given to the details, supplied by participants, and their implications.

The study allowed the participants a chance to express their ideas, feelings, experiences and thoughts, during training and evaluation. As Schwandt (2007: 248) has observed, qualitative research seeks to understand the meaning of human action. I wrote down in my field journal key issues raised during discussions, while the FGD sessions were recorded and later analysed to deduce the attitudes and feelings of the ex-offenders concerning their lives and how they related to their families.

According to Schwandt (2007: 249) qualitative research relates to seeking quality. Quality information was pursued during the intervention and evaluation, so as to determine the quality produced by use of restorative justice paradigms. In addition, a qualitative inquiry gave me an opportunity to understand the impact of crime on family relationships. Attempts were made to understand the themes that emerged from the data and issues that

arose were followed up in depth through asking probing questions during the interventions and evaluations.

6.3 Data collection methods

Taylor et al (2006: 29) point out that, “In an action research project, information will be gathered during Action Research cycle. This will then be analysed and the results used to inform the next stage of the action”. For this study, data was collected from the meetings held by the advisory team, during interventions and evaluations. The idea of using these sources of data was influenced by Taylor et al (2006: 29) who observe that sources of data collection are determined by the answers to the question “what do I need to know”.

6.3.1. Focus group Discussions

Focus group discussions (FGDs) were chosen as the data collection method to supplement the data collected during the interventions and other evaluation sessions (see section 7. 4). It is important to note that, some ex-prisoners were involved in SCRC programmes prior to this study, which might affect the results of this study. Firstly, their involvement with SCRC might mean they were already predisposed to change or that other SCRC programmes were responsible for or contributed to their change. Secondly, some participants might not differentiate between SCRC programmes and the interventions in this study.

Focus group discussions (FGDs) are a common form of data collection methods used with qualitative methodologies, where focused discussions to enhance an understanding of a topic are done. Miller and Brewer (2003) describe FGD as an approach whereby a group of individuals are selected to discuss together, in a focused and moderated manner, the topic under research. Kairuz et al (2007) concur that focus group discussion is a planned and deliberately organised group interview that seeks to identify perceptions, thoughts and impressions of a selected group of people regarding a specific topic under study. In this study, a total of three different focus group sessions were held with participants as a means of evaluating the impact created by the study. One FGD session was held with seven ex-prisoners, who had participated in at least one intervention. The other two were held with families of the ex-prisoners. The first session with six participants, assessed the work done with ex-prisoners during the first round interventions. The second session, which had seven

participants, evaluated the second round interventions implemented with the families of the ex-prisoners. The FGDs were guided by an interview guide (see section 7). All focus group discussions were audio recorded.

All FGDs were held at the SCRC premises and the environment produced a constructive conversation. I was the moderator of the discussions, assisted by colleagues (see Table 6.3), who took notes and asked probing questions where necessary. The discussions were also audio taped and then transcribed for data analysis. FGDs became a useful way of saving time because instead of interviewing participants individually, the interviews were condensed into a group interview. The group cheered each other into a sociable attitude, which influenced the way they responded to the questions asked. The participants were open and freely expressed themselves in a fruitful discussion. Taylor et al (2006: 38) observe that “group interviews can develop rich discussions, often generating a wider range of responses than individual interviews”.

However, there were limitations which were noted during the Focus group discussions. The responses of the participants were influenced by the contributions made by others. One would say something because others had responded that way, while in reality that would not be the case. Also, the participants could communicate using non-verbal forms during the discussion, which influenced the feedback given. Furthermore, the group could not share some sensitive personal experiences related to the discussion.

6.4 Ethical considerations

McNamara (cited in Henkelman & Everall 2000: 112), proposes five ethical considerations when conducting research:

- Voluntary participation
- No harm to respondent
- Anonymity and confidentiality
- Identify purpose and sponsor
- Analysis and reporting

The suggestions made by McNamara guided the ethical concerns of this study in conjunction with the ethical guidelines from the Durban University of Technology. Miller and Brewer (2003: 242) recommended that “it is important for a recipient repository to be fully

informed about consent given by informants or undertakings given by the investigators either at the time of the project or subsequently". During the introductory stage, it was clearly pointed out to each participant that participation was completely voluntary. Moreover, throughout all the stages, the participants were given the research outline, where the purpose of the research was explained.

Consent from each participant was sought each time before the intervention and all participants were free to not participate if they did not want to. As Taylor et al (2006:40) have said, participants should always be given the right to withdraw from the project at any given time. Each participant was requested to sign an informed consent form. During the first session one female participant refused to sign the form, but still wanted to participate in the training. I discussed with her privately and helped her understand the implications of not signing the informed consent form and she quit the training although she felt she had been unfairly treated, given her wish to participate without signing the consent form. The incident illustrates some of the ethical dilemmas that one can face when doing research. Unfortunately she was also dismissed from SCRC for some other reasons, before our second intervention.

McNamara (1994) suggests that the researcher should make all participants know the purpose of the study and the organisation sponsoring it. The participants were informed during the introductory session the dual purpose of the research, which was to:

- Fulfil the doctoral studies requirement for Durban University of Technology
- To enhance SCRC's restorative justice work

I also explained that the results of this study would be used in partial fulfilment of my doctoral degree. This was done as suggested by Jupp (2006: 150):

An ethical principle implies a responsibility on the social researcher to strive to ensure that those involved as participants in research not only agree and consent to participating in the research of their own free choice, without being pressurised or influenced, but that they are fully informed about what it is they are consenting to

Confidentiality and anonymity were ensured regarding the identities of the participants during the training and evaluation sessions, as suggested by Jupp (2006: 149), "...research participants should be informed about and understand how far they will be afforded anonymity and confidentiality". Pseudonyms were used instead of real names (see session

6.1.3), because it was important that participants are not named and that confidentiality is respected (Taylor et al 2006: 40).

Throughout the interventions and the evaluations, effort was made to avoid possible harm to participants by limiting elements or asking questions that could make one feel embarrassed or uncomfortable. A deliberate effort was made to avoid issues that were seen as sensitive, although in some instances this was difficult because of the nature of the participants. In one instance, a participant stormed out of the room during the discussion. When I followed him to find out what the problem was, he said that the issue discussed reminded him of an incident which he thought was where his misery started. The participants were referred to the chaplain for counselling.

6.5 Data analysis

Data obtained were analysed using textual analysis. Data was separated into manageable themes, patterns, trends and relationships, which were later formulated into theoretical concepts (Mouton 2001: 108; Davies 2007: 135).

Qualitative data analysis involves the identification and interpretation of patterns and themes in textual data and determines how these patterns and themes help answer the research questions at hand (National Scientific Foundation 1997). Gibbs (2007) wrote that thematic coding is a form of qualitative analysis which involves recording or identifying passages of text or images that are linked by a common theme or idea allowing the researcher to index the text into categories.

Data analysis was an on-going process, happening throughout the data collection process ([http:// learningstore.uwex.edu/Assets/pdfs/ G3658-12.pdf](http://learningstore.uwex.edu/Assets/pdfs/G3658-12.pdf)). Taylor-Powell and Renner (2003: 1) suggest that data analysis process is largely influenced by the questions the researcher wants to answer. For this study, the data collection process was guided by the questions suggested by the National Scientific Foundation (1997).

- What patterns/common themes emerge around specific items in the data?
- How do these patterns (or lack thereof) help to shed light on the broader study question(s)?
- Are there any deviations from these patterns?
- If yes, what factors could explain these atypical responses?

- What interesting stories emerge from the data?
- How can these stories help to shed light on the broader study questions?
- Do any of the patterns/ emergent themes suggest that additional data needs to be collected?
- Do any of the questions need to be revised?
- Do the patterns that emerge support the findings of other corresponding qualitative analysis that have been conducted?

The questions suggested by Charmaz (2003: 94) were also used:

- What is going on?
- What are people doing? What is the person saying?
- What do these actions/ statements take for granted?
- How do structure and context serve to support, maintain, impede or change these actions and statement?

Data analysed was collected during the intervention sessions, meetings of the advisory group and all FGDs.

6.6 Validity and reliability

Validity and reliability are crucial elements in research work as they point to the strategies that can be established to check for accuracy and stability of the research findings. Validity is a process of determining whether the research truly measures that which it was intended to measure or how truthful and credible the research results are (Bashir et al (2008: 37). Reliability is defined by Joppe (2000: 1) as, “the extent to which results are consistent over time and an accurate representation of the total population under study...and if the results of a study can be reproduced under a similar methodology”. Joppe seems to suggest that reliability is about repeating the same study and yielding a similar outcome all the time, this however is difficult in a study of this kind.

Validity and reliability in qualitative research could be difficult to ascertain, owing to the fact that human experiences can change with or without interventions made. For example, a victim of crime may find healing naturally with time, while another could find healing after trauma processing sessions. Stauffer (2010: 99) makes similar sentiments:

...Finding clear guidelines on how to ensure the authenticity and integrity of qualitative research is a task of great contestation. This is due in part to the difficulty of dividing qualitative research into measurable units of analysis. It is also due to the very nature of qualitative research that often steps outside of the boundaries of formula and systematic predictions...

Golafshani (2003) suggests that validity and reliability are difficult to carry in qualitative research because qualitative research deals with human experiences that change with time due to experiences, expectations, fears and situations. Golafshani (2003) and Stauffer (2010) seem to suggest that that validity and reliability are incompatible with qualitative research. This is contradicted by Bashir et al (2008: 35) and Creswell 2014: 201) who say that validity and reliability are compatible with qualitative research, although it cannot be done the same way as in quantitative research. In a qualitative study, validity and reliability rests on data collection and analysis techniques and instruments (Bashir et al 2008: 44). On a similar note, Patton (2001) suggests three questions to consider in order to achieve credibility and reliability:

- What techniques and methods were used to ensure the integrity, validity and accuracy of the findings?
- What does the researcher bring to the study in terms of experience and qualification?
- What assumptions undergird the study?

These questions were adhered to in this study. In addition to these, validity and reliability were enhanced through the use of strategies suggested by Bashir et al (2008: 43) who came up with ten strategies that can be used to increase validity in qualitative research. Table 6.6 lists the strategies and five of these were adopted for this study:

- Prolonged and persistent field work
- Multi–method strategies
- Participant language verbatim accounts
- Mechanically recorded data
- Member check

Table 6.6 List of strategies to Increase validity in qualitative Research Paradigm

Sr. no.	Strategy	Description
1	Prolonged and persistent field work	Allows interim data analysis and corroboration to ensure match between finding and participants reality
2	Multi–method strategies	Allows triangulation in data collection and data analysis
3	Participant language verbatim	Obtain literal participants statements and

	accounts	quotations from documents
4	Low-inference descriptors	Record precise, almost literal and detailed descriptions of people and situations
5	Multiple researchers	Agreement on the descriptive data collection by the research team
6	Mechanically recorded data	Use of tape recorders, photographs, and videotapes
7	Participant researcher	Use of participants recorded perceptions in diaries or anecdotal records for collaboration
8	Member checking	Check informally with participants for accuracy during data collection frequently done in participants observation studies
9	Participant review	Ask participants to review researcher's synthesis of interview with person for accuracy of representation. Frequently done in interview studies
10	Negative or discrepant data	Actively search for record, analyses, and report negative or discrepant data that are an exception to patterns or that modify patterns found in data

Source: (Bashir, Afzal and Azeem 2008: 43)

Field work was done over a period of fourteen months, which gave me time to do interim data analysis and collaboration identifying realities of the participants. I observed that it takes time after implementing a task to yield measurable results. I observed that it takes time after implementing a task to yield measurable results. This is confirmed by Creswell (2014: 202) who writes:

In this way the researcher develops an in-depth understanding of the phenomenon under study and can convey detail about the site and the people that lends credibility to the narrative account. The more experience that a researcher has with participants in their setting, the more accurate or valid will be the findings

Triangulation was also utilised to achieve validity and reliability. Triangulation is understood as the use of both qualitative and quantitative methodologies at the same time (Patton 2001). Creswell (2003) suggests that triangulation means use of different sources of data collection methods, while Johnson (1997) says triangulation refers to considering the ideas and explanations generated by other researchers. I used triangulation as defined by Creswell and Johnson to ascertain validity and reliability. Thus, FGD with ex-prisoners, families of the ex-prisoners, and the advisory group were used and the findings were compared to other empirical studies such as those of Harris (2013) and McAree (2011).

In addition, validity and reliability, were attained through obtaining literal statements from participants during the interventions and the evaluations, as well as the language used during their day to day communication (Bashir et al 2008: 43). The statements during training and evaluation were written down and recorded using an audio recorder. However, the informal statements spoken by participants to each other during their own conversations were never recorded, but were written down later.

Questions were asked to the participants during training and evaluation, as a measure of validating the findings (Creswell 2014: 21; Bashir et al 2008: 43). This gave me a chance to clarify issues suggested by participants. I managed to verify what the participants wanted to communicate. Member checking was also done at the end of the data analysis process with the advisory board and the participants, so as to check with individuals if what had been captured was an accurate reflection of what they had said. This concurred with Creswell's (2014: 201) advice that, "use member checking to determine the accuracy of the qualitative findings through taking the final report or specific descriptions or themes back to the participants and determining whether these participants feel that they are accurate".

For reliability, I adhered to Creswell's (2014: 203) suggestion that a researcher needs to document the processes of her findings and document all the steps. In addition to this, I adopted two of the four strategies suggested by Gibbs (2007: 17):

- Check transcripts to make sure that they do not contain obvious mistakes made during transcription
- Make sure that there is not a drift in the definition of codes, a shift in the meaning of the codes during the process of coding

6.7 Summary and Conclusion

This chapter presented an analysis of the research design and the methodology used for data collection in this study. Details of interventions implemented to enhance the work done by SCRC were explored. It also discussed ethical issues considered, issues of validity and reliability and data analysis methods.

The next chapter presents the results of the evaluation of the outcomes of the research.

PART FOUR

CHAPTER 7: AN EVALUATION OF THE INTERVENTIONS

7 Introduction

This chapter presents the outcomes of the interventions made towards the enhancement of SCRC's restorative justice work. The expected outcome of this work was to restore peace among ex-prisoners and their families. We held a series of four procedures which translated into eleven meetings of varying lengths with twelve ex-prisoners. Participants completed a conflict management style sheet designed by Adkins (2006) in order to evaluate their conflict handling strategies, and engaged in a number of FGDs to discuss their experiences of the programme. Evaluations were made by ex-prisoners (section 7.2) then family members (section 7.3) and members of the advisory group (section 7.4)

The eleven meetings covered the River of Life stories (ROLs), Alternatives to Violence Project (AVP) Basic workshops, AVP Advanced workshops, Conversation in Families (CIF) and Family Conferencing (section 6.1.4). The ROLs were completed in one session, the AVP Basic workshops were done over two days, as were the AVP advanced workshops. The CIF were in five sessions, which culminated in one session of Family Conferencing (FC). The first intervention was held on the 31st of July 2014 and the last on the 7th of August 2015. These meetings are summarised in Table 7.1.

As is the case with the AR (Reason & Bradbury 2008: 6; McIntyre 2008:6; Mouton 2001), five spiral meetings were held with the advisory group (see section 6.1), where plans and evaluations of the interventions were carried out. Major evaluations were held with ex-prisoners and their families in two different FGDs in order to assess the outcome of the interventions for them. After this, the advisory group then met to consider the results of the FGDs. Mouton and Babbie (2001: 348) suggest that evaluation determines whether a positive change has occurred and that the change is due to the intervention, without the contribution of other interventions and developments. Initially I was wary of the possibility that the participants' involvement with SCRC could have contributed to their being amenable towards change. However, discussions with ex-prisoners revealed that the organisation was only involved in skills training and not addressing relationship issues.

As indicated above, the intended outcome was to build peace between ex-offenders and their families. To be precise, each intervention had an intended outcome(s) that contributed to the overall outcome. The conflict management style quiz completed before interventions helped identify the participants' conflict handling skills. After the interventions we measured possible change in the way participants handled conflicts. The ROLs were used to identify where the participants were, by focusing on their experiences, needs and expectations. AVP workshops were intended to reduce the propensity for violence in the participants by equipping them with nonviolent conflict resolution skills, and to help them realise that violence is not a good choice (Phillips 2002: 4). The CIF sought to help participants realise that they had an obligation to make things right with their families (Lushaba 2012: 16). The CIF culminated in conversations between ex-prisoners and their families with the aim of restoring relationships between them and their families (Lushaba 2012: 14).

Table 7.1 Summary of activities done and the expected outcomes

Activity	Intended outcome
Conflict management style quiz	Identifying participants' conflict resolution skills (comparing the before and after training)
River of life stories	Identifying where the participants were in life-their experiences, needs, expectations
AVP workshops (Basic and Advanced)	Equipping participants with nonviolent conflict handling skills Developing interpersonal skills
Conversation in Families	Creating a realisation of the need to restore family relationships and the ways this might happen
Family conference	Creating a platform for ex-offenders to tell their stories their families Family members tell ex-prisoners

	<p>consequences of their actions to them and their current feelings</p> <p>Through apology, forgiveness and commitments to live differently and restore relationships between offenders and their family members</p>
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The following questions were asked during FGDs with ex-prisoners and their families.

FGD questions with ex-prisoners

1. What are the key things you remember from the AVP, ROLs, CIF and FC?
2. What impact, if any, do you think these had in your life (for example, the way you view yourself, the way you relate with others around you and your family, the way you handle conflicts)?
3. Given a chance to recommend just one of these programmes to other ex-prisoners, which one would it be? Why?

FGD questions for ex-prisoners' families

1. We have been training your family member in a number of programmes since August last year. Have you noticed any changes in their behaviour and attitude?
2. Have you noticed any changes in the way they relate with you, your children and people around?
3. Have you noticed any changes in the way they value themselves?
4. Do you have suggestions for any other training which we could provide your relative or other members of the family?

7.1 Outcomes of the study

As indicated above, outcomes of the interventions were based on the FGD held with ex-prisoners, FGD with family members and evaluations with advisory group. The evaluations were guided by Patton (1987) who observes that evaluation involves a systematic collection,

analysis and interpreting of information about an activity and its outcomes so as to make judgement about specific aspects of a programme. Seven ex-prisoners were present for the evaluation session. An invite was made to all the ex-prisoners who had taken part in at least one session of the interventions, but some did not attend. The FGD with families had six participants. FGD with families was held on the 27th July 2015, while the ex-offenders were done on the 21st August 2015.

7.1.1 An evaluation of the pre and post training questionnaire

Adkins' (2006) conflict handling style quiz (section 6.1.2) was used as a pre and post-training questionnaire. As could be the case in any qualitative research, it is possible that some of the changes might not have been due to the interventions. The pre-training quiz forms were completed by eleven participants present at the first meeting while seven participants present during the last meeting completed the post-training sheets. Some of these were filled in anonymously. The following table conflict management style before the interventions.

Table 7.2. Results of the conflict management sheet (N=11)

Conflict management style	No. of participants who used this as preferred style	No. of participants who used this as least preferred style
Collaboration	2	1
Competing	5	2
Avoiding	2	4
Harmonising	1	0
Compromising	1	4

The results indicate that a collaborating conflict handling style was preferred by two participants as their most commonly used strategy, while only one person indicated this as their least preferred style. The Competing style was favoured by two participants, while four participants indicated that this was their least favoured. Two of the participants indicated that they preferred avoiding conflicts, while four indicated that avoiding was their least preferred style. Only one participant indicated that they preferred the harmonising style while none said it was their least preferred style. Four participants indicated that they preferred handling conflicts through compromise, while two indicated they used this style in few instances.

What can be drawn from the results of the questionnaire is that each individual had their own way of handling conflicts. Similar sentiments were echoed during a CIF session, when one participant Think-things, confessed that the way he disciplined his children was influenced by the way he was disciplined by his father, even though it was not effective. He said:

... My dad did not tolerate any fun things; *wawungayifunda ivaliwe* (isiNdebele meaning you cannot do wrong and go unpunished) ... I will never forget how he used to spank us... Each time when my little brother does mischief, eish! I just miss him. I wish he was alive to teach him a lesson, he missed out on that ...but with kids, I beat, I take after my father. I don't tolerate any nonsense.

One's environment and situation plays a major role in influencing how one handles conflict. Some ROLs revealed that crimes came about when one failed to resolve a conflict and ended up behaving criminally. As observed by Towes (2006: 182), crime represents an injury to the victim, but also involves injury for the offender. While Christie (1977) argued that crime is a conflict taken away from its owners by the criminal justice system. Three stories from the ROLs revealed that at times crimes are committed in the course of dealing with a conflict. The response from these participants convinced me that there was a need to empower ex-offenders with nonviolent conflict handling skills.

The quiz revealed that the competing style was the most common conflict handling method among the participants. Five, out of eleven participants, indicated that they used an authoritarian approach. This strategy creates a win-lose situation with the winner fighting to maintain their position, and the loser feeling unjustly treated and wanting revenge. This implies that negative feelings are harboured and this increases hostility between parties involved and those around them. Botcharova's (1998) journey toward healing cycle suggests that if someone is left with a desire for vengeance, that person has the potential to harm others and even themselves. On the other hand, the results indicate that the avoiding and compromising styles were not commonly used by participants. Confronting might indicate that an individual is determined to face their opponent in spite of the situation around. While a refusal to compromise might imply that they are determined to fight and win their case. Both confronting and refusing to compromise might indicate that someone is ready to do anything to achieve what they want in spite of all obstacles. It was evident during the AVP basic workshop discussions on violence and nonviolence that most participants

believed that violence was the best and quickest way of resolving conflict. Alert, who used an isiNdebele saying to justify use of violence, stated, “I don’t beat the dog and hide the stick, *ngiyahle ngiqedelane lawe khonapho khonapho njengomuthi wamagudwane*” (I will finish with you there and there like rat poison).

The participants’ conflict handling preferences differed after the interventions. Table 7.3 gives a summary of conflict handling style after interventions.

Table 7.3 Results of the conflict management styles after interventions (N=7)

Conflict management style	No. of participants who used this as their preferred style	No. of participants who used this as least preferred style
Collaborate	2	0
Competing	0	4
Avoiding	1	3
Harmonising	2	0
Compromising	2	0

The seven post training results revealed a changed mind-set in dealing with conflict. Four of the participants suggested that they barely used competing as a conflict handling strategy, while three participants indicated that they no longer avoided conflicts. The issue of not avoiding conflicts was largely discussed as one of the issues learnt during the interventions (see section 7.3). The results indicate that participants gained a better understanding of conflicts and had changed their attitudes towards conflict, and their views about opponents. This could imply that the participants were now able to address problems they met by seeking a win-win solution which promotes positive relationships, trust and a commitment to nonviolence.

7.2 Evaluation by the ex-prisoners

An evaluation of this research was done by ex-prisoners on 27th August 2015. Seven out of the twelve ex-offenders attended the evaluation. Two of the absent participants, Connect and Gracious were said to be out of Bulawayo. One of the participants, Adorable returned to prison but no one knew why, while Think-things was said to be on the run for a crime

committed towards the end of this study. The meeting was held at the Theological College of Zimbabwe (TCZ) which was the venue for all the interventions, and where the SCRC offices are. The purpose of the FGD was to assess the outcomes of the study (See section 7 for the questions that guided the discussions).

A presentation of the findings drawn from the discussion held with ex-prisoners is detailed below. Reference is made to some ROLs to validate the issues discussed.

7.2.1 River of Life stories

As alluded to above (see section 6.1.4), before the interventions participants were given a chance to share their life stories using an analogy of the river. This activity was suggested by one of the advisory group members. I accepted the suggestion because in an AR research, both the researcher and the researched work together to achieve the goals of the study. ROLs had a dual role; to give participants a chance to share their life stories, while assessing their situations, needs and expectations. A study done by Lushaba and Shandu (n.d: 5) highlights the impact of storytelling; “talking about and listening to the narratives of causes and effects of imprisonment is therapeutic”. Moreover, personal and communal narratives play critical roles in conflict resolution, trauma recovery and restorative justice, and opportunities for storytelling must be incarnated into our process (Zehr 2008: 5). Two of the stories shared concerned murder; and the two were emotional while narrating the incidents although they looked cheerful afterwards.

When asked to share what they remembered from the ROLs participants said they remembered the stories shared by each member. Some of the key phrases that came up were; ‘it’s all about choices we make’, ‘calamities that befall others may fall on us if we continue with bad behaviour’, and ‘everyone should be responsible for their actions’. The following are key themes that emanated from the discussion on the impact of ROLs.

Participants were brought together by ROLs.

Most participants agreed with Promise who said that after sharing his story, he had experienced peace of mind and heart for the first time in a long while. In his words:

I had not experienced peace of mind and heart in a long time. That day created a new chapter, especially my life here at SCRC. As you can remember, I was fairly new

here. What worried me the most was that I did not know what everyone was thinking about me. That day gave me a chance to explain myself and it made me comfortable around here and I still am.

Most participants identified with Promise. Alert said, “hearing stories shared by others made me feel at home; seeing that I have people who understand me, people who are like minded, people who desire to do things right”. Similarly, Bold confessed, “the ROLs helped me to trust some people here... I’m now free to discuss issues with some people here”.

Identification of past failures, successes and potential

During the FGD, two participants indicated that they were able to identify their past successes, failures and potential. Bold said:

... reflecting on my life story made me realise that if I did not put myself in this rocky path, I could be a better person today...I know now that I have committed myself to a clean life, He (God) will see me through...it’s better for me to get a clean \$1 as opposed to filthy money.

Similarly, Builder said:

I realise that there are two paths in every life situation; even the Bible speaks about these. There is a narrow path going to the right place and a wide path, which is wrong and that is the path most of us like to follow. I’ve got to follow the right one, to avoid disappointment in life.

ROLs instilled a desire to do well

One participant felt that the reflection on his life story, during the ROLs, challenged him to choose friends who can influence his destiny positively. He said that after the ROLs he thought deeply about the successful days of his life before meeting his friend with whom they had hijacked cars. He realised that he did not have any innate criminal tendencies and there was none in his family. His sentiments indicated that peer pressure can contribute toward the development of criminal tendencies. This was corroborated by stories shared by two ex-armed robbers who said:

...I grew up in a middle class family, I went to a good school, had a good professional qualification, and a good job, earned fine money, I really made enough...I played with friends who were never content, we were all from fine families, but we needed more. We loved fun, as you know fun calls for much spending... then we thought of ways of getting fast cash and we started hijacking cars... (Bold).

....I was tired of being another man’s maid (my uncle). I was taking care of his kids, doing the house chores and everything...I had left home coming for a job (came

from Bulawayo to Johannesburg)...I moved out of his house to stay with friends...my friends were into happy moments, ...life was easy and fun. I could not watch them going to work. I was pressurised to join them in armed robbery...it was profitable and worthwhile, from 2002, until a dark cloud fell on me in 2006 up to January 2014. My life has been a misery... (Promise)

Family background plays a pivotal role in one's life

Towes (2006: 182) observes that many offenders experienced abuse and difficulties as children. During the ROLs four participants indicated that they did not have meaningful education because of the financial situation at home. Also, they did not have any professional skills, which encouraged them to resort to criminal activity to make a living. During a FGD Trust indicated that during the discussions on the ROLs he felt motivated to earn an honest living, rather than through burglary.

On the other hand, Mr S indicated that almost every male from his mother's family was a criminal. His parents divorced when he was a small boy. He ran away from his father and stayed with his uncles (mother's brothers), who taught him crime when he was still at primary school. Moreover, his family stayed in Makokoba, a township with the highest crime rate in Bulawayo. He said that he was arrested for the first time when he was in Grade 7 (about 13 years old), when he and his uncles broke into a shop with an alarm. He added that he did not attend secondary school, which was a trend in his family. During the FGD, Promise made indirect reference to Mr S' experience, when he spoke about how he was trying to prevent his siblings and children from going down the wrong path.

I have got to work hard, so that my siblings and kids can go to school and do well. If not, they will fool each other into doing wrong ...I was greatly inspired by each story, especially hearing how brothers could encourage each other to do wrong because of the unproductive situation at home. I used to make money and my siblings were living a good life, but now it's pathetic...

Alcohol and drug abuse hinder progress in one's life

During the presentation of ROLs, most participants mentioned that they had been involved in substance abuse prior to, and at the time of the crime. They further revealed that the money from their criminal activities was spent on alcohol and drugs with nothing meaningful to show for it. During the FGD, two participants said that they deduced from the ROLs that too much beer and substance abuse hinders progress in one's life. In the words of Bold:

I can now offer young men premarital counselling and teach them to stay away from beer. Beer does not make one think straight, you will always fight with your wife or do things that cause her to do what is wrong. Not only that but with this kind of economy you end up thinking of ways of making quick cash and that is the beginning of trouble... I lost my family. (His wife divorced him while he was still in prison and left with his two sons)

On the other hand, Builder, one of the participants who did not share his ROLs, indicated that before the interventions he used to do part-time jobs and spend the money drinking alcohol with friends. He had now been able to save money and had bought plumbing equipment enabling him to meet his family's needs. He now meets his friends for a drink during weekends, whereas before they met daily.

The criminal justice system is harsh and not rehabilitative

The released offenders are sometimes viewed as suspects by the police. During the FGD, Builder sought advice, saying that he had problems with the police who always came to his house to interrogate his family and neighbours about his whereabouts. He was supported by two other participants who had similar experiences. Builder felt that his rights were being violated by these police officers, who on several occasions demanded lunch when they found him home. Builder stated that:

Even if I don't have money I have to make it a point that I give them something eish...one time they threatened to lock me up if I did not give them something. So I had to give them...I wish this could stop.

He was advised by the group to record such conversation using his phone and bring the recordings to SCRC management, who could take up the case with the relevant authorities.

One participant added that he almost fought with some police officers who used to visit him with a similar agenda. When discussing this, Adorable suggested three possible reasons for this; it was part of routine police surveillance, may be one would still be involved in crime or police could be getting reports from community members about similar crimes one used to commit before. Participants urged each other to stay away from crime. The FGD provided an opportunity for participants to learn from each other's experiences and to support each other's resolve to change. It is important to mention that the way they encouraged each other showed their willingness to change.

In addition, Prosperous indicated that prison life is very difficult and the reality is that it can make or break a person. The discussion revealed that there is a lot of physical violence perpetrated by prison officers on inmates, or by prisoners on each other. Also some of the prison systems are very abusive to the prisoners making rehabilitation minimal. This is similar to the finding made by Henkeman (2002: 65) about South Africa; she noted that the prison environment is aggressive, regimented and dangerous. There is lack of adherence to human rights and constitutional values in most of the practices by prison staff towards prisoners. There is an incessant, negative peer pressure which prisoners subject each other to.

However, it appeared as if a tough life in prison could, to a lesser extent, be a deterrent. During the evaluation, Mr S indicated that the interventions were the answer he had been waiting for a long time, since his 2007 to 2012 imprisonment.

...my last imprisonment was tough, people were dying in prison because of hunger, cholera, malnutrition, STIs and other diseases. There was a lot of filthy things happening there, as you may know...that made me vow to never do anything that would take me back to prison...these sessions became an answer to the question I have had for a long time...I say no... no... to criminal activities. I realised that all I had been doing was violence, God hates violence and you get punished for it....

Participants encouraged each other to take one step at a time rather than take shortcuts. Promise made an outstanding comment on this issue:

Don't focus on those who wrong you...they might not even be aware that they are doing wrong to you, what you need to do is to focus on your life, consider what you want to achieve. My situation is horrible; my aunt speaks whatever she thinks fit, such that at times, I think about running away and going back to South Africa, but no! I know what I want and will keep doing good and focus. Always given a bitter pill to swallow, always being compared with other children, but I stand strong. You are being harassed by a stranger, but me its family, people that I stay with every day. I try to keep busy... I don't like getting up early it's not my style, but I have to do it in order to earn a living and not be dependent on others.

Participants pointed out that there was corruption within the justice system, where government officials committed serious crimes, but were never brought to book because they had cash to manipulate the system.

7.2.2 AVP workshops

The following are the results of the evaluation of the AVP workshops held with ex-offenders in August 2014 and December 2014. Ten people participated in the AVP basic workshop and seven took part in both the basic and advanced workshops. The following themes are responses by participants about the impact of AVP workshops.

Improved interpersonal relationships

Out of seven participants who were present during evaluation, five participants said that they benefited a lot from the two workshops. However, some could not differentiate between AVP and CIF as they thought that all interventions were AVP workshops. Some of the aspects participants remembered included self-respect, respecting others, doing good to others, working well with others, seeing good in others, listening, addressing conflict non-violently before it gets out of control. A lot of reference was made to the AVP *mandala*; participants said they were encouraged to treat everyone with respect because each individual has intrinsic value which deserves to be respected. Following are some of the participants' views:

When we did the name game, I named myself Promise, that was just not enough, there is something you did not know, it was a promise I made in my heart. I was actually promising that I will start doing right things and I have been...I get up early with everyone, assist in the family business...my actions have reduced the tension we used to have at home. Everyone thought I was lazy and stubborn, I hated that, it made me a bitter person... (Promise)

I learnt that everyone deserves my respect no matter who they are... even if they don't treat me well; they have to be respected.... Even my little child deserves to be respected by me... since that day I have had this thought deep within me. (Trust)

Naturally, I love expressing myself and I am very good with that, I could just argue for the sake of arguing, but this AVP course, you know, I now know how to close mine (*mouth*) and listen...when you listen you hear the cry on the other side and usually that cry reveals the problem, then we deal with it... (Alert)

One participant emphasised that he had benefited a lot from the communication sessions. He said he always fought with his wife, because he did not know how to communicate with her effectively. He said that he used to do as he wished and this meant he and his wife were at loggerheads all the time. Builder felt that he had learnt a lot from communication, especially about listening.

At first I thought these sessions were not practical. One day my wife was yelling at the top of her voice, I stopped what I was doing, sat down and listened to her. She stopped yelling and sat down and used a calm voice to ask for my opinion about the discussion. We settled the problem... (Builder)

Participants gained knowledge about the meaning of violence

In addition, participants said they had gained knowledge on how to handle conflict and prevent violence. The session on violence, was one of the sessions which was identified by participants as being the most helpful. Five of the seven participants indicated that the AVP sessions on violence helped them realise that there are different forms of violence. Some realised that what they thought was not violence, was in fact violence. Alert said:

...As a traditional man (influenced by my culture) we did not know that beating wives was violence, I have always thought I was doing the right thing,...I have been thinking deeply about this thing and I realised that, our elders were right when they said "*induku kayakhi umunzi*" (violence does not build a home)...for now *I don't beat her* I now say: "*okwonakele ngomlomo kulungiswa yiwo futhi*" (literally, what has been spoiled by words can be fixed through words).

The discussions on violence and nonviolence led participants to request that we also train their spouses on these topics. We accepted the request as it was worth implementing (see chapter 8).

Development of nonviolent conflict handling skills

All of the seven participants indicated that the training had helped them to adopt new nonviolent strategies for dealing with conflict. During the training, participants were given a chance to reflect and share about a conflict they had resolved non-violently. It was observed that most participants were able to resolve their conflicts non-violently. However, the conflict management style test proved that this was the method least used (see also section 7.1.1). Tomlinson (2007: 3) observes that AVP is designed to offer participants alternative ways of addressing conflict instead of resorting to physical, mental or emotional violence. The discussions with the participants proved Tomlinson right. The following are some of their responses which suggest that some participants were inspired to change the way they handled conflict. About disciplining children; Alert, who had strongly argued during a CIF session that children these days were spoiled because parents were 'sparing the rod', had this to say during the FGD:

I used to beat my children each time they did wrong but as for now, I don't, we now talk like men...it's amazing they just do the right things on their own...that has

reduced the tension we always had... because my wars with my children always translated to wars with their mother and vice-versa.

Mr S offered the following:

Everyone now knows that I hate violence, I take no nonsense. One day these two men were fighting, and I was called to stop them. In the past I could have joined the fight and take a side and obviously I would win, but as now I tried to separate the fighting giants but to no avail. I then took a branch and beat the two who stopped...my nonviolence worked; they would have killed each other...

The comments by Mr S helped me realise that adapting to nonviolent action does not come instantly for some, especially those who have been violent. It is a process that can be learnt with time and practise. Mr S was fully convinced that he stopped the fight non-violently. It is possible that he might still be trying to understanding what nonviolence is and how it works.

Prosperous added that this course had created a desire to do what is good.

I now understand Paul [in the New Testament], who wrote that I find then that when I want to do good, evil is always present with me. This course left me with a desire to always do what is good, I keep trying I know one day I will get there...I try not to hurt my children again. As it is they gave me money to build a house... I know we have been emphasizing that it's about choices we make.

Anger management

Two participants, Trust and Alert suggested that AVP had helped them with anger management skills.

I get angry easily...I was wronged by someone when I was a child. When someone wrongs me to the extent that I feel the kind of feeling I felt then, I end up beating that person using anything. Yah, I have been listening to all the lessons. For now when someone does wrong I just walk away to avoid beating them... (Trust)

Alert added that previously, a day could not end without him fighting with someone. He asked the other participants if they had seen him fighting lately and they attested that it had been a long while. He reported that the sessions had helped him to manage his anger and that this had translated to the management of his actions.

However, some concepts were not well understood. In addition to Mr S' 'nonviolent action' of using a thorny branch to stop a fight, Alert said, "I could beat those who wrong me, but now I just keep quiet and pretend nothing has happened". Similarly, Builder said, "When my wife starts an argument I just walk away and leave her talking by herself...she can spend the whole day complaining about lack of food at home".

AVP messages echoed other life skills teachings

Two participants said that AVP cemented life skills learnt in prison, taught by other CSOs, which work in prisons. Promise, who had been jailed in South Africa, was one of these and Mr S was the other. Mr S said AVP reminded him of what he had been taught by ZACRO in prison. He added that there was a prison guard who always spoke to him emphasising that when released he should live a clean life because prison life is not the best.

7.2.3 Conversation in Families

The following are some of the key issues that came out of the FGD about the five CIF sessions. The FGD involved an enquiry into issues they remembered from the CIF session and their impact on attitude and behaviour. Conversations in families were held on 25 September 2014, 24 October 2015, 6 February 2015 and 26 March 2015. Sessions 1 to 3 were completed on the first three dates, while session 4 and 5 were done on the same day because of work pressure at SCRC. Ten ex-prisoners had participated in at least one CIF session, while seven participated in all the sessions (see section 6.1.4).

When asked to mention the outstanding issues that participants recalled from the CIF sessions, the participants indicated that they remembered the following issues.

- The importance of family relationships
- Responsibilities of family members
- The expectations from each one as a parent/ child
- How offending affects family relations
- How children mirror parenting skills.

Participants were then asked to share how the CIF has assisted them (or not) to improve the way they related with their families. The following are some of the themes drawn from the responses given by participants.

Change attitudes and actions towards family members

The seven participants who attended at least one of the CIFs agreed that their perceptions of their family members had been transformed as they went through the CIF sessions. Five of these participants had attended all CIF sessions. All participants said that CIF had taught them the need to maintain right relationships with their families, demonstrated through their attitudes and actions towards them. The following are some of representative quotes:

There is a lot I learnt from these meetings, my favourite talk was that day when we discussed that our families deserve our best... It dawned on me that I should not embarrass them, especially being from a Christian family. I have come to realise that they all need me, I need them all and I have to be good to all of them... (Bold)

...It is from the conversation in families where I came to realise how important my family is. When I realised that I had wronged them, I swallowed my pride and apologised... But I don't like it when they make me feel stupid and start calling me names. I wish they could learn these things ... (Trust)

I like the message that was written on the T- shirt you were wearing one of those days, Zakhe. "Peace begins with me" I have made that my motto. I get home greet my beautiful wife and smile at my children. I now try to buy them the little goodies I find on my way home from here. I make it a point that I buy things like bread and sour milk for the children at least every day. Dad's thing (beer) is now for weekends... (Builder)

Relationships with children

During the CIF sessions, it was observed that most parents did not have time to socialise with their children. Most participants said they were always busy with other life issues. Another issue, although not stated directly, is the observation by Wallies and Tundoar (2008: 13) and Towes (2006), that most prisoners lose a sense of closeness with their families during their incarceration. When discussing this issue during one of the CIF sessions, one participant said that each time he asked his children about their needs they indicated that they did not need anything. This participant was divorced by his wife while he was still in prison; hence it is possible his children were bitter towards him. In fact, all male participants married new wives after release from prison (see 7.4.3). The implication of this is that their older children went with their mothers and they were struggling to accept their fathers, who had become strangers. Nonetheless, one parent said that he was encouraged by the sessions to take time to play with his children.

I liked the games we played each time we met... I always thought playing was for mothers and their children but now we all play, yesterday we played Mbuzi Mbuzi Mehhehehe (a Ndebele traditional)...it was fun. During the games, I taught my children the lessons behind the games as you always did Zakhe. I told them divided we fall and united we stand. Yes, I want my children to stand as a team; even when I die, I want them to remain united (Builder).

Sharing lessons learnt to family members

When asked if participants had shared with their families what they had learnt, three of the participants said that they had done so, while all said they had been able to demonstrate

what they had been learning. One participant spoke of how the sessions had influenced the way he had been performing his role as a father. He had two children when he was still a teenager, and he had never seen them and had never communicated with them. He had been telling himself that he would never look for them, but he believed they would look for him, just as much as he had sought his own father and found him. He indicated that he had now started to seek the whereabouts of his children. The impact is seen in the change of attitude, change of action and even the words they spoke. It was amazing to listen to the terminology used by the participants during the evaluation, which had greatly changed compared to the language used during some of the intervention.

7.2.4 Family Conference

Twelve participants composed of ex-prisoners and their families attended family conferencing on the 7th of August 2015. Successful integration of prisoners into communities after release from prison reduces reoffending creates potential for improving ex-prisoners' health and social lives, their families and the community they return to (Kinner & Williams 2006: 2). Similarly, studies by Aitken et al (2012); Walker and Hayisha (2007: 23) and Bazemore and Umbreit (2001) have shown that FC creates positive impact in the lives of prisoners. Seven of the participants were ex-prisoners who had at least participated in one of the interventions. The other five were family members of five ex-prisoners. One of these five was a relative of an ex-offender who had attended most programmes, but was absent because he had to attend to urgent family business on the day. The relatives of three of the ex-prisoners present did not attend as they stay out of Bulawayo. The meeting was held for five hours, and was followed by liquid soap making training. I conducted this because the majority of the participants were dependent on income from SCRC and the soap project would help them to earn money independently.

Forgiveness

"I thought I had done enough through serving my sentence". This was the most repeated statement by ex-prisoners during the FC evaluations. The bottom line was that the FC helped the participants to realise that serving a prison term was not enough. Most participants had taken for granted the fact that their offending behaviour was more than breaking state laws (Harris 2013: 11; Towes 2006; Zehr 2002), but had affected their

relationships with their victims as well as families. The FC aimed at the restoration of relationships between the offender and their families by creating a platform for forgiveness. As Misztal (2011: 39) has said, forgiveness tries to repair relationships, helps in the recovery from trauma and contributes to the total well-being of individuals. Apology and acceptance can break the circle of pain and affliction (Dzur 2008: 283).

Each participant was given a chance to draw their river of life, as they had done earlier in the programme. Each participant was requested to share their story in everyone's presence and the audience could ask questions for clarification. Emotions were evoked during the sharing of stories as family members heard new things about their relatives. Some family members had some of their life time questions answered during the presentations. After the presentation and discussion of ROLs, I asked each pair—ex-prisoner and their family members—to share publicly their feelings and reactions. In addition, provoking questions were asked which were intended to build peace between offenders and their families. For all the seven offenders, feelings of remorse were shown and expressed in various ways. For some there was change in tone and speech, some through tears and some through calmness and composure. On the other hand, words suggesting forgiveness were uttered. Vezubuhle (Promise's aunt) forgave him and Promise did the same to his aunt, who asked for forgiveness on behalf of the family, saying they had failed him. Wade et al (2005: 137) suggest two approaches to forgiveness; a psychological approach and a reconciliatory approach. These two forms of forgiveness were seen at play between Promise and his aunt. The impact of this was shared by Promise during the FGD:

...Since I came back home, I have always felt I was a misfit...but that day, eish, I felt as if I'm new, straight from the box. I felt as if I had never done wrong...but my aunt's husband seems not to believe in me. I don't know why...I will prove him wrong...I'm prepared to face all of them (the rest of the family) and tell them that I have changed... Seeing my aunt apologising to me and taking my apology is tough, I tell you what, from that day I understood her better, she is now my pillar of strength ...I wished all my aunts were here...

The participants indicated that FC helped them learn from each other's life situations. There were some whose relatives were absent; who said that they now realised that crime caused a lot of harm to family members, who were treated badly by neighbours and the police, and rejected by other family members because of the offence. Family members talked about the

embarrassment they faced, the fear they felt thinking the victims might seek revenge and the money they lost as they tried to pay bribes so the offenders could get shorter jail terms.

Bold said:

From our life situations, we could tell that for some of us to be alive, was because of God. We should not abuse his mercy. We should not put ourselves to this...Lets mark that day as a new beginning...I got an inspiration on that day, from the verses by the pastor from I Peter 4:15 If you suffer, it should not be as a murderer or thief or any other kind of criminal nor even as meddler (NIV).

Promise added:

For me the truth is, I was encouraged to soldier on, I thought I was the only one with a difficult family; it was encouraging to here that other family members are like my family. Honestly. I got to keep doing the right thing, even if you are called names on daily bases.

Furthermore, some participants indicated that the day helped them to realise that there was a need for the restoration of relationships because of the harm done to family relationships when wrong things were done. Trust confessed that the sharing by his aunt made him realise the negative implications of his actions on the well-being of his family.

Trust said that some family members felt that:

I have to be punished and be banished from home, because my deeds do not reflect our family values, but others want me to stay. As I say, my aunt and her husband are not in good books because of my staying with them...

Emotions were high when stories were being shared during the FC and two of the elderly women present wept bitterly when they were sharing their life stories, which is what often happens during FCs (Harris 2013; Walker & Hayisha 2007; Jenkins 2006). That on its own was a crucial moment that made the participants realise the extent of pain and damage caused by their crimes. Referring to the FC, Promise expressed his remorse saying, "That day haaa, yah, *ezomntomdala aziweli phansi* (tears for an elderly person are not in vain), mmmmmh...I don't know..." (Said with tears in his eyes and he said nothing more after this).

Some felt that the FC had provided them with a platform to iron-out things with their families and to live lives free from condemnation. Clearly, some participants felt that some of their family members held grudges against them and that there was a lot that needed to be fixed with their family members. Some indicated that they would make an effort to resolve their issues, while some indicated that they would ask for help from the SCRC

management and myself if need be. One conversation between an offender and his relative is outlined below, showing the desire of a relative to see his loved one put his house in order.

JB, Mr S' nephew said to him:

I 'm glad to be here, I had always wanted to tell my uncles how I hate their crooked life, but I'm glad that today he made a public declaration, that he is not going to go that route anymore. I will take your message to the elders...we have a lot of calamities in the family, who knows? it could be that the spirits are angry...especially from this Shona guy that you killed, twelve mysterious deaths since the incident and you know that well , have you thought of apologising to them? You put us in this mess. ...I' m sure sisi Zakhe can help us as well on what needs to be done, there is also a pastor present, I can talk to the family elders...

Mr S responded:

Honestly speaking, I had not thought that it is necessary to seek forgiveness. But as you speak my nephew and, the entire discussion we have been having, it is making me think about this. Yah, who knows all the calamities, could be due to that. I have to do something and will come to you SCRC.

The conversation between Mr S and his nephew brought highlighted the phenomenon of the *Ngozi* spirit in the Shona culture (Ladley 1982). The family of a murdered individual is said to invoke the spirit of the deceased to exert vengeance on the family of the murderer. Family members of the offender die mysteriously within a short space of time and this will only stop if they pay restitution as set out by the family of the deceased. I hope that the FC was the beginning of the process of engaging their victims or their families. This discussion revealed that the obligation to put things right was not only felt by Mr S, two other participants revealed that they too wished to meet their victims and apologise, unfortunately their victims are in South Africa.

The last part of the evaluation required participants to indicate the session which was the most helpful to them and would recommend for other ex-prisoners to attend. All participants suggested that the AVP session on nonviolent conflict resolution was most beneficial. The participants indicated that they wished their relatives to participate in AVP Basic, especially the violence and nonviolence sessions, so that they too would know how to address conflict constructively.

7.3 Evaluation by family members

The evaluation of the outcome of these interventions was done in an FGD with six participants, representing four ex-prisoners on 27 July 2015 at the SCRC premises. The session was guided by a set of four key questions (see section 7). The responses from the family members indicated that there had been signs of transformation reflected by attitudes, behaviour and language of some of the ex-prisoners. Below are some of the responses from family members:

My brother has changed in a way that is clear to all, even you as SCRC, I know you all know that. The young man was violent, he could just provoke a fight anywhere with anyone, but these days mhhhhhhh, he has calmed down. He used to fight with his wife almost daily...every weekend we were always in trouble with them fighting...but now the wife is the one who is on the extreme and he is always patient with her...

However, the road is not always smooth; the participant who was being referred to at this point had just gone missing. It was rumoured that he was on the run after stealing his roommate's money after his employer had cut his salary. They also claimed that the stock in the poultry project he was working on was not balancing. 'Think-things was about to finish his term at SCRC, but SCRC faced financial problems and their programme had to stop for a while. He then got a job at a local church where he looked after chickens. Similarly, his mother declared:

...how I wish he could have remained here, he was now at 50%...he could support his children back home, each time I visited him at his house he could finance my trip...most of you will testify, he used to sell chicken cuts (before working at the church) and he would not spend the money on beer, but he would buy meaningful things...I don't know what got into him, he had demonstrated many signs of righteousness and gave us hope. Oh how I wish Mr. Derks (*the SCRC director*) had kept him a bit longer ...

In addition to these comments on Think-things, some participants reported that they were able to control their temper. Alert, is the one of whom it was said, was now able to control his temper (see section 7.2.2).

... I have had him saying 'they wanted to provoke me, but I have been able to beat them with nonviolence'...when you talk to him, what he used to call rubbish (he could not tolerate rubbish), I have realised this one thing, he just goes away...he used to be furious all the time, but I tell you he softens up at times...(Thembisa)

The views about Alert seem by and large to be a reflection of his 'new' character, as this was also pointed out to during the advisory group meeting. It was also said that he now avoided places where people gathered to watch fights, whereas in the past, he used to be the one fuelling fights. A drastic change had been observed in Alert's life and he himself attested to this:

...Even if someone came and provoked me with a broom stick, I can now control myself. I don't give such a person attention. I move on with my own business ...one day I will tell them everything...

Another 'success story' was Builder who, according to his sister, had gained a better understanding of family harmony and this had been seen by the way he treated his wife and children. In the words of his sister:

...Two months back, he had a problem with his wife...he called me and told me about it. Usually, he had nothing beyond his reach (he was a master of all problems). His wife was about to leave him over a 'small house' (extra marital affair). We talked about it at length, helping him realise that extra marital affairs are destroying his family...for one once I knocked sense into his head and he always makes reference to the talk...he apologised to his wife, which was unlike him and vowed to change...since that day I haven't witnessed any problems in their marriage...

Not all family members were positive about the possibility of change.

...I can't say much, but some of these people you can't change, ZPCS could not change them through its punitive means, they have been turned into concrete. Once a thief always a thief!

These words were said by a friend—who had accompanied a family member (They live in the same community with the ex-prisoner and his family). He was of the view that we are wasting our efforts on ex-prisoners, who were meant to have been transformed by the prison system. But the rest of the group felt there were signs of change in their relatives.

Participants were asked about other trainings that could be relevant to ex-prisoners or family members. All participants agreed that their family members had to be trained in other self-help projects so that they could fend for their families, given that it was difficult for them to be formally employed because of their criminal records. One participant suggested that SCRC should lobby for the obliteration of criminal records from the relevant

systems. One worrying issue raised, was that participants could not be granted vending permits, by the city council, because of their criminal records.

7.4 Evaluation by the advisory group

The advisory group played an outstanding role towards the success of this research (see section 6.1.1). The group met five times to help with the planning, monitoring and evaluation. Some of these group members had a unique opportunity to interact with each other and observe ex-prisoners during their vocational work in carpentry, sewing and gardening. Below is a presentation of the evaluation of the outcome carried out by the advisory group of the interventions we made.

7.4.1 River of Life stories

The summary of the meetings of the advisory group was presented in figure (6.1). For the initial evaluation meetings, an analysis of the participants' stories was done to familiarise the group with the ex-prisoners' circumstances and identifying their needs and expectations. An analysis of the stories involved a comparison of the stories shared during the ROLs and the stories as per the SCRC records.

A general observation was that the sharing of life stories brought participants together, as they realised that they had common experiences and a common goal of being transformed.

These group members commented as follows:

There are signs of a huge change in the lives of some of these people. You listen to their talk after that day, they have nothing to hide...they rebuke each other openly. Some of them have been able to warn us about some of their colleagues' bad behaviour. I remember before Big Boy went back, they came and talked about it, but it was too late (Mkhoyi).

There is a lot of change before training, when you spoke; they used to search for loop holes, which they could use against you. Their attitudes towards the talk were just not right; they were sensitive to what you said. Looking for what was not said and accused us on that (Gracious).

For real, changes are there, you can see that one was here in a number line, but now he has moved from 3 to 5, yes that is a huge change. With time that change will get to 10, as long as you keep giving them these good guidelines they should pull well (Derks).

Furthermore, it was said that participants could be heard joking about prison life in an unusual way. You could hear words like “...hey you, don’t even go there, we don’t want to come and see you through a small window...the first day we will bring chips, but as time goes on we will bring nothing, later we stop coming at all!” (Mkhoyi)

An analysis of the life stories revealed that four of the stories were in line with the stories known to SCRC management. These were Bold, Mr S, Promise and Gracious’ stories. During the ROLs, Think-things had generalised his imprisonment story and referred to four incarcerations instead of six. Three other participants (Trust, Adorable and Connect) chose not to share their stories, as did Prosperous; who did not share the bit about her imprisonment, when sharing her story. The advisory group thought there could have been grave issues pushing these participants not to share their ROLs stories. Those who had shared their stories were said to be committed to their activities, while those who did not were said to be lagging behind in most programmes. A person like Adorable said, “My parents failed to control me, so how can a stranger like you manage?” Prosperous was thought to be struggling to share her story because it was still fresh, as it happened in 2012 and had just been released from prison in March 2014 through the presidential pardon (see section 1.1). The analysis of the ROLs helped the advisory group to identify the types of crimes committed and factors that placed ex-prisons at risk and could promote recidivism.

Some of the River of life stories in pictures



Crimes committed by the participants

Crimes were classified as, premeditated and unintentional crimes. Three of the participants were jailed for fraud, two for armed robberies, one for rape, two for house breaking, two for muggings and theft and one had numerous crimes which including murder, while one committed a ritual murder. Below is a table giving us a summary of crimes committed by participants of this study.

Table 7.4 shows types of crimes committed by participants

Crimes committed	Number of participants who committed such
Fraud	3
Armed robbery	2
Rape	1
Housebreaking and robbery	4
Murder	2

ROLs revealed that, out of the twelve offenders, only five had been jailed once (see table 6.4). Most of the participants were released between 2011 and March 2014. We observed that crimes committed by repeat offenders were burglary and robbery, which we classified under premeditated crimes. Reference is made to responses given by Bold and Alert, respectively, during a discussion on causes of offending in one of the sessions.

...Some people will be trying to make up for the time lost during imprisonment...it is tempting when you see that most of your friends have advanced in life ...you will then opt for faster ways of catching up with them.

...That will be the only means of making money they know...life is hard in this country...none can employ us, because of our criminal records...not even the government, which claims to be rehabilitating us. It does not trust its own rehabilitation system.

From the above statements, the group learnt that at times, criminals condone their offending behaviour because of the economic conditions currently being experienced in the country. As a matter of fact, seven of the participants shared that they had been jailed for crimes that involved some form of robbery, six of them, more than once and for similar crimes.

Factors contributing to offending

An analysis of ROLs gave us an opportunity to identify factors that contribute to offending.

Peer pressure

Two participants were clear in saying that they adopted offending behaviour due to peer influence.

It was what I could describe as a joyful moment (years of doing criminal activities)...It was expensive, all sorts of expensive stuff (alcohol and drugs) I lacked nothing...I did not drink (use) cheap stuff... (Promise)

In the same vein, Bold said:

...We could treat ourselves in expensive places for fun after each “achievement” and we could spend almost all the money there, as you know money can buy you all the goodies you need including ladies...

Economic deficiencies

The findings revealed that most of the cash gained from crime was spent recklessly on activities such as clubbing, drinking and buying superfluous items. However, in contrast, three participants said they robbed to fend for their families because they did not have any other means of earning a living. Two outstanding questions arise: is there any truth behind this explanation and is robbery justifiable under any circumstances? Economic deficiencies have been recognised as a major factor contributing to offending in Africa (McAree 2011). Two of the participants had held senior positions in finance departments of two separate companies. They (separately) abused their accounting skills to divert funds from their companies and used the funds for their own purposes. One had worked for one of the best companies during the pre-independence days, but was not content with what he earned. The other justified his fraud by saying that the company did not pay him enough. However, most participants who resorted to offending did not have jobs and had no alternative plans to make ends meet. So, both haves and haves-not are capable of offending to further their economic interests.

As for the re-offenders, the advisory group deduced the following contributing factors:

Stigmatisation

Out of the twelve participants, seven had been subject to recidivism. The underlying question was; what are some of the factors that put offenders at risk of reoffending? This question was asked during the FGD with ex-prisoners. The bottom line was that ex-prisoners suffered stigmatisation from family, communities they live in and the police. In some instances, family members shunned and ostracised them, resulting in the ex-prisoners associating with bad company.

I remember my cousin, who was an ex-prisoner, did not like being corrected, so he disappeared from home. In a day's time the police informed us that he had been caught committing a crime with his friends...this is also the tendency with street kids, most of them run away from home because they don't want to be corrected, but we always take them back home and they will get to this place before you ...but I know one day it will dawn on them (Ncube).

Learning crime in Prison

The advisory group felt that those imprisoned for the first time, for an accidental crime like involuntary manslaughter in a car accident, might be attracted by hardened criminals' stories of how to make a quick buck. Once released, they might be tempted to try the tricks learnt in prison. Stan (2001) observed that one goes to prison as an undergraduate in crime and comes out a post-graduate. The implication is that prison might not be effective in rehabilitating offenders.

7.4.2 Alternative to Violence

The issues of conflict, violence and team work seem to have stood out for most participants. Some of the key responses that reflected that participants were motivated to change in various ways included:

- I now have a better view of myself and others around me
- I now know that everyone deserves respect
- For the first time, I had someone listen to me
- I have to listen to others and I have to put my concerns clearly
- I was encouraged to affirm good things and I can do that now
- I now know that team work produces better results
- Violence is never right
- None is born violent, it's about the choices we make

The discussions with the advisory team indicated that these were not just words, but were demonstrated by some participants in their day to day work at SCRC. They confirmed that the programme had helped some ex-prisoners to improve their personal skills. Mkhoyi observed that:

There used to be a lot of squabbles at work...there were clear divisions and tensions among the groups, but now they have lessened, people are able to tolerate each other...the language they use to correct each other is much better now, they used to belittle each other, but signs of respect are now seen here and there...

The results were mixed however; some were not reflecting any lessons learnt from the AVP. It was also observed that for some, lessons learnt during AVP workshops were practiced during the first days, but with time seemed to have ceased. For some, lessons remained a talk of the day while they differed in practice. Mkhoyi put it this way:

AVP had helpful lessons for these guys...but as the parable of the sower goes, for the two young boys ('Connect' and 'Adorable'), one could hardly tell if they heard anything, their stand was never clear, they were never moved but others were keen on practising and talking about concepts learnt during AVP, but with time they forgot about them, while for the others like Prosperous, Bold and Alert they are coping. You can even tell from the language they use...

In addition, it was said that AVP has instilled in some, self-confidence and they were now able to share their testimonies in public. It was said that Bold and Mr S took the public by storm at one of the city churches as they told their life stories and encouraged believers not to do anything which could land them in their situations.

7.4.3 Conversation In Families

An evaluation of the outcomes of CIF, of the ten participants who participated in at least one or more sessions, was done by the advisory group. The expected outcome of CIF was to see participants developing an interest in their families, which would be reflected by taking responsibility and accountability for them. Below are some of the issues that unfolded.

Family unity is negatively affected by imprisonment

The CIF discussions revealed that the family fabric is negatively affected by an offence and the imprisonment of the offender. There are two categories of family members who could be negatively affected by an offence, the wife and children of the offender, and on the other hand, the offender's extended family. These family members are affected differently yet equally by the offence, just as in death. The family members feel the loss equally, as others lose a father and others lose a son to prison. The roles and responsibilities played by the offender are left unattended, yet lives for the dependents go on and there has to be a way of fulfilling those roles.

The advisory team noted that nine of the ex-prisoners were married prior to imprisonment. All of these were divorced during imprisonment for one reason or the other. Some reasons cited in the discussion included fear of stigmatisation and the fact that the spouses were not

patient enough to wait for their release, so they remarried. The other reason was the mobility of people; some ex-prisoners found their wives having relocated. Two of the participants received summons of divorce while still in prison (these two made reference to this during the ROLs as well as the CIF). The rest of the participants did not have any warning in connection with their divorces, but they found their spouses gone. This was confirmed by the fact that all married males who participated in this study, were staying with wives they married after their release from prison.

Think-things and Trust confessed that they began new lives after imprisonment and initially did not follow up on the whereabouts of their children after release from prison. A positive outcome of CIF was that Think-things informed Mkhoyi that the programme had helped him to sort out things with the mother of his children; he could now visit his children. And Trust resolved that he would go and search for his two children, so that he would be there for them as a father (see session 7.2.3).

Some participants were encouraged to fend for their family

Two participants were said to have sought ways of making extra cash other than through SCRC, so as to meet their family needs. Think-things started a business of buying chickens and packing them into smaller packets for resale. Builder was taking his plumbing job seriously, evidenced by his savings and purchase of new plumbing equipment. Promise indicated that he was now leading in the running of the family bakery business.

7.4.4 Family conferencing

The advisory group meeting was briefed by Mkhoyi and me on the proceedings of the FC, since some of the members were not available as they had other commitments. The CF was seen as a success, because five of the twelve ex-convicts had their families attending. In addition, the discussions were fruitful as remorse was shown by some participants, in line with Braithwaite's (2002) view that re-integrative shaming in a public place is one effective ways of reducing reoffending (see section 3.3.2). For one ex-offender, the aunt confessed that the family did wrong and asked for forgiveness from the ex-prisoner, which was granted in public during the FC (session 7.2.4).

Advisory group member, Derks who was away on compassionate leave following the death of his wife, said:

I was informed by Vezubuhle (Promise's aunt), that it was a glorious moment. She said that their relationship with the boy is much better now. Remember Mkhoyi, I had told you that her marriage was heading towards divorce because her husband was not willing to have Promise stay. The husband could not trust Promise, but the aunt said things are fine now and Promise has not disappointed them, which is what they feared.

Derks added that he had heard reports from different participants about that day, which suggests that the event was a turning point in most people's lives. Macebo noted that a similar strategy, where the offender makes a public confession of their crime, prevailed in most rural communities which still uphold customary law, and that this often led to behavioural change. Similarly, Mkhoyi added that there had been clear signs of repentance from most participants:

Promise has really changed, in the past he appeared as if he was hiding something, but of late he is just cheerful and he is able to express his feelings clearly...he was one of the quiet boys, but these days he talks, I was actual shocked to hear him contribute that much in one of the sessions.

In light of this, Ncube (whose work involves the rehabilitation of street children), suggested her organisation would try this method in an effort restore relationships between street children and their families. On the other hand, the advisory group was informed about Mr S who had expressed a strong desire to make things right with the family of the person he killed. It was agreed that he be given time to think through the whole issue, so that he would make an informed decision, which reflected the 'cry of his heart'.

Process evaluation by the advisory group

The evaluation so far has been about outcomes from the interventions. This section will evaluate the process of the interventions. Salkind (2010: 6) writes about AR as a methodology which involves learning for practice, learning in practice, and learning from practice. The processes of this study were modelled in a way that allowed the advisory team to learn from each other in seeking to improve the lives of ex-offenders. I hoped that those who were not part of SCRC programme might learn from the process as they did rehabilitation work elsewhere. The advisory board and I worked together to fulfil the dual purpose of enhancing the work of SCRC and the restoration of relationships between ex-

prisoners and their families. Table 7.5 presents a summary of the process by the four advisory group members present at its final meeting.

Table 7.5 Summary of the evaluation of the research process

Name of participant	Comment
Macebo	I had always shunned convicts, thinking they are bad people. I have learnt that they are not bad; they are human beings like me. They are people who did a wrong act, which by and large are influenced by issues in life. I always thought they were dangerous people. Being part of this project gave me a different perspective.
Ncube	Personally, I have been inspired to further my studies adopting AR as my research design. It's unique. We are used to those researches of just making an inquiry on an existing project. I like how we came with a plan for all this from the beginning and now it's done, it's just a unique approach. I think I will try action research with children living in the streets.
Mkhoyi	I attended most of the sessions. It was fascinating to see participants getting out of their cocoons and gaining boldness to speak about key issues in their lives. Most of them have been able to approach me and talk to me about personal issues they will have never talked about if it was not for these sessions.
Derks	I attended AVP workshops and I was thrilled by the methodology used. Most educated people are into lecture methods but that was simple and accommodative to all. Each participant was given a chance to express himself. And it instilled confidence in everyone

It can be noted from these comments that, the AR approach had a great impact on the advisory group members. One is planning to use components of AR in her own studies. Another had an improved understanding of offenders, and the implication is that her relationship with them might improve and she might share her experience with others around her. The two members of SCRC management learnt a methodology that will help them relate constructively with their subordinates. All the observations made by the four

members of the advisory group confirm the benefits of AR to the advisory group, the ex-prisoners and their families. As, Salkind (2010:5) observes, “AR is typically underpinned by ideals of social justice and an ethical commitment to improve the quality of life in particular social settings”.

7.5 What the evaluations reveal

The findings reveal that the interventions of this study yielded a positive impact in the lives of the participants. Participants gained new knowledge, they had their attitudes and behaviour influenced by the interventions. According to the SCRC management, the organisation had not had an opportunity to learn from outside facilitators. Their understanding on certain issues were enlightened, their view of themselves and others was enhanced. This was reflected by the actions of some of them and according to Babbie and Mouton (2001) and Guskey (2002: 11), these are clear signs that a programme is effective.

The idea of sharing the life stories shed light on the ex-prisoner’s life circumstances, the potential they had and the roles of SCRC management in assisting them. It was revealed that sharing of life stories was therapeutic. Participants gained a sense of identify from telling their life stories and encouraged each other towards positive change.

This study revealed that crime negatively affects the family fabric, and these relationships can be restored through programmes such as the FC. The public confession and asking for forgiveness may result in a reduced likelihood of reoffending. Additionally, the study reveals that all people are social beings who can learn both good and bad from each other. There is therefore a need to empower societies with correct teachings, which will influence their way of life and thereby promote the maintenance of right relationships. Training should not be for offenders or prisoners only, but also their families who will facilitate their reintegration into the community. This study revealed that sometimes offenders are victims of circumstances. Lushaba and Shandu (n.d: 7) wrote that prisoners often feel that “sometimes broader circumstances bigger than us contribute to the commission of crime”. Circumstances noted were, dysfunctional family structures, poor backgrounds, economic hardships, peer pressure, spiritual influences, bad choices, stigmatisation, inability to settle

conflicts non-violently, low self-esteem, and the failure to get enough support from the family support system.

It seems the Zimbabwean criminal justice system can change others for the good, while others are changed for the worse. The ZPCS is limited on the rehabilitation it can do because the system is punitive, which might fuel an element of rebellion in some individuals. The prison officers are also often corrupt, which encourages prisoners to keep committing crimes. For South-Africa, Lushaba and Shandu (n.d: 11) note that “perpetrators [who] are sent to prison to be rehabilitated often have little or no access to rehabilitative programmes”. The ZPCS has little by way of rehabilitation facilities. Those prisoners who are not in D class (those that are convicted for more than seven years) are taken to work in the fields during the mornings between 5am and 11 am and have a meal and sleep from 3pm till 5 am the next day. In the words of one participant, “those who are not in D class spend much time working on the fields, it’s not fun I tell you...you are expected to bend all the way through, say maybe for seven hours; if you stand up, you will regret it...”

The study revealed that ex-prisoners had feelings of anger toward their victims, themselves, and those who had a chance to prevent the crime from happening. This means that some need to forgive and begin a new chapter, this probably won’t happen naturally; it needs an outsider to help the individuals how to go about it. Some regretted their actions and wanted to be restored to the state they were before the crime. This indicated a desire for the restoration of their relationships, the jobs they had in the past, the personality they had in the past and even the way they used to do things. It also revealed that ex-prisoners expect support from their families, who at times do not offer this. Indeed at times they provoke them to further wrong doing. Ex-prisoners requested us to train their family members so that they would become an effective support system during their reintegration. Zehr (2008) and Towes (2008) suggest that family is key in the reintegration of offenders; consequently family members were trained at an AVP Basic workshop (see section 8).

The study revealed that participants had some concerns, especially those who were part of the SCRC. They reported, during one of the discussions, that there were conflicts, associated with roles and responsibilities given to the participants by the SCRC management. The participants felt that there was favouritism in the way roles were allocated. Furthermore,

participants complained that those who worked hard for the survival of the organisation were given less money for jobs done than those who did not work as hard. Adorable put it this way; “we put in hundred percent, others put one percent, but benefit hundred percent, while those who work hardest get one percent”. This may have contributed to the falling out of other group members like Connect, Think-things and Adorable.

7.6 Summary and Conclusion

An evaluation of this study revealed that the interventions carried out for this study were successful. Most participants, including members of the advisory groups, benefited from the process. To a certain extent, rehabilitation took place, and for some participants, relationships were restored. The interventions seemed to create a change of attitude and behaviour for some participants.

A further activity for this study was the training of the ex-prisoners’ families in an AVP Basic workshop discussed in the next chapter.

CHAPTER 8: THE SECOND ROUND OF INTERVENTIONS

8. Introduction

This chapter reports on the second round of interventions in which families of ex-offenders were trained at an AVP Basic workshop, with the aim of restoring relationships between ex-prisoners and their families. In restorative justice the hope is that family members and the offender may make things right by addressing harms caused by the offender's imprisonment (Zehr 2002: 30). What was unique about this particular training was that it was the ex-offenders who requested that their families be trained in AVP. This was in response to a question asked during CIF about which topics the ex-offenders would recommend for others to be trained in.

The suggestion underlines their realisation that their families played a pivotal role in their well-being, after their release. Ex-prisoners felt that if their relatives were trained, then they would be on the same wave length when it came to handling conflicts. They indicated that the possibility of being provoked by their relatives was high and this could lead to violence. The training was implemented after consultation with the advisory panel who in the spirit of action research accepted the request.

The training was expected to have a threefold outcome. Firstly, family members are the main source of support during the reintegrating process (Aitken et al 2012; Fergusson, et al 2003: 1). One ex-prisoner noted that most prisoners reoffend shortly after release because they fail to find a reliable support system in their new lives. Developing and maintaining good family relationships is therefore essential for reintegration. Secondly, training of family members was to prepare them for the FC, although only two family members were able to attend both sessions because of other commitments on those days. Thirdly, by beginning the transformation of attitudes and behaviour in all family members, the quality of family life was expected to improve.

Eight family members attended the AVP Basic workshop, which was held on 21st August 2015, at the SCRC premises. These family members represented five ex-offenders. The facilitation team was composed of Kevin a peacebuilding student from Durban University of

Technology and me. AVP workshops are normally two days but this particular one was done in one day due to the unavailability of participants on the second day.

8.1 Training the families of ex-offenders

Prisoners' family members are considered as indirect victims of crime (Wallis and Tudaor 2008: 13; Towes 2006; Zehr 2002). When a crime is committed, its impact is not limited to the victim of crime and the offender, but it is also felt by those close to them. Family members experience disconnection from the prisoners and may feel as if their family member (the prisoner) is dead (Harris 2013). Also, family members lose their self-esteem, become less trusting and feel less secure as they fear that the victim may seek revenge physical or through avenging spirits (see section 7.1.4). At times, they may feel guilty as they think that they should have done something to prevent the offence from happening.

During the FC, one participant narrated how they had been humiliated and had become a laughing stock in the community because of the behaviour of their relative. Another reported that they were no longer trusted by their neighbours, while another indicated that they had lost a lot of money bribing the police and the courts to prevent their relative from being sent to prison, they had also lost time attending court case.

The decision to train family members was not done only because of the request by ex-offenders, but also because of the damage caused by the offence to the family fabric. Sankaran (2001: 2252) observes that imprisonment has knock-on consequences to the prisoner's family, while Cohen (1988: 545) observes that the commission of a crime yields a trilogy effect, of monetary costs, emotional costs and risk of death. The negativities created by crime can lead to the damage of relationships, which may contribute to reoffending. As Zehr (2002: 20) has observed, damaged relationships are both a cause and effect of crime. At times family members might feel that a relative is putting them at risk because of their offending behaviour and may end up giving up on them, which may well lead to a cycle of reoffending. Family members may need to reflect on whether their own actions, or lack thereof, may have contributed to the offence. As already mentioned, during the FC, an aunt of an ex-prisoner confessed that family members failed to address factors that contributed to the offending habits of their family member (see section 7.1.4).

The other factor considered was the need to assist family members to realise that they could provide the support needed by their relative upon their release. Given that most African countries are not able to help ex-prisoners with resources to begin life after prison, family members have to help in the reintegration of released prisoners into the community; otherwise they become vulnerable to reoffending (Dankwa 2008: 83). More generally, Zehr (2005) avers that little is done by communities to reintegrate ex-offenders. Most ex-offenders experience hostility and rejection and they become the obvious suspects if a crime occurs. This makes them feel unsafe in the community and they then commit a crime just so they can go back to prison. The training of family members may help them to realise that the family can be a support system for ex-prisoners.

A crime may cause families to lose money; Mr S' story is a good example of this. He committed two serious offences, but his charges were lessened because his mother and sister bribed the courts personnel so he could get lighter sentences. I am fully convinced that the payments of bribe were not because they were supporting his evil acts; it may have been their way of expressing their connection to him.

8.2 Planning the interventions

Plans for the second round interventions were made by Kevin and me, guided by suggestions from the advisory group. Given that the workshop would be for one day instead of two, we considered the possible experiences and feelings of family members in light of the content of the AVP Basic workshop. This was in line with Tomlinson's (2007: 4) observation, that although the AVP workshop's structure, content and ethos follow a constant pattern throughout the world, different country programmes can be modified and content relevant to their situations adopted.

Topics covered included, the explanation of the origins of AVP, self-affirmation, communication, conflict, violence and nonviolence, and transforming power. The underlying ethos for this training was adopted from the AVP Basic manual (2002: E3) which states that "we believe a life lived with dignity and self-esteem, and the opportunity for self-actualisation is the birth right of every person. We believe that only when this birth right is made real, for all of us, will we have a peaceful world". The idea was to help participants

realise that they had an intrinsic value within them, which also exists in their relatives who are ex-prisoners. In addition, the hope was that these participants would come to a realisation that all human beings have this intrinsic value and therefore need to be treated with respect regardless of their actions.

8.3 The AVP workshop

Six of the participants had been part of the FGD held on the 27th of July 2015. Two of these (Famous and Dalukuthula) were also part of the FC, meaning that Famous was present in all the activities that involved the family members. An analysis of the participants' list, confirmed what is stated in the CIF manual, that family members are not limited to the parents and direct siblings, but also include the extended family and friends. Discussions with family members indicated that family members can be divided into two, the offender's wife and children, and in some instances, also his family of origin, and friends (section 7.3).

The workshop was conducted based on the standard presented in the AVP manual, already explained in section (6.1.4). Topics covered were, affirmation, communication, resolving conflicts non-violently and transforming power. Some of the outstanding issues peculiar to AVP workshop with family members of ex-prisoners are detailed below.

Affirmation exercise

Having done the expectations exercise, participants were taken through the self-affirmation exercises. Each participant was given a task to think of three good things they liked about themselves and then share these in pairs. When people recognise the goodness of the human spirit within everyone, they get to strengthen their confidence in the spirit (AVP basic manual 2002: E5). It was a struggle for some participants to share the three good things about themselves. During the reflection time, participants were asked to share their feelings and thoughts about the exercise. The following are dialogues held between participants and the facilitator in connection with the affirmation exercise, which illustrate different outcomes.

Dialogue between Zakhe and Dalukuthula:

Zakhe: Dalukuthula! What can you say about the exercise?

Dalukuthula: Ah for me the exercise was a difficult one.

Zakhe: Ok! Would you mind telling us the reason why you feel that way?

Dalukuthula: I struggled to get any good things about myself.

Zakhe: Would you mind to share the possible reason to this?

Dalukuthula: Mmmmm....It's just not there. I don't see any good in me.

Dialogue between Gorgeous and Zakhe:

Zakhe: Gorgeous, what can you say about the exercise?

Gorgeous: The exercise made me think hard.

Zakhe: Oh yeah, interesting. Would you like to say more?

Gorgeous: I think it was because I have never given myself time to focus on my good side. I always concentrate on my failures.

Zakhe: Ok. Now that you have been able to think of good things about yourself, what can you say? How does this make you feel?

Gorgeous: Well...I got quite good strength, this actually makes me feel good. In most cases we always tell others that we love them, but we hardly do that with ourselves. Actually as a person I have to spend time on the mirror and watch my 6 pack (*body structure*); I know that will make me conscious of my physic ...

The purpose of the activity is to help participants to be aware of whom they are, so they may relate with each other aware of their intrinsic value and of others also. Gillian (2001: 7) observes that when an individual is ashamed because they lack something (which could include respect and honour), that individual may commit a wrong as a way of redressing the shame. An exercise like this was meant to help participants boost their self-esteem, which in turn would influence the way they viewed themselves in light of their needs. All participants were given time to share their feelings and thoughts. Some of the participants were clearly not confident in themselves, not sure of whom they were. Some seemed to

have little interest in the exercise, reflecting an attitude that said; “Don’t ask us things, just tell us what you called us for so we can get on with our life issues”.

Communication

Having done the affirmation exercise, participants moved to the session on communication, which began with a listening exercise. Participants were arranged in pairs and were asked to discuss a goal they were working toward. The effective listening exercise was chosen because it would assist in the understanding, and resolving of conflicts. Emphasis was placed on listening intently and hearing the message beneath the words.

Hand pushing exercise

The point of this exercise was to contrast the way people normally deal with opposition with the non-violent way. This led to a discussion about how embracing those who need our support (in this case our family members who are ex-prisoners) can help change the dynamics of relationships.

Resolving conflicts non-violently

Participants were asked to share in pairs about a conflict which they had resolved non-violently and then to share this with the entire group. It was a surprise to them to realise that each one of them had at least resolved one conflict non-violently. One of the conflicts discussed had to do with how a group of pastors’ wives dealt with the cutting of their husbands’ salaries by the church. It was said the pastors had meekly consented to this but their wives felt it was unfair as it would affect their welfare negatively. They decided to force their husbands to address this issue by denying them their conjugal rights. At first the pastors resisted, however they could not resist the pressure from their wives and eventually confronted the church administration which reversed the decision. The discussion on nonviolence enabled each participant to realise that each of them had been able to use nonviolence to resolve conflict.

The discussion led to a brainstorming session on violence and nonviolence with the main focus being on the beating of children. Some participants indicated that beating children was a form of abuse, while others said that it was a disciplinary measure. Participants used words and phrases like, working together, being kind to others, loving and caring, self-control, patient, seeking counselling, *ubuntu*, discussing problems without fighting,

cooperation, having rights, and giving each other support. In general, there seemed to be recognition of the fact that nonviolence can indeed be effective when it comes to conflict resolution.

Transforming power talk

Transforming power is the core principle of AVP workshops (Bischoff 2003: 4; Tomlinson 2007: 8-9). Much emphasis was put on the transforming power talk, which was introduced to the participants using the AVP *Mandala* (see section 4.1.5). Transforming power was explained as, that power embedded within every individual, aimed at changing a violent situation into a nonviolent one. One participant likened this transforming power to how one should behave when being threatened by vicious dogs. If your main feeling is fear, the dog will attack; but if one does not show fear, the dog will be confused and back off. The idea behind the talk was that each participant has an ability within themselves to deal with opponents in a calm and composed manner. It was said that the tone people use and the way they talk determines the response from opponents. A verse from Proverbs 15: 1 in the bible was shared, it says “A gentle answer turns away wrath but a harsh word stirs up anger (NIV). It was emphasised that all people have the transforming power and are capable of exercising it. Participants were told that they could see the transforming power at work, if they left no room for violence as a conflict handling strategy.

The discussion on the AVP *Mandala* was about assisting participants know how to choose nonviolence over violence when faced with the dilemma of a violent situation. Participants were urged to remember the concept of *Ubuntu*, which is embedded within every individual, whether they behave well or not. The concept of Ubuntu was said to be the key ingredient in upholding the principles of the transforming power *Mandala*, which include:

- Think before we react
- To expect the best from everyone
- To have respect for ourselves
- To care for others
- To ask for a nonviolent solution (AVP Basic manual 2002: E54)

Having done all the activities of the day as per our plan, participants were given a chance to affirm each other through signing cards and writing positive things about each participant and the facilitators. This emphasised the importance of developing a culture of affirming

those around us, which may boost their self-esteem and influence the way they conduct themselves around others.

8.4 Evaluation

Evaluation was done during an FGD held with family members who had taken part in the AVP basic workshop and the FC. In addition, participants completed a conflict management style form before AVP training and during the FGD. It is important to note that the earlier evaluation done with the ex-prisoners' families was to evaluate the interventions done with ex-prisoners. The first FGD session with family members (FGD-1) was done prior to the FC in order to prepare the family members for the FC. Since at the time, the idea of training family members had not yet been suggested; this FGD session was also evaluated.

The broad questions that guided the evaluation session were as follows:

- What are the key things you remember from the FGD, FC and AVP basic workshop?
- What impact, if any, do you think these have had in your life (for example, the way you view yourself, the way you relate with others around you and your family?) It will be great as well if you could make reference to your relative who invited you for these meetings and the way you handle conflicts.

8.4.1 Evaluation of the conflict management styles

Eight participants completed the conflict management style questionnaire before the AVP basic workshop on the 21st of August 2015 and seven of these completed it again some six weeks later on the 2nd October 2015. Half of the participants chose avoidance as their preferred style in managing conflicts. This number had fallen to one six weeks later. Four chose collaboration as their preferred style.

- The results seem to suggest a change in the perception of a number of participants on how they handled conflict. They seem to have come to understand that conflicting parties have to work together in order to create a win-win outcome.

8.4.2 Evaluation by family members

A focus group with family members was held on the 2nd October 2015 with seven participants, two of whom were male and the rest female. Six of the participants had taken part in the AVP basic workshop, while seven were present for the first FGI. The FGI-2 was held for an hour at the SCRC offices.

Evaluations of FGD-1

The first FGD (FGD-1) session with family members was held with seven participants on the 27th of July 2015, to consider possible outcomes of the work carried out since July 2014 with the ex-prisoners' families (see section 7). A list of questions that guided the discussions of FGD-1 is presented below:

- We have been training your family member in a number of programmes since July last year. Have you noticed any change in their behaviour and attitude?
- Have you noticed any changes in the way they relate with you, your children and people around you?
- Have you noticed any changes in the way he values himself?
- Do you have suggestions for any other training which we could provide your relative or other members of the family?

It would have been easy for me not to do an evaluation of the FGD-1, but the words of Kairuz et al (2007) and Miller and Brewer (2002: 121) reminded me that participants learn from each other during such interactions. The following were responses given by the participants present during the FGD-1. Participants indicated that they remembered much of the discussion held during the FGD-1. They said that an understanding of issues experienced by ex-prisoners had helped them to appreciate what was happening in their relatives' lives and how they could help them. Two outstanding responses were as follows:

I remember that we spoke about the fact that our relatives are not used to making decisions on their own because of the time they spent in prison, where they were not given opportunities to make their own decisions...We have seen them make rushed ...immature and childish decisions...we need to constantly remind them that every decision one makes in life determines their today and tomorrow (Charitable).

I remember very well the discussion about having a safe environment. We said that the environment where our relatives find themselves in can stimulate offending behaviour. We said that we should not create an atmosphere, which will make them make bad decisions...What I remember the most was an example given of taking a person who used to be an alcoholic into a beer garden, even if he had long given up drinking, chances are high that he could be attracted to drinking, just by entering a beer garden (Gorgeous).

Participants realised they had a duty to help their relatives to make meaningful decisions about their lives, and not to cause them to stumble. It was understood clearly that when one commits an offence, the impact is felt by all family members, so it was the duty of all

family members to help their relatives make meaningful decisions so as to maintain the web of family relationships.

Evaluations of the Family Conference

Two of the participants Dalukuthula and Famous had attended the FC and when asked to share what they remembered from the FC, they expressed the following sentiments:

Yeah that day was tight, I'm still shocked, and the atmosphere just changed like that...there was a lot of emotions...I could not hold myself. There was this sense of being genuine from most of the guys (ex-prisoners). What touched me the most was the situation of one of the participants (*Mr S*). My cousin told me that he was hard core and you could pick that from his story line. Yeah.... seeing a hard core becoming tongue tied like that was another story. It meant a lot. Most people were able to speak their hearts out and make meaningful confessions... I wished my cousin was there I guess it would have meant a different story to us. I hope we will be given another opportunity, where he is going to be present. ..I still remember most stories and some of them I can't believe they were real life stories...But I know they are; only I never thought a person can do such (Famous).

Dalukuthula added:

I remember clearly all stories which were shared that day, especially that of my own son. We had never talked about it and I had never thought it was worth hearing, but on that day it really got me thinking. Some of those tendencies reflect our failure as his parents. As they say "*isigogo sigoqwa sisemanzi*". (An isiNdebele proverb meaning the skin can best be folded when still fresh; meaning train a child whilst they are still young). When his parents passed away, we all sympathised with him. He was allowed to do whatever he wanted...he gave up schooling, started naughty tricks and we failed to correct that till it was too late...For me this meeting was an eye opener. I never thought I was coming for such a helpful session, I thought I would be told that he had done another wrong thing here again...The story he shared about his life and all the difficulties he went through, helped me understand him better...I'm touched by how it all began, as his mother, (his mother was my sister), we failed him. We were meant to enforce discipline after the death of his mother, and help him to focus...This session gave us an idea on where to start helping him.

These two participants' memories about what happened during the FC were vivid. In as much as ex-prisoners also remembered the FC clearly, I think the FC could reinforce the power of re-integrative shaming (see section 3.4.2). Famous recalls being shocked by the honesty of the ex-prisoners, while Dalukuthula, focused on the part played by the family in causing their ex-prisoner to go astray. In both cases, the FC was a place to confess and make things right. Dalukuthula commented as follows:

... I learnt that, I have to seek forgiveness from those I wronged, so that my things will go well. At times we experience a lot of negative things in our lives and we conclude that we have been bewitched, but the truth is things won't work well for us because someone is upset by what you did some time back. The thing is, we all have to look back and put our houses in order... The session reminded me of what one pastor said. He said that if you don't forgive, the problem will be yours because you will be like a person carrying a sack of rotten potatoes and it will obviously take away your joy...

Evaluation of AVP workshops

Eight participants attended AVP workshops for family members. Of the eight who attended the workshops, six were present for this FGD-2. Participants were asked to highlight issues they remembered from the AVP basic workshop. Below are some of the issues raised:

- Violence comes in many forms. It can be verbal, physical, psychological or emotional.
- There are many options that can be used to address problems and differences other than violence.
- Patience is a virtue; one can avoid a lot of mistakes by being patient.
- Violence is not good; it should be avoided at all costs.
- They say respect is earned, but for me everyone deserves it, both old and young. All people should be respected regardless of what they do. Respect yourself first and you will be able to respect others and they will respect you too.
- I learnt about skills of living in harmony with others.
- I learnt about ways of avoiding violence.
- I learnt that the way I view myself will influence the way others view me.

An analysis of issues remembered by the participants indicates that they gained an extensive understanding of issues of violence. This was a fulfilment of their relatives' desire (see 7.1.4). Seven issues were raised and four of them are directly linked to violence. The other issue observed during this FGD-2 was the use of language, which revealed that participants learnt some things from the discussions. Participants could use phrases like, 'this is violence', 'you are starting a conflict', and "let's respect the intrinsic value in him' among other comments.

The AVP basic workshop was held with eight family members on the 21st of August 2015. It was a whole day meeting held at TCZ where SCRC's premises are. Six of the participants in FGD-2 had been part of the AVP basic training. When asked to share what they remembered from the AVP basic workshop, these were some of the comments:

I thought violence was only killing, but now I understand it involves a lot, such as denying your partner sex and using wrong words, these can make your partner bitter and he will always want to fight, at times he may refuse to meet the children's needs (Thembisa).

I learnt that to avoid dealing with a problem and keeping quiet when someone is talking to you, provokes violent behaviour from the person at the receiving end... (Smart).

The workshop taught me how to live well and better with others. I now know that everyone around me expects my best, and I'm now conscious of all this. The first thing that has been coming to my mind lately is that everyone deserves my very best (Dingulwazi).

These comments indicated that participants gained a better understanding of violence and related issues. This understanding informed how they behaved towards violence, improved their relationships with others and reminded them that they had the capacity to do this. Famous validated this by her comment that, she realised that she had strength to relate with other people regardless of how difficult they were. She said:

I noticed that I have this ability within me; I can relate with anyone around me in a polite and nice way. I have learnt to use nice language, which will make me win the people I'm talking with. I just put my words nicely and in most cases I don't face much rejection. At college there is this lady, by the administration section, everyone is complaining about her, but I have never had issues with her since I started at the National University of Science and Technology (NUST) end of August. I realise that if you are nice to someone they become nice to you. I always think about the hand wrestling we did that day, the more you put pressure, the more you get a fight back.

Charitable added:

The workshop gave me a different perspective of myself; I began to see myself as someone who is capable. I'm now conscious of who I am. Even at work, at times people look down on me because of my condition (*she is disabled*), but I know who I am. I keep doing well to prove that I am capable. I always remember that transformation starts with me. If I respect myself others will respect me, it is one thing that stood out for me from that meeting...

Participants were asked to share how the AVP basic workshops impacted them. Apart from what is mentioned above the following issues were also discussed.

Encouraged to respect themselves and others

The reference to respecting of self and others was echoed by most participants. One participant mentioned that although the issue of respecting others was talked about all the time in many platforms, the message had never got to her as it did through AVP. Another

added that the transforming power *Mandala*, became an effective tool for clearly conveying the message of respecting self and others. This is how Gorgeous said it:

I was touched very much by the transforming power teaching. I still have that diagram in my mind. I'm always conscious of it...the concepts are great. Think before you react, expect the best from others and always seek nonviolent action. Actually, I remember very well the day after the workshop I was put to a test by a colleague at college. Rightfully, I deserved to be angry because he blackmailed me. But I asked to be given a chance to explain my situation and that resolved the problem, otherwise I was going to have lots of enemies. Had it not been for this programme, I could have reacted differently...

Participants were encouraged to effective communication

Effective communication is marked by maintaining eye contact, showing interest in the speaker, being aware of what is said and what is not said (AVP Basic Manual 2002: E-37) Participants indicated that the AVP basic workshop helped them to become effective listeners who seek clarification when communication is not clear. One participant said the listening exercise was not normally her way of doing things; it taught her a different way of doing things.

... my mother has always addressed me as *umlomo ongahlawal mpukane* (literally, the one whose mouth a fly can't even sit on; meaning talkative), because I'm always talking... the listening exercise left me conscious of the fact that I lose a lot by talking too much. I need to listen to the input from other people so as to add to what I already know... (Famous)

Smart added that for her, effective communication might contribute to the reduction of conflicts, seeing that most conflicts were caused by misunderstanding. She further stated that it meant that people should not work on assumptions. She added that her problem had been that of assuming that people around her were aware of what was happening in her life. In her words:

The workshop made me realise that at times I cause trouble at home. At times I cook relish for two meals so as to save electricity and I do not inform my children. My assumption would be that my girls would be aware that the relish is for two meals, but they would eat all the meat and claim that I had not tell them...I'm now aware that I have to communicate my intentions clearly to everyone to avoid conflicts that arise because of assumptions...I have realised that this is a problem with Trust as well. At times he sleeps out and he leaves us guessing about his whereabouts. That takes away my peace. I wish I could instil in him the habit of communicating issues clearly.

AVP workshops seemed to have created a paradigm shift in the lives of the participants. To begin with, participants spoke positively about the programme. They indicated that the way that the programme was implemented was accommodative; it helped them feel comfortable as everyone was given a fair chance to express themselves. They agreed that the approach was different from most workshops where participants were expected to learn from the facilitator's experience and there was no opportunity for participants to share their own experiences.

Participants were asked if the training of their relatives had contributed toward the improvement of relations between them and their relatives who are ex-prisoners. Dingulwazi indicated that he was always facing accusations from his community who condemned him for associating with Gorgeous' family. He said that he did not know what to tell them, but the workshop had helped him to realise that Gorgeous' brothers deserved to be respected for who they are and that Gorgeous needed their support as a family (neighbour) so that he would be encouraged to live a clean life. Similarly, Dalukuthula felt that it was the duty of every family member to stand with their relative, while encouraging them to do what is right. She argued that finger pointing could result in the offender associating with law breakers.

On the same note, Thembisa said that AVP helped her realise that ex-prisoners deserve to be treated fairly given that they also are human beings who deserve to be respected for who they are. Smart indicated that ex-prisoners needed to be reminded all the times of skills of living well with others so that they hold good opinions about people, which might limit their chances of doing wrong against them. The implication of that was that it is easier to do a wrong thing against a person if relationships are bad.

8.5 Evaluation by the advisory group

An evaluation by the advisory board was held on the 9th October 2015. This meeting marked the final evaluation, and covered the scope of the whole research (some of the issues were mentioned in section 7.4). The following were issues discussed about the outcomes of the AVP basic workshop with family members. The discussion held by the advisory group was largely influenced by the results of FGD- 2. A major setback, of evaluating the AVP with ex-

prisoners, was that most of the advisory group members and I did not have any relationships with these members prior to the interventions.

The evaluations by the family members of the ex-prisoners and the advisory group indicated that social meetings have the potential of instilling meaningful values in individuals and groups. We were conscious that violence is a learnt behaviour, which can be unlearned. Social gatherings can be utilised by communities to empower people with nonviolent conflict resolution skills. The results reveal that human beings are social beings who can be socialised into any behaviour.

Results indicate that restorative justice interventions can bring about a desired change (Harris 2013; Jenkins 2006; Lushaba & Shandu n.d: 7). The interventions provided participants with the skills they needed to improve their personal relationships and the way they handled conflict. Although it was clear that in the past, participants had handled conflicts violently, I believe that the interventions made them lean towards adopting non-violence as a way of life, where violence is not an option.

8.6 Summary and Conclusion

This chapter presented the interventions and evaluations of the AVP Basic workshop held with family members of ex-prisoners. An FGD was held to evaluate all the interventions involving the families of the ex-prisoners. Seven participants were present during the evaluation. The evaluation revealed that participants remembered some of the issues discussed during the interventions. The findings revealed that outcomes included change of attitude, which influenced some perceptions and behaviour.

The next chapter will present a consolidated perspective of the findings of this study and the impact of the interventions.

PART FIVE

CHAPTER 9: SUMMARY OF THE FINDINGS AND REFLECTIONS

9. Introduction

This Chapter summarises the findings of the study which was intended to enhance SCRC's restorative justice work with ex-prisoners. Eleven separate interventions were implemented with ex-prisoners and their families using four processes namely;

- River of Life
- Alternatives to Violence Project workshops
- Conversation in Families
- Family conferences

An advisory group made up of five members met for five times during the research to plan and evaluate the interventions. The evaluations showed that restoration of relationships, self-esteem and hope, did occur for some ex-prisoners and their families. Of longer term significance was the exposure that SCRC got to restorative concepts which the organisation had not previously encountered.

9.1 Overview of the thesis

Part One had one chapter, which gave the background and the introduction to this research. Part Two included chapters, two to five, which covered literature review of the different theories underpinning this study, as well as case studies. Theories explored included conventional understanding of crime and justice; retributive justice and restorative justice. Cases studies deliberated on the effectiveness of retributive justice and restorative justice. Part three was made up of one chapter; chapter six, which detailed the research design and the methodology used in this study. Part four covered chapters seven and eight, which furnished the details of the interventions made with ex-prisoners, their families and the evaluations of the outcome of the actions implemented.

Thirty-six people were directly involved in this study, and most of them took part in a series of interventions implemented. The assumption is that this study could have directly influenced all these individuals in one way or the other. Participants included the advisory

team, research assistants (moderators of the FGD and those who organised AVP workshop logistics), core facilitators of AVP workshops, ex-prisoners and their families. Twelve ex-prisoners were involved in at least one activity implemented during the first round of interventions. Ten family members were involved in at least one action.

The first round of interventions implemented with ex-prisoners was classified under four categories, which were ROLs, AVP Basic workshops, AVP Advanced workshop, CIF and FC. ROLs were done in one day, the two AVP workshops were two days each, CIF were done in five sessions and FC was done in one day. In addition, one hour sessions of FGD were held with ex-prisoners and their family members on different days. Furthermore, a total of five planning and evaluation meetings were held with the advisory group in accordance with AR praxis.

Many AR projects involve input and direction from the participants and the ex-prisoners' recommendations that their families attend the AVP Basic workshop was taken up in the second round of interventions and was evaluated separately. The second round of interventions held with family members was attended by eight people who participated in the AVP basic workshop. The impact of the workshop was presented when evaluation of the workshop was subsequently done through FGD-2 with ex-prisoners' family members.

9.2 Discussion of the findings

The data for this study were collected throughout the interventions. Pertinent issues relevant to the research were identified throughout the implementation stages, the evaluations, and the meetings held by the advisory team.

9.2.1 Findings in connection to the research problem

The research problem of the study was to find out if restorative justice interventions with ex-prisoners could have any positive impact on the lives of ex-prisoners and their families. Zehr and Mika (1998) present a list of ten points which gives guidelines of how to determine if a programme is restorative (see section 1.2). When matching the interventions implemented during this study with the benchmark provided by Zehr and Mika, I concluded that these interventions were restorative. Moreover, the CIF programme designed by PZ has been ascertained to be restorative (Harris 2013; Aitken et al 2012; McAree 2011). This was

the case also with FC, which has been classified as a restorative model by scholars such as Walker and Hayisha (2007: 23), and Bazemore and Umbreit (2001). While Bischoff (2003) did a study proving that AVP workshops are restorative, it is important to note that all our interventions were designed to restore of ex-prisoners while at the same time seeking to restore relationships between ex-prisoners and their families.

The study revealed that crime affects family connectedness and wellness, as observed by Towes (2006: 13) that crime affects the web of family relationships and relationship could be a cause and an effect of offending. Good (2001) and Botcharova (1998) observed that the victim may become the aggressor and the abused may become the abuser if the problems associated with the offence are not addressed. The aunt of one of the ex-prisoners concurred that crime affects the wellness of the family, when she reported that her marriage was being affected by the fact that she agreed to stay with her nephew, an ex-prisoner, while her husband was against the idea. Similarly, a number of the ex-prisoners' family members referred to issues of fear, anxiety, depression, loss of time and money as experiences associated with the commission of an offence by their relatives. It is my hope that actions carried out will result in the mending relationship between ex-prisoners and their families. My proposition was that offending should not be perpetuated because of broken family relationships.

The findings of this study revealed that most offenders were not aware that crime destroys family relationships profoundly. During the FC, some ex-prisoners did not see the need to apologise to their families as they reasoned that the crime had not been committed against them. Some believed that saving a jail term blotted all consequences of the crimes committed. However, some ex-prisoners acknowledged that they were aware that their families went through a lot of misery. Some had experienced stigmatisation, fear of vengeance and lose of money. However, the FGD which was done a month after the FC revealed that ex-prisoners had learnt that crime had a negative impact on family relations.

Data also revealed that the programme had helped ex-prisoners realise their past failures and some resolved to make amends. The realisation of past mistakes was not only limited to ex-prisoners, but some family members also realised their own failures. Two participants who were family members of ex-prisoners realised that as relatives of ex-prisoners, they

had done or not done something and this had contributed to the offending behaviour of their relative. For one ex-prisoner, relatives had neglected him after the death of his father, while for another, family members had over indulged him after the death of his parents, leading to ill-discipline. What this shows is that, how one is brought up may contribute to delinquency. The strength of these restorative justice programmes was that they helped the participants to realise the factors that contributed to offending. As suggested by Jenkins (2006) and Zehr (2002), an effective restorative justice programme should address the underlying causes of crime.

It revealed the trends of crimes committed by the participants and these included fraud, armed robberies, rape, house breaking, car hijacking and murder (see Table 7. 4). Factors that contributed to their criminal activities other than background and upbringing, included peer pressure, economic difficulties, growing up in families who survived on crime, alcohol and drug abuse. The only female ex-prisoner had committed murder associated with spiritual rituals. Having her as the only female participant could be a reflection of the rate of female prisoners, who are fewer (3.8% see section 5.1.3) than their male counterparts. In addition, the nature of her crime, which was not a result of habitual offending, might suggest that it is rare for females to resort to crime to solve their problems.

Data further revealed some of the factors that contribute to reoffending. The causes of reoffending were identified as stigmatisation (Lushaba and Shandu n.d: 11), learning from seasoned criminals while in and out of prison. “The ‘education’ which prisoners receive in prison, which may encourage them in the direction of crime when they are released, is a result of many retributive aspects of the prison system” (Harris 2013: 26). Harris implies that the criminal justice system bears a negative impact on the lives of the ex-prisoners in connection with offending. Such perceptions are also embedded in most African cultures, which discourage parents from exerting excessive punishment on children as this could plant rebellion in them. Another factor that contributes to offending is the desire for “fast cash” so they could be at par with their peers not in prison.

9.2.2 Findings concerning the overall aim of the study

The overall aim of this study was to enhance the impact of SCRC’s rehabilitation and restorative justice work with former prisoners in Zimbabwe, using a restorative justice

conceptual framework. SCRC has been involved in restorative justice work with ex-prisoners since 2008 (see section 1.1 and 5.5.2). Looking at SCRC's work, the advisory group and I concluded that their restorative work was minimal during the time of the research, as more focus was put on vocational and skills training. SCRC had never done a survey of its participants to find out from their perspective, what issues needed to be dealt with. This research gave participants a chance to share issues they felt needed to be addressed in their lives. This was done in light of an isiNdebele saying, "the person experiencing discomfort is the one who knows the area of discomfort and therefore he should be given a chance to define the area". The interventions gave participants a chance to identify their past successes, failures, strengths, weaknesses and areas that needed improvement as they envisioned their future. The identification of these issues gave SCRC management guidance and direction on how to approach their work with ex-prisoners. Also the methodology employed in making inquiring about these, such as the ROLs; gave SCRC management an example of a different integrative problem solving approach. The participants felt that the approach used by management was domineering. Participants complained that the system used reminded them of prison. One participant had this to say:

I respect this AVP approach, it gave me the opportunity to express myself without feeling coerced...I hate it when I'm treated like a child who can't think. I hate it when things are dictated to us, which is a method used here at SCRC. It's boring at times it becomes like a continuation of prison life... (Alert)

Ex-prisoners indicated that SCRC programmes were at times not rehabilitative because there was favouritism shown by management and that created divisions among them. Participants also thought that SCRC seemed to have forgotten its primary objective that of restoration of relationships between ex-prisoners and their victims. They mentioned that when they first arrived they were informed that the organisation would keep in touch with their families; to help their families be a more effective support system, but that had not happened. During a meeting of the advisory group, the Director of SCRC acknowledged that they had failed in this area and indicated that the study had become a starting point for revitalising that process.

This study was able to perform re-integrative shaming on ex-prisoners, which is one of the key issues in restorative justice (Jenkins 2006; Braithwaite 2002; Pepinsky 2000). Jenkins (2006) observed that re-integrative shaming is a catalyst which helps offenders to realise

their mistakes and publicly declare the wrongs done and this enables them to ponder about wrongs done and make plans to make amends, to avoid embarrassment. Ex-prisoners were given a chance to talk about their life's experiences and issues that contributed to their offending. The findings revealed that ex-prisoners were helped by this opportunity, which gave them a chance to come to terms with their past and to find meaningful and constructive ways into the future. It is my hope that these had a positive impact on the lives of the ex-prisoners and that SCRC management learnt better ways of working with them which they will adopt in their work.

9.2.3 Findings related to the research questions

This study was guided by three research questions and the answers to each are summarised below.

What is the broad approach of Zimbabwe's criminal justice system towards offenders?

The study established that the criminal justice system used in Zimbabwe is largely retributive (Zimbabwe Human Rights NGO Forum 2012; Saka & Chiwari 2007; Penal Reform International 2002; Kaseke 1998; Ladley 1982). However, there are some elements of restorative justice in Customary Law (C.L) (Kaseke 1998; Ladley 1982). General Law (G.L) is the law that governs the police, court, and prison systems. The C.L. was restorative to a certain extent. The offender was brought to a community meeting, where he would be questioned about his crime in the presence of the victim, who would be given a chance to tell his story and discuss reparations. In cases where the offender was unable to pay restitution, alternative plans were made, such as manual work as a way of paying reparations. The idea of the offender paying compensation or doing a chore—as in today's community service schemes—was not seen as punishment, but a way of shaming the offender so as to reintegrate him back into the community. It is regrettable that such a constructive system has been predominantly replaced by a punitive system, which often leaves both the offender and the victim desiring revenge. Botcharova (1998) observes that the violated will become violent when the issues that harmed them are left untransformed.

What activities are currently being carried out by the state and civil society organisations (CSOs) to help the rehabilitation of the prisoners and how effective are these?

The study revealed that during the early years of Zimbabwe's independence ZPCS offered a range of rehabilitative programme to prisoners. The ZPCS used to offer training in various skills such as carpentry, building, sewing and gardening. Prisoners could advance their education and attain a secondary school qualification. Some could even attain tertiary and university certificates, diplomas and degrees, even though chances of getting a job post prison were few. One ex-prisoner, Gracious, mentioned that he furthered his accounting qualifications during his years in prison, although he hasn't used them as companies have been rejecting him because of his criminal record. Bold confirmed this when he said, "The Zimbabwean government does not trust the effectiveness of its criminal justice system as evidenced by the fact that the government does not want to give us jobs, they know their system is not effective". While most restorative justice proponents believe that an individual who has gone through an effective rehabilitation system has the potential to live a crime free life, the 68% rate of recidivism, demonstrates that the criminal justice system used in Zimbabwe is inadequate. On the other hand, it was noted that some offenders offend deliberately hoping not be caught.

Furthermore, it was noted that due to the economic difficulties being experienced in the country, the standard of Zimbabwean prisons has been compromised. The government has not been able to provide sufficient resources for rehabilitation. Ex-prisoners indicated that in most instances, prisoners spend much of their time in the fields where they farm maize. They said that when prisoners are released from the fields, usually around 11:00 am they would be locked up in their cells till about 4:00am to go back to the fields. It was reported that prisoners ill treat each other or teach one another 'better' criminal tricks, for most of the time they are locked up. Furthermore prisoners are usually given one meal a day just before they go to their cells. Henkeman (2002: 65) has rightly observed prison environment is not rehabilitative.

The findings of this study ascertained that there are some CSOs who complement the government's efforts to rehabilitate prisoners. These organisations, which are granted permission by the Minister of Justice, offer prisoners different services and resources. These organisations provide food, toiletries, medication, recreation and entertainment, psycho-social support, life skills training and para-legal aid to prisoners. Some organisations establish links between prisoners and their families, as they carry messages from prisoners

to their families. Sometimes they inform relatives of the whereabouts of their loved ones in cases where they may have been aware which prison they were sent to. ZACRO and Another Chance (AC) were mentioned by participants during the interventions and the evaluation sessions. Mr. S confirmed that ZACRO had helped him to think seriously about changing his behaviour, which made him decide to join SCRC programme. AC was well spoken of by most ex-prisoners, although there were no participants who had a direct link with it.

AC was effective because it creates a platform for victims to get answers to questions they have. Their work demonstrates that retributive justice is not effective when it comes to addressing obligations created by crime, restorative justice should complement it. The limitation of the AC programme is that it does not involve the victims' families, who are secondary victims of the crime.

What are the activities done by SCRC towards restorative justice and the restoration of the former prisoners and how effective are these?

A detailed discussion of the work done by SCRC is given in section (1. 1) and section (5.5.2) SCRC like ZACRO and AC seek to re-enforce government's effort of rehabilitating and reintegrating prisoners. SCRC works with ex-prisoners who have just been released from prison and assists them with a smooth reintegration into the community. The findings revealed that SCRC has been offering vocational training to the ex-prisoners. It was established that the organisation has not been able to operate at full capacity to meet its objectives of providing family conferencing and victim offender mediation. One other strength of the organisation is that it offers its participants counselling and spiritual guidance. Reference was made by most participants during the discussions to lessons learnt and practiced as a result of the counselling and spiritual guidance sessions.

It was also established during various discussions that SCRC has been unable to fulfil some of some of its mandates of working with ex-prisoners, while it sought to meet production targets. This weakness was revealed during this research when our activities were suspended for a long time because there were production targets to be met. The study also established that there were a lot of conflicts within the organisation, which have created divisions between participants and management. One of the ex-prisoners was promoted to management but his counterparts felt he had failed the organisation many time, in different

ways. They said he had given up on the organisation during its difficult financial times and returned when those who had persevered had revived it. He got promoted to be the administrator and was said to be earning a lot more than those who were doing manual task. However, during the advisory group meetings, that allegation was dismissed as it was revealed that all participants received equal financial allowances, in spite of their positions.

Using a participatory action research design, what new restorative justice initiatives could be established to enhance the work of SCRC?

This study was able to enhance SCRC's restorative work with four restorative justice initiatives, ROLS, AVP workshops, CIF and FC. The programmes were restorative in nature. Relationships among the ex-prisoners who were participants of this research were rejuvenated. During the early interventions, participants struggled to open up and share their experiences but towards the end, participants could express themselves confidently. Some were able to ask for advice concerning their situations from the group members. Restoration of relationships between some family members and their relatives who were ex-prisoners were revitalised during the FC. During the FGD with families, they spoke lovingly about their ex-offending relatives, a shift from the usual blame game. Moreover, a relationship between the advisory group and the organisation was created. Personally, I established relationships with ex-prisoners, their families and members of the advisory group. I hope to continue offering my assistance whenever these individuals need it.

The ROLs gave the participants a chance to tell their life stories, which enabled them to realise their past successes and failures, helping them to appreciate their potential. The study revealed that most participants (11 out of 12) had never in their lives been given a chance to tell their life stories openly. The ROLs helped SCRC management and all those who were part of the advisory group to identify causes that contributed to offending and reoffending.

The findings of this study revealed that participants gained new knowledge during the interventions, which influenced their attitudes, speech and behaviour, self-esteem and improved their perceptions of those around them. In some cases, family members' perspectives were positively changed, creating better family relationships. Participants were encouraged to see crime as a wrong that can never be justified under any circumstances.

Participants indicated that the programme helped them to understand what violence, and all the negatives associated with it, was.

Incorporating the families of the ex-prisoners into the study was positive because it increased the number of people researched by the programme. The implication was that the family members were able to learn from the activities they participated in. The hope was that, their involvement improved relationships and allowed for a smoother reintegration of the ex-prisoners. Furthermore, family members could become the effective support system needed to reintegrate the ex-prisoners. The self-esteem of the family members was improved, which might improve attitudes about self and the participants' behaviour.

The evaluation of AVP basic workshop with family members helped the advisory group to realise the need to have programmes with family members since they and SCRC were key in the reintegration of the ex-prisoners. In a discussion, ex-prisoners said they would appreciate it if SCRC management could visit them in their homes. The advantage of having a relationship with family members is that ex-offenders would realise that there was a joint effort to help them become better persons. Derks identified with this point:

I remember when we were attending Big Boy's court case we could not be with the family in order to give them support. We got there just in time for proceedings and that did not allow us to find out who his family members were, so we sat on our own and joined them later on. If we knew them we could have joined them from the beginning.

An analysis of the results of the evaluation by families indicated that the participants' relationships, as relatives of ex-prisoners were strengthened. To begin with, participants did not speak much, but towards the end of the sessions, they could discuss social issues as if they had had previous relations. It is possible that the programme improved their communication levels, because it is difficult for people to work well together if there are barriers to communication. This raises the possibility of a support group for families of ex-prisoners, which SCRC might want to initiate.

Some family members seem to have been encouraged to develop relationships with SCRC management. Although the family members who participated in the research were meeting the SCRC staff for the first time, relationships were created nevertheless. With time SCRC

could establish programmes that involve these families, who could become the backbone of a support group for relatives of ex-prisoners. Discussions indicated that SCRC still hopes to take its restorative justice work into prisons and this could bring families of ex-prisoners together, to support each other.

Both the family members and ex-prisoners were trained in liquid soap making, with the hope that this might help participants raise income. The project does not require much start up capital. The soap is easy to produce and it can be done by an individual and is sold at affordable prices.

9.3 Validity and reliability

It is very hard to ascertain the validity of the claim that these interventions brought about real and sustainable change in the participants. For starters, the economic environment, in which they live, is worsening with time. It is also possible that participants gave positive feedback in order to please the researcher and SCRC management.

Having said that; validity and reliability were enhanced through the use of participants' verbatim statements and listening to the language they used during their day to day communication (Bashir et al 2008: 43). Ambiguous issues were clarified with participants, thereby avoiding unfounded assumptions. In addition, as suggested by Creswell (2014: 201) and Bashir et al (2008: 43), member checking was done at the end of each session with the advisory group and the participants to check with individuals if what had been captured reflected what they had said.

Triangulation methodology was utilised to validate the findings. Different sources were used to collect data. Data were collected during all the research activities. In addition, there was a trend of connectedness within the results. The results of the advisory group meetings and the evaluations seemed to tally with the evaluations made by ex-prisoners and their families. Clear and practical reference of the changes achieved were referred to and confirmed with clear practical examples from the participants' lives. Family members confirmed the changes that took place in the lives of some of the ex-prisoners.

Johnson (1997) asserts that triangulations can also refer to use of other scholars' findings. The results of this study tally with those of other scholars who evaluated similar

interventions. The work of Jenkins (2006) on the Gullah restorative justice programme, Daly (2002) on use of restorative justice with juveniles, Harris (2013) and McAree (2011) on the PZ programme, Tomlinson (2007) and Phillips (2002) on the use of AVP with prisoners; seem to reveal findings similar to those of this study. The results indicated that ex-offenders who took part in such interventions ended up with improved self-esteem (Harris 2013; McAree 2011), improved interpersonal relationships (Harris 2013; Jenkins 2006), and reduction in recidivism (Daly 2002; Jenkins 2002; Phillips (2002)). However this study did not seek to prove if the interventions contributed towards recidivism.

9.4 Limitations of the study

The initial idea of this research was to do the research with prisoners, but due to the strict policies and systems in Zimbabwe, I ended up working with this group, which was already in the process of reintegration. I was convinced that there were some issues, discussed with ex-prisoners, which they would have understood differently were they still in prison. Some interventions could have created a more meaningful impact if implemented in prison than outside.

Barbie and Mouton (2001:3 48) indicate that timing is crucial when conducting research that involves evaluation. The pace of this research was influenced by SCRC management and the availability of the advisory group members and the participants. The SCRC management, which was also part of the advisory team, had a limited understanding of the nature of the AR methodologies. The research times were deferred because they needed to meet the production demands and at one point, the closure of the organisation due to financial problems. Such moves affected the research schedule, which in turn affected the completion of the research.

Having the research activities going on for fourteen months had both advantages and disadvantages. It gave participants a chance to internalise the issues discussed and gave them space to practise what they had learnt. It allowed for the increase of the levels of trust among the participants and with me. The disadvantage was that some participants ended up relocating. The FC and the final evaluation with ex-prisoners were not well attended because of the mobility of the participants. The FGD had only seven out of twelve participants. Two had relocated, while one was on the run due to a new crime committed,

while the other had gone back to prison. I was convinced that the participants who missed the evaluations and the FC may have benefited from the study and could have shared this with the group. Furthermore, the research involved a small number of participants, which was hardly a true representation of ex-prisoners in Zimbabwe. Two issues had a bearing on this; firstly, more people would have made it harder to effectively implement the activities. Secondly, most ex-prisoners especially women don't want to be known, which makes hard to locate them.

At the beginning of the research only female AVP facilitators were available. The AVP workshops with ex-prisoners were facilitated by female facilitators, while the majority of the participants (11 out of 12), were males. Having a male facilitator could have been ideal in this set up because of cultural dynamics. Some family members, who were participants of this study, did not take part in the activities designed for them. Seven out of twelve ex-prisoners had their family members involved in at least one intervention. The strength of involving their family members was that they could support each other while at the same time being influenced by the activities they took part in. I expected that the impact of the FC would go beyond the immediate participants to other family members; this would mean that the ex-prisoners' webs of relationships would have been restored. The restored relationships could act as a deterrent against crime for some participants. Working with one group of ex-prisoners, some of whom were already involved in SCRC's restorative justice programmes, constrained the research. If, for the second round of interventions, I had had access to a control group of ex-prisoners who had not been part of any restorative programme, as per the initial plan, the rigor of the research would have been enhanced. Furthermore, relationships between SCRC management and some participants were strained by past conflicts which were unresolved and this could have had a negative impact on the research. While the activities were meant to improve their attitudes and behaviour, the conflicts could have had a negative effect on the ex-prisoners' relationships.

9.5 Reflections and recommendations

What clearly stood out for me, during this study, was the fact that every individual has intrinsic value regardless of what they do or do not do. Tied to this was the fact that people are social beings who can be socialised to certain behaviour by different life situations and

experiences. My view was influenced by the UNESCO (1998) declaration that says since violence begins in the minds of men, peace can also begin in the minds of men. There is therefore a possibility that those individuals, who are said to be habituated to wrong behaviour, could change. This study revealed that human beings are capable of learning both negative and positive behaviours from those around them and that the situations they meet in life can stimulate attitudes and actions. I recommend that organisations such as SCRC should educate individuals and communities that restorative justice is an effective tool in redressing crime, as it could influence the behaviour and attitudes of habitual offenders (Braithwaite 2002; Pepinsky 2000).

Furthermore, I observed that socialisation plays a great role in the lives of individuals. The findings of this study revealed that most ex-prisoners, especially those who committed intentional crimes and were also repeat offenders, were largely influenced by the way they were socialised. Some participants grew up in homes that condone offensive behaviour and as such, did not see anything wrong in perpetuating such behaviour. The government and CSOs, such as SCRC, should come up with programmes that promote awareness of the impact of crime in the lives of individuals, families, communities and the nation at large. Also programmes that seek to improve interpersonal skills and use of nonviolent conflict resolution should be created. I recommend that government explores alternative means that would enable individuals develop an inner sense and desire for doing what is right. Having moral convictions means that individuals could assist the younger generations to develop a sense of responsibility and desire to do right. Government therefore needs to develop and implement peace education programmes, which currently do not exist in Zimbabwe. I further recommend that in order for SCRC to enhance its effectiveness; it should consider adopting the restorative justice activities and interventions used during this research, into their programme. Such an approach should create meaningful change in the lives of ex-prisoners and their families. In that regard, I have volunteered to assist with the planning and implementation of these activities should SCRC decide to take up this initiative.

This research revealed that the use of restorative justice initiatives to enhance the work of SCRC had a positive impact in the lives of the ex-prisoners and their families who took part in this study. Some participants experienced forgiveness during the study and the hope is

that this resulted in reconciliation and the transformation of conflicts. I hope that the interventions provided a mechanism for the healing of individuals hurt by the crimes committed. I also hope that SCRC will adopt this model to enhance its work even out of this research.

9.6 Conclusion

This chapter was a presentation of the findings of the study held with twelve ex-prisoners who took part in at least one of the eleven interventions implemented during this study. The training of ex-prisoners resulted in the training of ex-prisoners' families in AVP. The activities of this study were largely influenced by an advisory group of five members and me. The findings of the study were attained through focus group discussions with the participants and the evaluations done by the advisory groups.

The findings of this study revealed that crime bears a negative impact on the lives of the offenders and it affects the way they relate with their family members. It was also revealed that human beings have a capacity of doing right when they are in an environment which promotes that. In addition, the findings revealed factors that contribute towards offending and reoffending among other issues.

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APPENDIX A

Conflict Management Styles Quiz

Source: Reginald (Reg) Adkins, PhD, Elemental Truths

<http://elementaltruths.blogspot.com/2006/11/conflict-management-quiz.html>

We each have our own way of dealing with conflict. The techniques we use are based on many variables such as our basic underlying temperament, our personality, our environment and where we are in our professional career. However, by and large there are five major styles of conflict management techniques in our tool box. In order to address conflict we draw from a collaborating, competing, avoiding, harmonizing or compromising style of management. None of these strategies is superior in and of itself. How effective they are depends on the context in which they are used.

Each statement below provides a strategy for dealing with a conflict. Rate each statement on a scale of 1 to 4 indicating how likely you are to use this strategy.

1 = Rarely

2 = Sometimes

3 = Often

4 = Always

Be sure to answer the questions indicating how you would behave rather than how you think you should behave.

1. I explore issues with others so as to find solutions that meet everyone's needs. _____
2. I try to negotiate and adopt a give-and-take approach to problem situations. _____
3. I try to meet the expectations of others. _____
4. I would argue my case and insist on the merits of my point of view. _____
5. When there is a disagreement, I gather as much information as I can and keep the lines of communication open. _____
6. When I find myself in an argument, I usually say very little and try to leave as soon as possible. _____
7. I try to see conflicts from both sides. What do I need? What does the other person need? What are the issues involved? _____
8. I prefer to compromise when solving problems and just move on. _____
9. I find conflicts challenging and exhilarating; I enjoy the battle of wits that usually follows. _____
10. Being at odds with other people makes me feel uncomfortable and anxious. _____
11. I try to accommodate the wishes of my friends and family. _____
12. I can figure out what needs to be done and I am usually right. _____
13. To break deadlocks, I would meet people halfway. _____
14. I may not get what I want but it's a small price to pay for keeping the peace. _____
15. I avoid hard feelings by keeping my disagreements with others to myself. _____

How to score the Conflict Management Quiz:

As stated, the 15 statements correspond to the five conflict resolution styles. To find your most preferred style, total the points in the respective categories. The one with the highest score indicates your most commonly used strategy. The one with the lowest score indicates your least preferred strategy. However, if you are a leader who must deal with conflict on a regular basis, you may find your style to be a blend of styles.

<u>Style</u>	<u>Corresponding Statements:</u>	<u>Total:</u>
Collaborating:	1, 5, 7	_____
Competing:	4, 9, 12	_____
Avoiding:	6, 10, 15	_____
Harmonizing:	3, 11, 14	_____
Compromising:	2, 8, 13	_____

Brief Descriptions of the Five Conflict Management Styles

Collaborating Style: Problems are solved in ways in which an optimum result is provided for all involved. Both sides get what they want and negative feelings are minimized.

Pros: Creates mutual trust; maintains positive relationships; builds commitments.

Cons: Time consuming; energy consuming.

Competing Style: Authoritarian approach.

Pros: Goal oriented; quick.

Cons: May breed hostility.

Avoiding Style: The non-confrontational approach.

Pros: Does not escalate conflict; postpones difficulty.

Cons: Unaddressed problems; unresolved problems.

Harmonizing Style: Giving in to maintain relationships.

Pros: Minimizes injury when we are outmatched; relationships are maintained.

Cons: Breeds resentment; exploits the weak.

Compromising Style: The middle ground approach.

Pros: Useful in complex issues without simple solutions; all parties are equal in power.

Cons: No one is ever really satisfied; less than optimal solutions get implemented.