

Using restorative justice approaches with ex-prisoners and their families: an action research project in Zimbabwe

Ntombizakhe Moyo

Introduction

The criminal justice system worldwide largely works on a retributive foundation. An offender who is alleged to have committed a crime against a victim (typically another individual) is prosecuted by the state and, if found guilty, is subject to punishment. Two points should be noted about retributive justice: the victim is largely excluded from the process and there is an assumption that the punishment – which may involve imprisonment – will help the offender to reform. Zimbabwe's prison population (18 857 in January, 2015 [Institute for Criminal Policy Research 2016]) is very much subject to this approach.

By contrast with retributive justice, restorative justice focuses on building a sense of self-worth and personal responsibility among offenders, and often involves efforts to build or rebuild the relationship between offenders and their victims. This may occur through mediation sessions where stories can be told and heard, apologies made and forgiveness asked for and given. Restorative justice can occur within an essentially retributive justice framework, perhaps for certain types of crimes, and allows for sentencing options other than imprisonment e.g., mandatory participation in a victim-offender mediation process. It has often been argued that many of the methods used by African communities to deal with anti-social behaviours involve strong elements of restorative justice. Individuals are asked to take responsibility for their behaviour (e.g., by apologising and possibly making reparations) and the community is asked to forgive and accept the offender.

A non-technical discussion of the main tenets of restorative justice is appropriate at this point, drawing on Strang and Braithwaite (2001), Zehr (2002), Newell (2007), Johnstone (2011a; 2011b). The message of much retributive justice to prisoners is that they are bad and always will be. Prisoners deserve to be treated harshly by society because they need to pay the price for what they have done and also because this will act as a deterrent – to the individual concerned and to others - to such behaviour. Underneath is an understanding that they cannot reform and cannot recover from what they have done because, deep down, they are bad. Once an offender has been sentenced by a court, prison officers take over as society's agents of retribution and frequently use their power over prisoners to humiliate them on a day to day basis. On their release, ex-prisoners are likely to suffer further rejection from their families and communities and so naturally gravitate towards other ex-prisoners and criminal activities.

To those committed to restorative justice, such an approach is counter-productive and in fact promotes the bad behaviour it aims to deter. Restorative justice has a higher view of human nature. It separates a person's actions from his/her essential goodness and emphasises that a person can turn away from bad behaviour. It therefore sees the responsibility of the criminal justice system as being to safeguard those in its care and aiding their integration back into society. The restorative justice approach emphasises that an important reason for high rates of crime is the loss of the link between punishment and public shaming, a link which is often still strong in rural African communities. Punishment as provided by the criminal justice and prison systems reinforces a sense of badness and provides very little reason for behavioural change.

A public examination of the offender and his/her actions, on the other hand, makes it clear that certain behaviour is unacceptable to the community and that remorse, apology, reparations and a commitment to change his/her behaviour are required. Once these occur, the matter has been dealt with and there is no reason to revisit it. What is needed, therefore, is to find ways of shaming offenders, not in order to send them on a long term guilt trip or to permanently stigmatise them, but in a way which aids their reintegration into the community.

This chapter focusses on the outcomes of interventions made with 12 ex-prisoners associated with the Second Chance Rehabilitation Trust (SCRC) in Bulawayo, which provides vocational skills training to assist the reintegration of ex-prisoners.

The research action project

Seven of the ex-prisoners had spent more than one time in prison. In terms of the most recent crimes, three had been jailed for fraud, two for armed robbery, one for rape, two for housebreaking, two for robbing people on the streets and two for murder. All spoke of their prison experience as having been extremely harsh and violent. The horrors of this experience has acted as a major deterrent for them to engage in crime now that they are released but this was counter-balanced by the desperate economic situation which the ex-prisoners found themselves in and the consequent temptation to re-engage in crime to meet their needs..

They reported that there was virtually no rehabilitation work in prisons. Depending on the length of their sentence, prisoners are taken to work in the fields between 5am and 11 am, have a meal and then rest between 3pm and 5 am the next morning. In the words of one participant, ‘... 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 ...’.

On release, they enter a very difficult socio-economic environment. Nine of the 12 had been married prior to imprisonment but all these marriages had ended while they were in prison and their children were now in the care of their ex-wife and her family; six had subsequently remarried. Zimbabwe’s unemployment rates are extremely high, in addition to which there is stigma and active discrimination against ex-prisoners who cannot, for example, even get a licence to be a street vendor in Bulawayo. Police harassment of ex-prisoners was reported as being common and often involved demands for money.

The fact that these prisoners had joined SCRC and also agreed to engage in the interventions suggests that they were serious about their rehabilitation. An underlying assumption of the research was that the families of prisoners are indirect victims of their imprisonment, particularly

as a result of stigma and increased economic hardship. Together with high levels of conflict between ex-prisoners and their families, these mean that the relationship between ex-prisoners and their families is typically very strained; improving this relationship is critical to their successful re-integration. Lushaba (2012) and Harris (2014) have discussed the restorative justice work of Phoenix Zululand, a South African NGO working with current prisoners and their families. The Conversations in Families and the Family Conference utilised Phoenix Zululand material.

Four different interventions were made which translated into eleven meetings of varying lengths over 12 months, ending in early August 2014. The meetings were classified under River of Life stories (ROLs), Alternatives to Violence Project (AVP) basic and advanced workshops, Conversations in Families (CIF) and a Family Conference. These meetings are summarised in Table x.1.

x.1. Summary of activities and the expected outcomes

Activity	Intended outcome	Frequency and duration
River of Life storytelling	Identifying where the participants were in life and their experiences, needs, and expectations	One four hour session
AVP workshops (basic and advanced)	Equipping participants with nonviolent conflict handling skills and developing interpersonal/communication skills	Two two-day workshops
Conversations in families	Creating a realisation of the need to restore/build family relationships and the ways this might happen	Five one to two-hour sessions
Family conference	Restore family relationships by creating a platform where ex-offenders tell their stories to family members; where family members tell ex-prisoners about the consequences of their actions; and where apologies	One half-day session

	can be offered and forgiveness granted	
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in order to assess the outcome of the interventions, separate focus groups for ex-prisoners and their families were held at the end of the 12 month period. In addition, over the course of the year, five meetings were held with the advisory board, where plans for and evaluations of interventions were carried out. For reasons of space, only the results for ex-prisoners are reported here. The following questions were asked during the focus group with seven ex-prisoners held on 21 August, 2015.

- What are the key things you remember from the ROL, AVP, CIF and FC?
- .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 members, the way you handle conflicts)?
- Given a chance to recommend just one of these programs to be used to train other ex-prisoners, which one will you recommend? Why?

Evaluating the outcomes

River of Life storytelling

In the first of the interventions, participants were given a chance to share their life stories, where their lives likened to a flowing river. It is generally understood that personal and communal telling and re-telling of stories play critical roles in conflict resolution, trauma recovery and restorative justice (Zehr 2008: 5) and Lushaba and Shandu (2012) point to the therapeutic effects of storytelling among South African prisoners. Two of the stories shared concerned murder and their tellers were emotional while narrating the incidents, although they seemed cheerful afterwards.

In all cases, quotations represent generally-held opinions among the ex-prisoners. Prisoners remembered each other’s stories very clearly and found it comforting that others were on a

similar path to themselves. The common themes were peace of mind, learning the importance of having good friends and avoiding alcohol and drugs.

Most participants agreed with Promise who said that he experienced peace of the mind as a result of sharing his life story:

I have never experienced peace of mind and peace of the heart in a long time; that day began a new chapter, especially for my life here in SCRC. ... I was fairly new here and 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 still is.

Related comments were that 'hearing stories shared by others made me feel at home, seeing that I have people who understand me, people who are like minded with me, people who desire to do things right' and 'the ROLs helped me to develop trust with some people here... I'm free now to discuss issues with some people here.'

Choice of the right kind of friends was mentioned a number of times:

...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... But 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 doing fast cash and we started car hijacking...

While these two had stable living situations before their move into crime, others came from family backgrounds where crime was the norm and where children did not go to school or receive any skills training.

Most participants alluded to the fact that they had been involved in heavy drinking and drug use at the time they committed crimes. Moreover, their gains from crime had not gone into anything meaningful but into more drink and drugs. One participant spoke of how he got his drinking under control and has been able to buy the equipment to establish himself as a plumber.

Overall, there were very clear memories of each other's stories a year later and the lessons learned continued to have currency in the lives of the participants.

AVP workshops (basic and advanced)

Ten participants participated in the AVP workshops and seven took part in both. The main themes which emerged were an understanding of what violence means, anger management, development of skills in handling conflict and improved inter-personal relationships,

The participants said that they gained knowledge about ways of handling conflict and preventing violence. They came to realise that some things which they thought were OK are in fact violent:

... As a traditional man, I did not know that beating wives was violence, I have always thought I was doing the right thing ... I have been thinking largely about this thing and I really had to realise that, our elders were right when they said *induku kayakhi umunzi* (an Ndebele saying literally meaning you will never establish a meaningful home through beating those you are building with) ... Now, I work on *okwonakele ngomlomo kulungiswa yiwo futhi* (if someone wrongs you use words to fix it).

Several participants reported that the AVP sessions helped them with anger management skills.

I get angry easily, which comes from the way I was treated as a child. When someone wrongs me to the extent that I feel the kind of feeling I felt then, I end up hitting 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 ...

Another said that previously a day could not pass without him fighting someone (indeed, he asked the other participants the last time they saw him fighting and they attested that it has been a long while). Another said that '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 nit-grits'.

All seven participants indicated that the training helped them to adopt new strategies of dealing with conflicts. One spoke of a changed attitude towards corporal punishment:

I used to beat my children each time they do wrong, but as for now I no longer, we now talk like men ... it's amazing they just got to do right things on their own ... that has

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

This is not to say that all participants fully understand the concept of nonviolence. One told the following account about a 'nonviolent' intervention on his part:

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

All participants reported improved inter-personal relationships. Much reference was made to the AVP principles of treating everyone with respect. Representative quotes are as presented below:

When we were doing the name game, I named myself 'Promise' ... Now there is something you did not know - this 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 tensions we used to have at home. Everyone thought I was lazy and stubborn. I hated that and it made me a bitter person ...

I learnt that everyone deserves my respect no matter who they are ... even if they don't do well towards me or anyone, they have to be respected Even my little child deserves to be respected by me ... since the day I learned this, I have this thought deep within me.

... I love expressing my heart out [and] I could just argue for the sake of arguing. But because of this course of AVP, 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 ...

At first I thought these sessions were not practical. One day my wife was yelling at the top of her voice, I just 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 regarding the discussion. We settled the problem ...

Participants suggested that their family members also needed to be trained in AVP practices and a basic workshop was subsequently provided.

Conversations in Families

Ten ex-prisoners had participated in at least one CIF session, while seven participated in all five sessions. Participants were asked to share whether and if so how CIF has assisted them (or not) to improve the way they relate with their family members. There was some merging of AVP and CIF sessions in the minds of some participants. It is important to note that the marriages of all of

the ex-prisoners broke up while they were in prison and all had subsequently re-married. Their reference to their families very largely refers to their new families.

All participants said that CIF had enabled them to realise that they needed to build right relationships with their family members, demonstrated through their attitudes and actions towards them. The following are some representative quotes:

My favourite talk [during Conversations in Families] was that day when we discussed that our families deserve our best ... It dawned in 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 ...

... It is from the Conversation in Families that I came to realize how important my family is. When I realize that I have wronged them, I swallow my pride and apologised ... But I don't like it when they make me feel stupid and start calling me by names. I wish they could also learn these things.

I liked the message that was written in your T- shirt you [Zakhe] were wearing one of the days - *Peace begins with me*. I have made that to be my motto. I get home, greet my beautiful wife and smile to 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 ...

Family conference

Seven ex-prisoners and five family members attended a family conference (FC) as the final intervention. The format included discussions in family groups but also presentations and discussions involving the whole group. This lasted five hours, and was followed by training in liquid soap making, in the hope of helping the participants to earn a living. The aim of the FC was to provide an opportunity for ex-prisoners to deal with the indirect victims of imprisonment – their families.

'I thought I had done enough through serving my sentence' was a common statement by ex-prisoners in their evaluations of the family conference, but the FC helped them to realise that while a prison term met the requirements of the state, it did not necessarily deal with the victims. The FC was aimed at restoration of relationships between the offender and their family members by creating a platform for apology and forgiveness.

Each participant was given the chance to draw his or her River of Life, as they had done at the very start of the interventions, and to share his or her story to the whole group. Then the family members spoke about the difficulties they faced as a result of the offence. There was recognition of the harm caused by offence to family members, who were often treated poorly by neighbours and the police and conflicts other relatives, who felt that the offender should be permanently banished from the family. They also spoke of the embarrassment they incurred, the fear that victims might come for revenge and the money they lost in paying bribes to get a shorter jail sentence. Emotions were evoked as family members and ex-prisoners heard new things about each other. I then asked each ex-prisoner and their family members to share, publicly, the feelings they have about each other.

All seven offenders showed remorse and words of forgiveness were uttered, in line with Braithwaite's (2002) concept of reintegrative shaming. In one instance, the aunt of an ex-prisoner asked for forgiveness, on behalf of the family, for 'failing him', as she expressed it. The ex-prisoner's reflection on this was as follows:

Since I came back home, I have always felt as a misfit but that day, eish, I felt as if I'm new straight from the box. I felt as if I have 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 apologizing to me and taking my apology was tough. I tell you what from that day I understood her better; she is now my pillar of strength ...

The participants spoke again of the learning they gained from each other's life stories:

For me it, 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 have to keep doing the right thing, even if you are called names on a daily basis.

The nephew of one ex-prisoner spoke of the calamities which had befallen the family as a consequence of the offence:

... 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 spirits are angry ... especially for this Shona guy that you

killed, twelve mysterious deaths since after the incident ... have you thought of apologizing to them?

This perhaps connects with what Ladley (1982) identifies as the *Ngozi* spirit among Shona people, where the family of the killed person manipulates spirits to bring revenge on the killer and his family; paying reparations to the victim's family is a way of preventing this. Two other participants indicated that they wished to see their victims in order to apologise and apologize but that their victims are in South Africa.

Evaluation by family members and the advisory group

Evaluations were carried out with family members and the advisory group at the end of the year. For reasons of space, these are only summarised here but the full versions are in Moyo (2016, ch. 7).

The response from family members were mixed. Some saw signs of transformation in attitudes, behaviour and language of their ex-prisoner and some reported now being able to reason with them:

...Two months back, he had a problem with his wife ... he called me and told me about it. [This was very unusual]. Usually, he was a master of all problems. His wife was about to leave him over an extra marital affair [of his]. We talked about it at length, helping him realise that issues of extra marital affairs are destructive to his family ... for one time I knocked sense into his head and he always makes reference to the talk ... he apologized to his wife, which was unlike him and vowed to change ... since that day I haven't witnessed any problems in their marriage ...

My brother has changed in a way that is clear to all ... The young man was violent, he could just provoke a fight anywhere with anyone, but these days he has gone low. He used to fight with the 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 second participant referred to above had just days before gone missing. It was rumoured that he was on the run after stealing money from his roommate. And some were pessimistic about the possibility of change: '... I can't say much, but

some of these people you can't change, ZPS [Zimbabwe Prison Service] could not change them though its punitive means, they have been turned into concrete. Once a thief, always a thief!

Several members of the advisory group were staff members of SCRC and so had the opportunity to interact with and observe ex-prisoners during their manual work, as well as during and after the interventions. This allowed some verification of whether the truth was being told and whether words were converted into action. They noticed changes in the lives of some ex-prisoners: 'There is a reflection 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 ...'. 'Before training when you speak they used to search for loopholes which they could use against you. Not now ...'. Interactions between the ex-prisoners had improved:

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

Again, the results were mixed and the advisory group also noted a tendency for positive changes in some participants to fade away over time.

Summary and conclusion

The participants gained a sense of identity from devising and sharing their life stories. The public confession and asking for forgiveness in the family conference seemed very genuine and may well reduce the likelihood of reoffending. Interventions need to be offered not only to offenders but also to their families, who will facilitate their reintegration into the community.

I am in no doubt that there was a significant change in a number of the participants over the year, shown in changes of attitude, changes of action and even the words they speak. 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 the earlier intervention sessions. But this was by no means true for all ex-prisoners; some started to change but have seemingly given up.

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