RESTORATIVE JUSTICE ALTERNATIVE TO THE TRADITIONAL CRIMINAL JUSTICE SYSTEM IN NIGERIA

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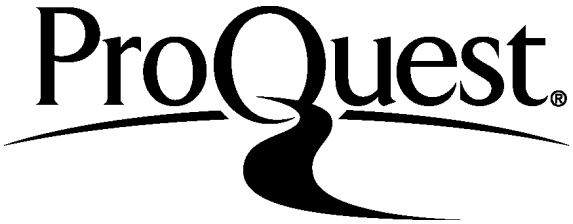

Abstract

In the face of insufficient resources to address the demand for its services, the criminal justice system in Nigeria is under pressure. The result is a lack of perceived justice, with long delays and crime victims believing they have not gained justice or sufficient recompense. This study assessed Nigerian criminal justice professionals' beliefs that restorative justice, which incorporates the concept of social control and reintegrative shaming, would be a viable alternative to the criminal justice system in Nigeria. The research considers the fundamental understanding of "restorative justice" including the philosophical arguments in support of and/ or against restorative justice model worldwide. Consideration was also given to the evaluation of the historical development and evolution of this concept and the fundamental principles that have led to its popularity in recent times. The theoretical justifications for restorative justice initiative are highlighted. The study also examined the participants' beliefs that restorative justice may reduce reoffending. Three hundred Nigerian police, lawyers/judges, and prison officials, all actively working in the Nigerian criminal justice system, completed the Eysenck Personality Questionnaire. The results indicated an overall level of acceptance for restorative justice among lawyers, judges, and police officers, and overall belief that restorative justice could help to reduce reoffending rates. The results were not equal across the three different groups of professionals, with a divergence seen among prison officials, who were unlikely to accept restorative justice and did not believe it would reduce reoffending. All in all, the findings of this study demonstrate that the Nigerian respondents are generally positive of restorative justice because its values, principles and philosophy are seen to be congruous with their restorative culture and traditions.

Dedication

This work is dedicated to the glory of God the Father, God the Son, and God the Holy Spirit. It is also dedicated to my lovely wife, Onyinyechi, who supported me in all aspect during this academic journey and my beautiful children, Chidera and Chiazokam, for their distractions and believing in me. It is also dedicated to the family of Engr. Sly Oguh who has been a great source of motivation and inspiration. To my siblings: Ann, Chinedu, Nkiru, Ugonne, Ogueji, Nnayata, Onyekachi, and Ugochukwu as well as my cousins Ifeanyi, Amobi, and Ugonna, I appreciate you all. Finally, this thesis is dedicated to my father, who taught me that the best kind of knowledge to have is that which is learned for its own sake, and my mother, who taught me that even the largest task can be accomplished if it is done one step at a time.

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CHAPTER 1. INTRODUCTION

Introduction to the Problem

The criminal justice system in Nigeria is overburdened, and commentators have noted its inability to effectively deliver justice (Amnesty International, 2008; Onimajesin, 2009). Those who implement justice must determine a viable way to adapt or complement the system in order to increase efficiency and restore and improve the sense of equity associated with the justice system. The criminal justice system in Nigeria encompasses the basic elements of English law, which does not inherently incorporate restorative justice principles (Onimajesin, 2009; Onyekwere, 2013). The current system has evolved as a result of its colonial history, and despite its established nature within the country, it continues to struggle to deal with the demands it is expected to satisfy (Onyekwere, 2013). The system is struggling with long delays due to insufficient capacity, including the presence of pretrial detentions that exceed the sentences that would be imposed if the defendants were found guilty (Onyekwere, 2013).

The difficulties in Nigeria within the justice system are exacerbated by ethnic fragmentation and violence, which has resulted in increased crime rates, resulting in pressure on the justice system and an opportunity cost associated with the political disruptions (Onimajesin, 2006, 2009). Thus, the combined effect of an overburdened system and rising levels of crime is a justice system that has lost the trust of those who rely on it. This creates a negative cycle, as the victims of crime fail to gain satisfaction

from the system, which also fails to provide recompense for injuries suffered, or reconciliation (Bourne, 2013; Onimajesin, 2009).

The strains on the justice system also have facilitated an increased level of corruption (Onimajesin, 2009). The presence of corruption creates another negative cycle, which results in barriers to equity, and further reduces the trust that citizens have in the justice system (Onimajesin, 2006, 2009). The problems are recognized by different bodies. Amnesty International (2008) issued a report on the inequity of the Nigerian justice system, and, more recently, Ayorinde and Company (2014) stated, "[The] Nigerian criminal justice system is not only dysfunctional; it is also outdated and absolutely not fit for purpose" (para. 2).

In other African nations, one approach that has provided some success is the adoption of restorative justice models, which may be integrated with, or incorporated, in customary law (B. Hart & Saed, 2010). This has been seen as successful in Somaliland as well as South Africa and Ethiopia (Edossa, Awulachew, Namara, & DasGupa, 2007; B. Hart & Saed, 2010; Skelton, 2007; Skelton & Batley, 2006; Stout, 2002). In Nigeria indications are that restorative justice may gain acceptance, as seen where used in conflict resolutions of the Ibo-speaking peoples of eastern Nigeria (Elechi, 1999; Igbokwe, 1998; Uwazie, 2000).

Therefore, there is the need to examine whether restorative justice is a viable alternative to the traditional criminal justice system in Nigeria via the opinion of criminal justice professionals who work with those who are impacted: the accused, the victims, and the offenders (Akintimoye, 2012; Ayorinde & Company, 2014; Ishu-Josef, 2014;

Omale, 2011; Onimajesin, 2006, 2009). This is an area where there is a lack of research, and that which has been undertaken is primarily undertaken to assess existing process that have been adopted rather than taking a more proactive approach to assess models before implementation

Background to the Study

The justice system in Nigeria is overstretched and the numerous ethnic groups with different cultural background in Nigeria are increasing the pressure (Amnesty International, 2008; Ishu-Josef, 2014). A significant influence in this ongoing cycle is the sense of injustice told by many who have suffered due to the perceived result of the incapability of the justice system and government insufficient recompense for injuries suffered or reconciliation (Bourne, 2013; Omale, 2011; Onimajesin, 2009) and failure to prosecute criminals (Onimajesin, 2009). If solutions are not found to instill a more effective justice system, the current negative cycles will likely continue (Asaduzzaman, 2014). For any justice system to be effective, and for individuals to trust that system, it is essential that they have a perception of the ability to gain justice (Bourne, 2013; Burke, 2012; Raphael, 2003). Moreover, the problems associated with a lack of justice appear to be manifesting at a local issue and an institutional level. The Nigerian Human Rights Violence Investigations Commission of 1999 (The Oputa Panel) was ignored regarding compensations and reparations to the victims (Ajayi, 2001).

There is a widespread awareness of the problems associated with the criminal justice system in Nigeria, a situation that has resulted in several of the Northern states seeking to find alternate legal systems, such as the adoption/re-adoption of Shari'ah law

(Badamasiuy & Okene, 2011; Yagudu, 2003). Shari'ah law is an Islamic law, based on the religious texts and their interpretation by Islamic scholars (Badamasiuy & Okene, 2011). The faith basis of Sha'ria law gives it credibility that is needed for any justice system to operate and be accepted (Burke, 2012). In this context, Sha'ria law may be perceived as a traditional source of law (Badamasiuy & Okene, 2011). Many decades ago, Andersen (1959) recognized that for any legal system to successfully operate in Nigeria, it should have the support of the majority of Nigerians. The problems indicate that despite attempts at other types of customary law, there appears to be no widely accepted solution to the failure of the country's justice system (Strang, 2002; Tyler & Huo, 2002).

Statement of Problem

Nigeria's criminal justice system is based on English law because of its colonial past and common law, which has been evolving since Nigeria achieved independence (Onimajesin, 2009). Theorists indicate that restorative justice may have the potential to replace the traditional criminal justice system in Nigeria as well as help reduce the lack of perceived equity in the country; those best placed to assess its potential are the criminal justice professionals who work with those who are involved and impacted (Asaduzzaman; 2014; Miers et al., 2001). The criminal justice system in Nigeria is struggling to cope with the demands on it; reports indicate that the system is overburdened, and in many instances it is unable to provide the perception of justice for the victims (Onyekwere, 2013). The overburdening is seen with the delays prior to trial, and many instances of pre-trial detention exceeding the sentence that would be imposed

if the accused were found guilty a position, which is inequitable and unacceptable to Nigerians (Onyekwere, 2013).

The situation is exacerbated by the political fragmentation, which has led to unrest, violence, and a high crime rates (Onimajesin, 2009). The level of crime is also exacerbated by the feeling of dissatisfaction in terms of justice being received and a lack of sufficient reconciliation or recompense for injustices suffered by different stakeholders, including the victims (Bourne, 2013; Onimajesin, 2009). With dissatisfaction at the actual or expected outcome, a cycle of violence continues, with further conflict being undertaken as retaliation (Jacob, 2012; Villarreal, 2012). The level of potential corruption and bias in the judiciary also appears to create some increased distrust and creates a barrier to equity (Onimajesin, 2006, 2009). The need for a perception of justice or recompense from the perspective of the victim of crime appears to be more than simply a local issue; it is lacking at an institutional level. The recommendations of the Nigerian Human Rights Violence Investigations Commission of 1999 (the Oputa Panel) regarding compensations and reparations to the victims continue to be ignored (Ajayi, 2013).

Nigerians are aware of the current criminal justice system flaws (Yadudu, 2003). This is demonstrated in several Northern states that have sought to improve the situation with the introduction of an alternate legal system, adopting, or readopting, Sharia law (Badamasiuy & Okene, 2011; Yadudu, 2003). However, the implementation of these alternatives has not been successful, as participants remain dissatisfied with the fairness of the process (Badamasiuy & Okene, 2011; Yadudu, 2003). Furthermore, as a secular

legal system, it is a potential source of further fragmentation and has never gained full support across all of Nigeria (Badamasiuy & Okene, 2011).

As has been noted for decades (Andersen, 1959), the majority of stakeholders in Nigeria must find a justice system that is acceptable and fair. Although Andersen was writing in a different time, the issues faced remain broadly similar. Therefore, the knowledge of this problem, accompanied by knowledge of solutions that have been tried but do not work, indicates that a new and different approach is needed (Stang, 2002; Tyler & Huo 2002).

A successful approach used in other African nations, for example Somaliland, with similar problems as Nigeria,has been based on customary law incorporating elements of restorative justice (B. Hart & Saed, 2010). Restorative justice has been implemented as alternative to the Western criminal justice system in South Africa (Skelton, 2007; Skelton & Batley, 2006; Stout, 2002), Ethiopia (Edossa et al., 2007), Libya, and Tunisia (The United States Institute of Peace [USIP], 2013). Furthermore, even in Nigeria, evidence suggests using a restorative justice approach may be beneficial for increasing the perception of equity and fairness; it has been seen with the use of the conflict resolution process indigenous to Ibo-speaking peoples of eastern Nigeria (Igbokwe, 1998; Uwazie, 2000). Thus, there is the need to find out whether restorative justice is a viable alternative to the traditional criminal justice system in Nigeria via the opinion of criminal justice professionals who work with those who are impacted (Asaduzzaman, 2014).

The model of restorative justice is worthy of research due to the successes it has already provided in other areas (Edossa et al., 2007; Stout, 2002). The use of customary law as a tool of conflict resolution has been well accepted and has produced good results in Somaliland (B. Hart & Saed, 2010). In Nigeria itself, the Afikpo people have shown that customary law where the victim and not the perpetrator is the focus of the system has yielded effective results (Elechi, 2013). The problem of dealing with the outcomes of the conflict is found in the criminal justice system, placing the criminal justice professionals in a strong position since they are in direct contact with many of the issues and influences, to assess the potential of restorative justice, especially from a practical perspective (Miers et al., 2001). For example, the criminal justice professionals within the justice system may be best placed to assess if restorative justice should be practiced with social control and reintegrative shaming rather than stigmatic shaming (Stang, 2002), and the way in which restitution may be practiced (Omale, 2011).

The need for actions and the lack of current success are motivation for this study. Secondly, due to the efficacy of restorative justice paradigm in conflict resolution, many countries are looking within their existing cultures and finding models and traditions that can be adopted or adapted to suit a culturally sensitive conflict resolution and reconciliation process (Ugorji, 2012; Van Ness & Strong, 2013). However, this knowledge and practice, or its potential benefits to crime and conflict prevention and social reconciliation, have not been researched in Nigeria. This study may fill this gap as it will be the first and original study on restorative justice as an alternate model for the criminal justice system in Nigeria.

The past successes of restorative justice have been well documented (Allais, 2011; B.Hart & Saed, 2010). The return to customary law incorporating elements of restorative justice has been documented as successful in some African regions (Oko, 2001). The use of traditional practices facilitates consideration of divergent cultural issues, and provided a process that was accepted by those involved (Oko, 2001).

It has been hypothesized that restorative justice could provide a viable alternative to or complement existing legal systems, especially in areas where there are stretched resources and divergent cultures (Asaduzzaman, 2014). To determine if adopting restorative justice in Nigeria may be beneficial, a study was needed to assess the potential allowing for the divergent influences present in Nigerian society (Lieberman, 2007). While much social research seeks to make generalizations for the development of policies in a specific environment, it is necessary to assess a potential outcome with reference to that outcome rather than simply drawing on generalizations or past case studies with differing variables; if relevant variables are not considered, any resulting evaluation may be flawed (Babbie, 2011). Thus, this study was an exploratory correlational predictive research with multiple logistic regression analysis. There exists a high degree of precedent for the use of a correlational predictive research model with multiple logistic regression analysis, especially in cases such as this study, where social attitudes and psychological personality features are being measured in diverse populations (Feldt, 2010, p. 235). Correlational predictive research possesses a high degree of validity and reliability and is highly effective at the particular task of maximiz[ing] predictive power while minimizing the number of covariates in the model (Sarkar, 2010). To assess this

problem, it was necessary to use quantitative instruments to measure the degree of receptivity this group possesses as a way of determining whether or not restorative justice will truly represent a long-term viable strategy as an alternative model to the current criminal justice system in Nigeria.

Purpose of the Study

The purpose of the study was to assess the potential of restorative justice as a system that may provide benefits if implemented in Nigeria as an alternative to the existing criminal justice system. The idea was supported by literature (Asaduzzaman, 2014; Wallis, 2013), but was designed to identify an efficacious solution to help improve the legal system in Nigeria (Lieberman, 2007).

Above all, in Nigeria at the time of this research the traditional sentiment of dispute reconciliation had been neglected in the criminal justice system (Omale, 2009). Most of the time, arrest and interrogation create enmity and malice among participants because in Nigeria, once a policeman is involved in any case, the social relationship between the complainant and the accused is broken (Omale, 2009). This is reinforced by the adversary system of trial, which is adopted for the most part of the criminal proceedings. The situation is further compounded by the delay in the adjudication of cases and victims' frustration (Omale, 2011). The penal system emphasizes the punishment of the offender, rather than the concern for reconciliation and providing remedy to the victim. As such, judicial matters should no longer be left at the mercy of the criminal justice system but should be seen from the African traditional tripartite approach of justice for the victim, the offender, and the community (Omale, 2011).

Rationale

It is uncertain whether restorative justice would be the best alternative to criminal justice system in Nigeria by stakeholders in the system via the opinion of criminal justice professionals. This is because, in Nigeria, no study has been advanced before to ascertain this option. This research was carried out on the assumption that restorative justice would be a viable means of increasing the perceptions of equity (Aina, 2010, p. 55; Albecht, 2010, p. 3). Restorative justice has been successful as an alternative to Western criminal justice system elsewhere in African countries. This has been seen as successful in Somaliland as well as South Africa and Ethiopia (Edossa et al., 2007; B. Hart & Saed, 2010; Skelton, 2007; Skelton & Batley, 2006; Stout, 2002), Libya and Tunisia (The United States Institute of Peace [USIP)], 2013). These African nations had similar cultural and ethnic problems with Nigeria, yet based on customary law incorporating elements of restorative justice; they were able to surmount the problems (Edossa et al., 2007; B. Hart & Saed, 2010; Stout, 2002).

Research Questions

RQ1: To what extent would restorative justice be acceptable to criminal justice professionals as an alternative to the current criminal justice system in Nigeria?

Hypothesis 1: Restorative justice will be acceptable as an alternative for the existing criminal justice system in Nigeria by Nigerian criminal justice system professionals.

Null hypothesis 1: Restorative justice will not be acceptable as an alternative for the existing criminal justice system in Nigeria by Nigerian criminal justice system professionals.

RQ2: In the opinion of criminal justice professionals, to what extent would the use of restorative justice in Nigeria help to reduce increase criminal behaviors and the subsequent violence associated with those behaviors?

Hypothesis 2: Nigerian criminal justice professionals will demonstrate a receptive attitude towards the use of restorative justice in Nigeria, believing it creates an improved positive attitude towards criminal justice (compared to the current situation) and reduce the subsequent criminal behavior.

Null Hypothesis 2: Nigerian criminal justice professionals will demonstrate a non-receptive attitude towards integrating restorative justice into protocol believing it will not result in any improvements of attitude and will not result in any decrease in criminal behavior.

Significance of the Study

Restorative justice is rapidly emerging as a popular alternative to Western models of punitive justice (Presser, 2006). However, to simply impose restorative justice upon a population is not possible; it is necessary for the population to have a receptive attitude that ensures the cooperation that is necessary to drive restorative justice (Ashworth, 2002). The role of cultural acceptance in successful restorative justice implementations is well-established in a number of studies, as it facilities increased potential success as the process is embedded in traditional values (Dzur & Olson, 2004, p. 91, Erikkson 2008, p.

231; Martin & Elliott 2009, p. 47; White, 2000, p. 55). Much of the appeal of restorative justice lies in its capacity to resolve disputes among victims and oppressors and create ways in which social progress can be achieved without obstructive punitive measures (Presser, 2006, 2007; Williams, 2008). The study highlights the theoretical justifications for restorative justice as an alternative to the current criminal justice system in Nigeria.

If restorative justice is really a compelling possibility in Nigeria, it would provide an unprecedented opportunity to demonstrate a paradigm that has the potential to overcome entrenched frustrations and resentful attitudes (Abramson, 2003). As such, this research has the potential to impact the field of restorative justice by providing an empirically justified groundwork upon which to implement restorative justice principles on a large scale in an ideal society such as Nigeria.

Furthermore, the knowledge of Nigerian and Afro-centric knowledge in this study will be of paramount importance to international communities and criminal justice practitioners (Ashworth, 2002). These practitioners are often invited to participate in dispute resolution processes, and as such, the psychology and mentality of these individuals may interest anyone with a stake in whether disputes are resolved and reform is pursued (Jenkins, 2006). Jenkins (2006) showed how philosophical precepts held by those in positions in Africa exert a powerful influence upon their actual policy decisions in regards to "cosmology" (African worldview of conflict, crime, and reconciliation), "ontology" (African nature and conception of persons), "axiology" (African values of restoration), and "epistemology" (source of knowledge for Africans).

Definition of Terms

The terms below are defined in the context of the current study.

Criminal justice professionals: Professionals who work in the criminal justice system: police officers (junior/senior); judiciary (judges, magistrates, public prosecutors, and lawyers), and prison officers (junior/senior) who are Nigerians and/or have legal rights to work in these professions in Nigeria without regard to gender, age, religion, and ethnicity.

Ethnicity: A social phenomenon associated with interaction among members of different ethnic groups.

Ethnic group: Social formations distinguished by the communal boundaries. The relevant communal factor may be language, culture, or both.

Equity: A term used to embody the concept of fairness found in natural law (Martin & Law, 2013). In law, equity is the principles that supplement law which is applied in different scenarios to ensure there is a fair outcome (Gifis, 2008). Principles of equity include evenhandedness and impartiality, the recognition and respects of personal rights, and ownership rights (Gifis, 2008; Martin & Law, 2013).

Penal code: This is a document that contains all, or a significant amount of, a particular jurisdiction's criminal law. The penal code contains offenses recognized in the jurisdiction, penalties that might be imposed for the offenses, and some general provisions, such as definitions and prohibitions on retroactive prosecution.

Restorative justice: An approach toward justice that is based in crime being seen as a form of conflict, and justice being based on conflict resolution (Umbreit, Vos, &

Coates, 2005; Wenzel, Okimoto, Feather, & Platow, 2008). The process places the victim, or the victim's family, and the criminal, at the center of the process, bringing the two sides together to find a resolution that is likely to include a fitting punishment and some type of restitution (Stang et al., 2006; Tshehla, 2004). Restorative justice is found as an element in many types of traditional law, especially in Africa (Elechi, 2013; 1999; B. Hart & Saed, 2010).

Shari'ah law: Sha'ria law may be perceived as a traditional source of Islamic law, based on the religious texts and their interpretation by Islamic scholars.

Traditional law: Traditional law refers to the legal processes that are customary in an area, often remaining unmodified (Martin & Law, 2013). The law is based on custom and embodies local social values and norms (Gifis, 2008). Traditional law in areas such as Africa and the Middle East, is often overseen by community elders, and frequently incorporates elements of restorative justice (Martin & Law, 2013; Stang et al., 2006; Tshehla, 2004).

Victims of crime: The United Nations General Assembly (1985) defined victims as follows:

> Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss of substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power…. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended,

> prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. (Annex section, paras. 1-2)

Assumptions and Limitations

Theoretical Assumption

The theoretical assumption of this research project is that restorative justice would be a viable alternative to criminal justice in Nigeria, an idea supported by Elechi (1999, 2013). This assumption was based on a broad review of literature related to restorative justice and successful implementation of such attempts in other African countries with similar problems and culture with Nigeria as in Somaliland (B. Hart & Saed, 2010), South Africa (Skelton & Batley, 2006; Skelton, 2007; Stout, 2002), Ethiopia (Edossa et al., 2007), Libya and Tunisia (USIP, 2013). Past studies have taken place in the context of traditional law rather than an isolated and unconnected concept of restorative justice, so the research may have been influenced or biased by local ideas and values (Edossa et al., 2007; Elechi, 2013; Gromet & Darley, 2006). Although this limitation may have had an effect on the current study, the concepts have been used in highly divergent cultural environments (Gehm, 1990; Gromet & Darley, 2006; Hampton, 1992).

Topical Assumption

The topical assumption was that a model demonstrating that a cultural willingness to embrace restorative justice in Nigeria could be effectively integrated into

local policy (Elechi, 2013). Also assumed was that "those who will be involved in the process will find it acceptable, an assumption which may not be correct" (Elechi, 2003, p. 9). Nigeria is made up not of a single natural community, but of many different tribes and communities with different traditions and practices (Elechi, 2013). The different communities have divergent practices, with some similarities and many differences in terms of practice (Edossa et al., 2007; Elechi, 2013; Gromet & Darley, 2006).

Past models of justice did not produce the desired results, such as an embrace of militancy, and policies derived from the theoretical framework of environmental justice (George, 2012a, 2012b). Restorative justice in particular seems a viable concept for Nigeria because of the system's distinctly non-Western roots and its adoption in other African communities to great success (Aidelokhai 2011; Wenzel et al., 2008). This research addressed participants' attitudes, which is perceived to be the primary determinant of the likely adoption of restorative justice in Nigeria (Asaduzzaman, 2014). Most of the opposition to restorative justice in Nigeria stems directly from the multicultural challenge of having to appease the interests of so many diverse groups (Aina, 2010; Albrecht, 2010; Booker, 2010; Lyubansky & Barter, 2011). Ultimately, establishing official policies, that foster a kind of community reconciliation would reach past these obstacles and deliver true results through restorative justice (Androff, 2012).

Methodological Assumption

The methodological assumption was that the axiological approach to research is valid. The axiological approach operates on the assumption that cultural biases and roles can be effectively quantitatively analyzed through precise instrument usage, and that this

can generate viable insights of relevance to the social sciences (Teddlie & Tashakkori, 2009). The instruments used for this study were expected to deliver insights about the likely cultural acceptance of restorative justice among Nigerian criminal justice professionals (Teddlie & Tashakkori, 2009).

Limitations

There are certain weaknesses inherent in this exploratory research design. The nature of exploratory research is limited. Rather than examining cause-and-effect relationships or underlying practical, it is often undertaken early in the development of an issue of a phenomenon to increase understanding (Stebbins, 2006). In the context of social or political policy making, exploratory research is undertaken to assess an issue before looking at the alternative solutions (Anderson, 2010; Kraft & Furlong, 2013). As such, this study sought to measure with some accuracy the level of willingness on the part of the country's criminal justice professionals to accept restorative justice as a viable alternative for the existing criminal justice in Nigeria. The research design was insufficient to create the basis for policy changes, but it may lay the foundation (Anderson, 2010). For example, it did not measure the acceptance of any particular kind of restorative justice. In other words, even if a significant degree of acceptance had been established, there would still be the more daunting matter of finding a specific kind of restorative justice that can be agreed upon by all involved parties (Androff, 2012; Burke, 2012).

Moreover, the population addressed by the study was criminal justice officials. Thus, one limitation of the study was that the greater population was directly polled,

skewing the results (Anderson, 2010; Kraft & Furlong, 2013). The goal of restorative justice is to help Nigeria become more centered upon the will and desire of the people there. Restorative justice would enable a democratic platform by which the will of the people could be directly heard.

In spite of these limitations, the research model had utility as an exploratory study (Stebbins, 2001). Without a fundamental cultural willingness to adopt restorative justice, even the most nuanced implementation strategy would be useless, and the will of the people would simply continue to be marginalized (Reichel, 2002). However, knowledge of a potential direction may facilitate further research (Curwiin & Slater, 2008; Stebbins, 2001). As such, the current research is valuable as a barometer of cultural climate, a revealer of potential obstacles to adoption of restorative justice as alternative to criminal justice, and most importantly, a platform upon which future research can be carried out (Stebbins, 2003).

Nature of the Study

The practical implication of this research is that it provides an objective measurement of the potential of restorative justice to be effectively adopted within Nigeria. It is important to attain at least some level of empirical affirmation of ideological assumptions prior to implementation (Knowles, 2012). This is necessary as policies integrated on the basis of faith without empirical examination have a tendency to create a danger of equivocations by governments, the very problem that already plagues Nigeria (Aguwa, 1997; Anderson, 2010).

If Nigerian criminal justice officials believe restorative justice is a viable alternative to criminal justice, this would represent a major advancement from previous efforts at improving the criminal justice system. Past attempts have appealed to only minority segments of the population via selective moral disengagement (Marquette, 2012). Those who took part in the study contributed a better understanding of the relationship between attitude and receptiveness and the potential efficacy of restorative justice in Nigeria; this closure of the gap between ideology and policy is necessary if any consensus is to be attained in the highly divisive Nigerian nation (Federico, 2012). Knowledge created as a result of this study may help to guide the way in which future policy decisions are made and implemented. If restorative justice were found to have potential, any decision to use the research may have broad benefits to all the stakeholders in the Nigerian criminal justice system, including the accused and the victims.

Conclusions

There can be little doubt that Nigeria's criminal justice system is under strain. The criminal justice system is dealing with an increased number of cases, and hampered by limited resources (Ayorinde & Company, 2014; Onyekwere, 2013). The problem is not only associated with inequity of individuals who suffer the delays but the perceptions of justice by the citizenry in the country and the way faith in the justice system is being eroded (Ayorinde & Company, 2014). This can be problematic in any environment, but when considered in a situation where there are so many ethnic groups, the issue can exacerbate the situation as people resort to other approaches to gain what they consider justice (Asaduzzaman, 2014). Restorative justice implemented as an alternative to the

existing Nigerian criminal justice system may offer a potential solution (Elechi, 2013; Wallis, 2013). Restorative justice has already provided an alternative and acceptable approach to justice in other African countries (Elechi, 2013; B. Hart & Saed, 2010; Jenkins, 2006). Nigeria, in common with many other countries in Africa, has a number of different communities, where traditional law of the past incorporates ideas of restorative justice (Elechi, 2009, 2013). Therefore, it becomes a logical progression to assess the potential of restorative justice in a Nigerian context as it may help to alleviate depression in the existing justice system as well as bringing the justice process closer to people for a greater feeling of fairness and equity (Raphael, 2003).

The outline of the research presented in this chapter is based on an exploratory approach, which has a number of inherent weaknesses due to the nature and the processes involved (Stebbins, 2003). However, this research was the beginning stage of determining whether restorative justice may be a viable solution within Nigeria, and could provide a foundation for further research (Stebbins, 2003). Further research will be needed to determine the practical aspects, for example what type of restorative justice, what models or processes should be utilized, and actual implementation processes (Knowles, 2012).

Summary

The chapter has introduced the issue of the research, and justified the need for the research, in light of the existing problem, and the area of research needed to help identify a potential solution. The problems within the legal system are difficult under any situation, but where there is a need for increased levels of trust within an authority, in

order to help overcome the ethnic fragmentation, the need for a justice system that is perceived by all parties as being equitable and fair is especially important (Asaduzzaman; 2014; Reichel, 2002). This research was undertaken to determine if the solution to the problem associated with the current status of the Nigerian legal system may be resolved by implementing restorative justice. Restorative justice has been documented as providing an effective method of complementing and supplementing justice systems in other countries (B. Hart & Saed, 2010; Skelton, 2007; Skelton & Batley, 2006; Stout, 2002).

The exploratory research had a number of limitations. In general, exploratory research does not offer final solutions, but it may point the direction in which future research may help to identify potential solutions (Anderson, 2010). In this study only a limited sample of legal professionals were surveyed, which in turn did not reflect the interests and concerns of the general population (Stebbins, 2003). However, by increasing the understanding of the issue, those involved in the justice system, and policy making, may be provided with alternative solutions that may be considered for further research and later implementation.

CHAPTER 2. LITERATURE REVIEW

Introduction

Society functions with the use of warmth, whether through cultural values leading to behavioral expectations, enforced through informal processes, or through the more formal creation and implementation of law (Bingham, 2011; H. L. A. Hart, 1994). The rules are created and enforced to influence behavior and prevent transgressions (Dworkin, 1986; H. L. A. Hart, 1958, 1994; Shavell, 1985). When an individual violates rules, whether informal or formal, and transgressions occur, the individuals who are most affected are the victims (Bonta, Wallace-Capretta, & Rooney, 1998; Braithwaite, 1999, 2002; Vidmar & Millar, 1980; Wenzel et al., 2008). This is true regardless of whether in the context of minor issues such as failing to show required politeness, or significant breaches, such as rape or murder (Ward, Fox, & Gaber, 2014; Wenzel et al., 2008). The victims are deprived of something: a psychological deprivation, such as the depriving individual of suitable respect, their property, or even their lives (Ward et al, 2014; Wenzel et al., 2008).

The traditional approach within most Western justice systems focuses on punishing the transgressor—the individual who has breached the norm or the law (Dworkin, 1986; Hart, 1994). Traditional theorists have considered the way in which punishment takes place, including arguments regarding the role of punishment, whether it is most important to punish the transgressor, or to act as a deterrent (Devlin, 1965; H. L.

A. Hart, 1994). In comparison, the concept of restorative justice shifts the emphasis from the offender to the victims themselves, and looks at whether it is possible to return to victims that which they have lost, or undo the harm which has been suffered (Bazemore, 1998; Braithwaite, 1999; Wenzel et al., 2008). This approach does not negate the wrongdoing by the transgressor; it approaches the issue from a different direction with the aim of creating a greater level of justice (Bazemore, 1998; Braithwaite, 1999).

In order to determine whether restorative justice might be utilized as an alternative to the traditional criminal justice system in Nigeria, the concept of restorative justice (Bazemore, 1998; Braithwaite, 1999) must be explored. Within this literature review, I will first examine the philosophical and theoretical basis of the concept of restorative justice, and then define exactly what it is, how it emerged, and the way in which restorative justice may be seen within traditional role in an African context (Braithwaite, 1999; Elechi, 2013). I will also consider practical aspects, such as the way in which it may be utilized, practices, and processes that are found in restorative justice systems, as well as examples of the way it is used, an assessment from the victim's perspective, and the potential success rates of restorative justice processes (Braithwaite, 1999; Shapland, Robinson, & Sorsby, 2011).

Restorative Justice: A Definition

Restorative justice provides a unique perspective on the way crime is perceived and treated (Bazemore, 1998; Braithwaite, 1999; Shapland et al., 2011; Wenzel et al., 2008). A significant defining characteristic is the way restorative justice differs from the state approach, where the state is seen as the primary victim within offenses, the primary

actor, instead placing the parties to the crime themselves, including the victim, and the offender, as well as the community itself, at the center of the process (Umbreit et al., 2005; Wenzel et al., 2008). The restorative justice model provides a great emphasis on the way crime takes place between individuals, and directs the process towards recognizing all of the individuals' process (Umbreit et al., 2005; Wenzel et al., 2008). However, this is a broad concept and does not fully define the idea of restorative justice process (Umbreit et al., 2005; Wenzel et al., 2008).

An early perspective on the concept of restorative justice comes from Christie (1977), who placed crime in the context of conflict, which belongs to the people involved, primarily the victim and the offender. Within this context, the resolution must emerge from the parties to that conflict, and state interventions effectively see the law professionals, and the criminal justice system, stealing the conflict from the parties who were impacted, constraining any potential opportunity to learn and grow from that conflict, including exercising rights, or accepting and performing duties (Braithwaite, 2002; Christie, 1977). Within this context where conflicts can be resolved, society is the biggest loser, as there is no opportunity for norm-clarification (Braithwaite, 2002; Christie, 1977).

The idea of Christie (1977) is embedded or reflected in most restorative justice definitions (Bazemore, 1998; Braithwaite, 2002). Marshall (1999) stated that restorative justice is "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (p. 5). This appears to reflect the reality that is seen, as

typical practices used in restorative justice usually include the gathering of the relevant stakeholders that have been impacted by the crime, in order to talk face-to-face, and determine the best way to resolve the injustice (Bazemore, 1998; Braithwaite, 2002; Christie, 1977).

Zehr (1990) also offered a useful definition of restorative justice, and one that is aligned with Marshall (1990):

> Restorative justice is a process to involve, to the extent possible, all those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible. (p. 37)

Zehr (1990) argued that instead of a process that focuses on the failings or weaknesses of the transgressors, as well as victims, restorative justice should seek to build on the strengths of the people, as well as address the way in which repair should take place as regards the harm that has been caused. Zehr's argument is aligned with other theorists (Bazemore, 1998; Braithwaite, 2002). The process is not one in which there is a denounced of the criminal behavior, but the emphasis is placed on respect, treatment, and the need to regenerate transgressors so they can become part of the wider community again ((Bazemore, 1998; Braithwaite, 2002; Zehr, 1990).

The definitions do not clearly define the specifics of how individuals are brought together, although it is stated, and generally agreed that it should take place collectively (Bazemore, 1998; Braithwaite, 2002; Marshall, 1990; Zehr, 1990). However, the definitions do tend to be followed with a general agreement on the way it should occur. Marshall (1999), as well as other theorists such as Bazemore and Umbreit (2001),

suggested that it is the concept that is important, rather than the actual practice. Practices themselves may include victim/offender mediation, in which a safe environment is located, and the offender and victim are brought together for discussion and possible resolution , or the use of family conferences involving not only the victim and the offender, but their family, friends or supporters (Bazemore & Umbreit, 2001; Sherman & Stang, 2007; Van Ness & Strong, 2013). A less common restorative justice strategy has included the use of sentencing circles as seen in the first Nations people in Canada (Bazemore & Umbreit, 2001; Sherman & Stang, 2007).

The Mediation UK (2002) termed restorative justice "a process whereby victims, offenders, and communities are collectively involved in resolving how to deal with the aftermath of an offence and its implications for the future" (p .2). However, the Mediation UK definition, did not preach for the active involvement of statutory or governmental bodies as seen in Marshall's definition. The latter could be called "community based" or "community assisted" restorative justice model. The opposing views in the above two definitions raises the question of whether restorative justice and criminal justice are mutually exclusive, or work side by side.

Stout (2002), states that studies have shown that there are four main principles that represent a strong model for restorative justice that focuses on the community and the model is not authentic unless it follows these principles. According to Stout (2002), the four necessary ideal attributes that all models of restorative justice must contain, include:

- Crime is essentially committed when one individual infringes on another individual and the violation of this makes it more meaningful than simply

breaking a law.

- The response to a crime needs to focus on bringing awareness to the perpetrators of the harm they have caused, which will hopefully prevent them from committing crime in the future.
- Everyone involved in the crime including the offender, the victim, and their community, should all work together in the decision concerning reparations and prevention tactics.
- To best prepare the offenders to join society again, a relationship between them and their victims should be nurtured (p.52).

Similarly, Zehr and Mika (2003), assert that the necessary principles and attributes of a restorative justice model include:

- Because they are all vital participants in justice, there is a need for everyone including the victim, the criminal, and the community in which they live to be involved in the restoration process.
- Due to the need for the offender to voluntarily participate in restoration to the victim, the use of exclusion practices and coercion should be kept to a minimum.
- The community has responsibilities to both the victim and the offender to maintain the well-being of community members; however, the needs of the victim should be where the discussions begin.
- Efforts to create a discussion between all involved should be made while keeping the system of justice aware of the results that the crime interventions and victim prevention create (p. 41)

Williams (2005), however, argued that the Zehr and Mika (2003) model is deliberately provocative as it is obviously and far removed from the reality and practice of justice systems. Zehr and Mika, according to Williams, agreed that the above stated characteristics and principles are aspirational rather than being descriptive of any current system. However, Williams further argued that the characterization is important in providing "an ideal type"against which to test the claims of particular projects or initiatives that might claim restorative principles. The conception of restorative justice in the opinion of Restorative Justice Consortium UK (2002) was as follows:

> Restorative justice [should] seek to balance the concerns of the victim and the community with the need to reintegrate the offender into the society. It (should) seek to assist the recovery of the victim and enables all parties with a stake in the justice process to participate fruitfully in it (p. 6).

According to Johnstone (2002,p.2), the most effective way of clarifying the meaning of restorative justice is to explain it as particular kind of process that compels perpetrators of crimes to recognize the severity of the harm they have caused to both their victims and their community, while allowing the offenders the chance to make amends for this harm. The definitions do not clearly define the specifics of how individuals are brought together, although it is stated, and generally agreed that it should take place (Bazemore & Umbreit, 2001; Braithwaite, 2002; Marshall, 1999; Zehr, 1990). However, the definitions do tend to be followed with a general agreement on the way it should occur. Marshall (1999), as well as other theorists such as Bazemore and Umbreit (2001), indicated that it is the concept that is important, rather than the actual practice. Practices

themselves may include victim/offender mediation, in which a safe environment is located, and the offender and victim are brought together for discussion and possible resolution or the use of family conferences involving not only the victim and the offender, but their family, friends or supporters (Bazemore & Umbreit, 2001; Sherman & Stang, 2007; Van Ness & Strong, 2013).As I will discuss further below, a less common restorative justice strategy has included the use of sentencing circles as seen in the First Nations people in Canada (Bazemore & Umbreit, 2001; Sherman & Stang, 2007).

Creating a definition of restorative justice can be done by contemplating the overall targets of the process for everyone involved. According to Wright (1991), the aims of the restorative justice process include not causing additional harm by harming the perpetrator of the crime, while also trying to the best extent to make reparations for the crime (Wright, 1991). Other aims of the process include providing support to the victim through their community, while allowing the criminal offender to make amends with their victim and the community; however, all these should be done while creating a respect for the criminal and their victim's feelings and treat them as human beings (p.112).

In sum, in the opinion of Restorative Justice Consortium (2002), restorative justice is a matter of "humanizing" criminal justice, in the ways which do not interfere with overall fairness and just procedure, by making room for involvement, seeing crime in its social context, and taking a forward-looking or problem-solving approach to all the issues that might be involved. Perhaps when combined with legal justice, restorative justice might create a "holistic justice." That is, justice not only from the point of view of a judge but also of the victim, the community and the offender (RJC, 2002). One can

appreciate the value and potential of restorative justice, not only by looking at the definitions but also at the current practices and ideas as well as the way in which the concept has developed (Bazemore, 1998; Braithwaite, 2002).

Theoretical Approaches

Social Control Theory

Hirsch's (1969) control theory argued that state intervention in criminal justice cannot replace the power of community ties and community acceptance to control misbehavior. The philosophy of community control here, according to Williams (2005, p. 63), should be seen as "built of individuals and families" who have the power to promote positive change. If they have appropriate attitudes, Williams argued, they can "remoralize" society, however divided and deprived it might be. This is because, "a communitarian society would be based upon trust, respect, participation, responsibility, solidarity, and mutual support and not upon threat, coercion or fear" (Williams, 2005, p. 63). This theory places responsibility for dealing with crime in the hands of the communities in which it occurs, with the state system being used as a last resort.

From the above, social control theory is an aspect of restorative justice. Inherent in this approach is the belief that antisocial and criminal behaviors can be largely controlled or influenced simply by making use of the apparatus of socialization in a developing child's life (Hirsch, 1969). Socialization can potentially exert a positive impact and discourage criminal behavior in several ways, such as through presenting a threat of punishment in return for such behavior, providing examples of positive

behaviors, or satisfying psychological needs to remove the basic motivation for criminal behavior (Fitzgerald, 2011; Wiatrowski, Griswold, & Roberts, 1981).

Social control theory operates upon a "symbolic interactions theory of delinquency" wherein concepts of delinquency and acceptable social behavior are received from models of authority (Heimer & Matsueda, 1994; Wiatrowski et al., 1981). Therefore, the role of retributive justice may be seen as offering the threat in order to create a deterrent through fear (Hirsch, 1969}. However, as noted, this may not always be effective, and may not provide satisfaction to victims. The social influences may also come from more positive sources; with the social pressures and influences able to exert pressure to comply with social norms through examples and support, through restorative justice (Hirsch, 1969; Leighninger & Popple, 1996; Wiatrowski et al., 1981).

Reintegrave Shaming Theory

The re-integrative shaming theory holds that restorative justice can be achieved through the process of subverting traditional punitive and so-called revenge-oriented justice with a model of justice based on social cohesiveness and the demonstration of consequences for acting against that cohesion (Braithwaite, 1989; Hay, 2001; Walgrave & Aertsen, 1996). The fundamental principle behind reintegrative shaming theory is that restorative justice absolutely requires an element of shame and humiliation in order to be effectively rehabilitative (Murphy & Harris, 2007; Hay, 2001). Braithwaite (1989, p. 69) argued that the criminological literature on deterrence has provided important motivation for turning to informal methods of social control such as "reintegrative shaming" as key to controlling crime. To support this view, Braithwaite wrote:

> It would seem that sanctions imposed by relatives, friends or a personally relevant collectivity have more effect on criminal behavior than sanctions imposed by remote legal authority. I will argue that this is because repute in the eyes of close acquaintances matters more to people than the opinions or actions of criminal justice officials acting on behalf of an abstract entity—the state. (p. 69)

Since it was conceived by Braithwaite in the late 1980s, the theory has seen some adoption in various punitive systems around the world. Murphy and Harris (2007) found support for the value in rehabilitating white collar crime. It has also been used in juvenile crime; for instance, in Taiwan, juvenile offenders are routinely subjected to reintegrative shaming in an attempt to prevent future reoccurrences (Kao, Fu-Yuan, & Wang, 2009).

Reintegrative shaming is effective not only when leveled at delinquent elements of the population, but also at figures of authority who misuse their position; as such, it is easy to see how an approach to restorative justice oriented in public shaming would have a reductive effect upon the incidence of conflicts providing adequate acceptance was evident (Braithwaite, 1989; Hay, 2001; Markel, 2007). A form of restorative justice that subverts the typical punitive activities of criminal justice, such as reintegrative shaming, would be a compelling alternative to "mass incarcerations" and other strategies commonly employed in Nigeria (Markel, 2007). As such, the study may be relevant to the understanding of reintegrative shaming as a potential manifestation of restorative justice in Nigeria.

B. Hart and Saed (2010) examined restorative justice that included the use of reintegrative shaming in Somaliland. This approach was also shown to be effective; it

was able to help restore law and order in a country that had been torn apart by war (B. Hart & Saed, 2010). The study was not specifically on reintegrative shaming, but its presence within the study and the lower level of reoffending was notable (B. Hart & Saed, 2010).

Braithwaite (1989) examined different measure to prevent reoffending. In the research it was found that the aspect of shaming was a deterrent as well as a punishment (Braitwaite, 1989). Braitwaite argued that this is one of the influences that have resulted in generally lower crime rates for women compared to men. Examining reintegrative shaming, it is important to differentiate between this model and more general shaming (Braithwaite, 1989; Hay, 2001; Markel, 2007).

General shaming without reintegration may be negative, resulting in stigmatization and fragmentation, separating the transgressor from the community (Braithwaite, 1989; Harris, 2004; Murphy & Harris, 2007). Shaming without reintegration may increase pressure to reoffend, as the fragmentation from society may lessen participation within the community and the forces that motivate compliance with social norms (Braithwaite, 1989; Hay, 2001; Markel, 2007). Reintegrative approaches creates a scenario in which the shame may be felt within a social context and the norms of the community, and pressure for compliance will impact on the subsequent decision and behavior of the transgressor, reducing the potential for reoffending (Bratiwaite, 1989; Harris, 2004).

Theoretical Synthesis

A number of studies have shown a strong correlation between the use of reintegrative shaming and social control outcomes, such that shaming is used as a method to attain social control (Harris, 2004; Hay, 2001). These studies demonstrate the correlation, between the two theories; further research has also demonstrated a link between the theories and the basic concepts frequently found in native customary laws (Tomaszewski, 2001). Skelton and Batley (2008) looked specifically at African culture in South Africa, and Elechi (1999) looked specifically at the Afikpo people of eastern Nigeria in the context of these two theories as well as the work of Elechi (2013).

The research backing the crossover between reintegrative shaming and social control linked an increased influence from social control, as Braithwaite (1989) demonstrated the way in which integrative shaming can exert controls that increase the motivation to comply with social norms. The research also demonstrated this alignment can be seen in the outcomes and models of customary law. Thus, this theoretical approach provided a framework that is aligned with the local customs, adding value to the research findings.

Historical and Anthropological Review

The ideas associated with restorative justice can be traced back many centuries, emerging independently within different cultures (Elechi, 2013; Hart & Sead, 2010). When restorative justice is examined in the English-speaking world, the original practices can be traced back prior to the Norman invasion (Braithwaite, 2002; Van Ness & Strong, 2013). Prior to the Norman invasion in the 11th century, crime was perceived as a

conflict between victim and offender (Quinn, 1998; Van Ness & Strong, 2013). After the invasion there was a major shift in the way crime was dealt with. Instead of the traditional conflict approach, it was seen as harming the state, and therefore the state took over the primary role in dealing with crime and letting out punishment (Braithwaite, 2002; Van Ness & Strong, 2010).

Henry I, the son of William the Conqueror (responsible for the Norman invasion of England), issued a decree that deal with handling and punishing of offenders (Van Ness & Strong, 2013). This decree was described by Christie (1977) as a point at which the state stole the handling of crimes from the community, victim and the offender, as the decree established jurisdiction to deal with particular offences. The offenses over which the Crown gained jurisdiction included crimes that are dealt with today in criminal court, rather than issues which are deemed to be civil issues, such as arson, murder, robbery, theft, and other crimes involving violence, all of which were defined as being against the King's peace (Braithwaite, 2002; Quinn, 1998; Van Ness & Strong, 2013). This was a significant paradigm shift, as the change meant that there was not only a move away from the conflict between individuals, but also meant that there was a shift in the way crime was dealt with, moving the emphasis away from ensuring the damage was repaired, and seen fit to make amends, but to punish the transgresor for taking actions against the King's peace (Braithwaite, 2002; Quinn, 1998). This explains the shift in modern times, not as something subtle, but as something that has become well enshrined over the centuries (Braithwaite, 2002; Van Ness & Strong, 2013).

Around the world other cultures and practices offer a historical perspective on restorative justice (Elechi, 2013; Hart & Sead, 2010). For example, in the United States, the Native Americans included a justice system that includes a high level of restorative practices (Shapland et al., 2011; Van Ness & Strong, 2013;. The Maori of New Zealand, the First Nation population of Canada, Native Hawaiians, as well as the Celtic people with the Brehon laws all have cultures incorporating restorative justice, and demonstrate the presence within the areas that are now traditionally Western culture (Braithwaite, 2002; Van Ness & Strong, 2013). More divergent cultures, including African tribal councils, Sulha as practiced by Arabs and Palestinians, and the use of *jirga* (a Pashto term for a decision making assembly of male elders that handle most criminal cases rather than by laws or police), by Afghani people, all help to demonstrate to the cultural diversity in the acceptance, and use, of restorative justice practices (Lanek, 1999; Nabudere, 1997).

In addition to these regional or geographic cultures, religion is a basis for the concepts associated with restorative justice, especially the Judaeo-Christian culture, where the emphasis has always been placed on crimes being committed against people, and not the state (Lanek, 1999; Zehr, 1990). Examining the Bible, both the Hebrew Testament and Christian Testament, demonstrates a number of examples the societal norm was the expectation that individuals would be held to account for their crimes, and repairing the damage that they had caused to other people (Lanek, 1999; Nabudere, 1997).

The practice of restorative justice may be traced back not only centuries but millennia, when the concept was merely seen as justice. The term restorative justice was first used in 1958 by Eglash (as cited in Braithwaite, 2002; Van Ness & Strong, 2013, when he defined three different types of criminal justice: recuperative justice, a type of justice in which there was a focus on punishment, distributive justice, where the focus was on treatment and rehabilitation of offenders, and restorative justice, where there was a focus on the provision of restitution (Braithwaite, 2002; Van Ness & Strong, 2013). The differentiation between the models were the first to focus on the offender, and effectively limited or denied participation on the part of the victim, and it is this idea that subsequent development of restorative justice within the justice systems has been built; to overcome the problems associated with the disenfranchisement of victims, and improve the perspective of justice (Braithwaite, 2002; Van Ness & Strong, 2013).

In 1974 a victim-offender reconciliation program (VORP) was utilized for the first time during a sentence handed out in an Ontario court (Braithwaite, 2002; Van Ness & Strong, 2013). The Canadian uptake expanded with some community justice initiatives being formed in kitchen in Ontario, promoting VORPs in 1976 (Nugent et al., 1999; Van Ness & Strong, 2013). The first VROP in the United States was set up in Elkhart, IN, in 1978. In 1981 Norway set up a diversionary mediation project for young offenders; the project was so successful that by 1989 it was being utilized across 20% of the country's municipalities (Braithwaite, 2002; Van Ness & Strong, 2013).

By 1983 mediation project also was being set up in Finland and England, and in 1985 funds from the Home Office were provided in England to finance research to

determine the effectiveness of the mediation pilot projects (Braithwaite, 2002; Van Ness & Strong, 2013). In the following year, 1986, a justice reform advocacy group by the name of Justice Fellowship, located in the United States, started a multi-year research project to investigate restorative justice, identifying its core principles, and assessing its potential implications in the context of public policy (Braithwaite, 2002; Van Ness & Strong, 2013).

In 1988 the Parliamentary Standing Committee for the Canadian government presented a report entitled "Taking Responsibility" (as cited in Braithwaite, 2002; Van Ness & Strong, 2013), which advocated expanding the use of VORP as well as re-evaluating the sentencing laws within Canada to incorporate a greater level of fixing and community reparation. In 1989 New Zealand introduced elements of restorative justice into the legislative framework with the Children, Young Persons and their Families Act, which established a process of family conferences as the preferred approach towards dealing with juvenile offenders, seeking to keep young offenders out of the prison system, except for the more serious of crimes (Braithwaite, 2002; Van Ness & Strong, 2013). In 1990 international recognition is given, when the NATO Advanced Research Workshop on Conflict, Crime and Reconciliation met in Italy with the aim of examining the existing status of restorative justice in the Western world (Claes, Devroe, & Keirsbilck, 2009; Van Ness & Strong, 2013). In 1991 Norway expanded its use of restorative justice through mediation, with the implementation of the municipal mediation act, which expanded the diversionary mediation which is already taking place in the juveniles into the adult sector (Claes et al., 2009; Van Ness & Strong, 2013).

The first official case, in which sentencing circles utilized the scene in Canada in 1992, was in the case of *R. v. Moses,* a case that was heard in Yukon (Morris et al., 2001; Van Ness & Strong, 2013). In the same year Australia put into place legislation for family group conferencing, which was deemed successful, and by 2005 similar strategy/measures had been adopted by all Australian states, with the exception of Victoria (Morris et al., 2001; Van Ness & Strong, 2013). 1992 also saw a community service project introduced in Zimbabwe that embraced some restorative justice concepts, seeking to reduce prison populations by adopting a process of arranging meetings between offenders and communities (Morris et al., 2001; Van Ness & Strong, 2013).

In 1993 the U.S. Association for the Team-Offender Mediation becomes an international organization, known as the Fixing-Offender Mediation Association (VOMA), and in South Africa the truth and reconciliation committee was established, investigating crimes that were committed during the apartheid era, with the remit for the application of restorative justice (Morris et al., 2001; Van Ness & Strong, 2013). In 1994 in Minnesota, the Department of Corrections created a new job, described as a "restorative justice planner," and elsewhere in the United States a multi-year training project was created by the U.S. Office of Juvenile Justice and Delinquency Prevention. In England the Thames Valley Police adopted conferencing as a way of dealing with offenders following a pilot project in Milton Keynes targeting shoplifters (Shapland et al., 2011; Van Ness & Strong, 2013). Jamaica also started to use some restorative justice concepts, with the creation of the Dispute Resolution Foundation, in which mediation could be used in criminal matters (Morris et al., 2001; Van Ness & Strong, 2013).

In Mexico to promote the use of mediation, the country created in 1995 the Fundacion Centro de Atencion para Victimas Del Delito, and started the use of reconciliation within criminal cases (Morris et al., 2001; Ness & Strong, 2013). In Colombia the Casa Justicia were established, and among marine it was the offering of penal mediation (Shapland et al., 2011). In Canada, reform of the sentencing system saw the introduction of principles associated with restorative justice being put into the federal criminal code (Shapland, 2011 et al.; Van Ness & Strong, 2013). In New Zealand three pilot programs were setup to provide community-based conferencing for adults, and by 2005 the three had expanded to 19 (Shapland, 2011 et al.; Van Ness & Strong, 2013).

In 1996 the first pilot mediation programs were set up in Poland. Costa Rica adopted provisions to incorporate restorative justice with the provision of penal conciliation act (Shapland, 2011 et al.; Van Ness & Strong, 2013). In Uganda the passing of the Child Justice Act facilitated the use of Local Council Courts in place of the traditional courts for some specific types of juvenile crime (Shapland, 2011 et al.; Van Ness & Strong, 2013).

In 1997 the increased interest is seen with a rising number of conferences. The first national conference in United States was held by the Federal Department of Justice, and the first international conference was held in Norway (Shapland et al., 2011; Van Ness & Strong, 2013). In 1998 Argentina introduced a pilot project for penal mediation, and Chile created Proyecto which had a number of tasks, including the promotion of penal mediation (Shapland et al., 2011; Van Ness & Strong, 2013). In Seo Porno, Brazil, restorative justice was promoted through the use of a community-based conferencing

pilot program for juveniles (Shapland et al., 2011; Van Ness & Strong, 2013). In England there was a legislative change, with the introduction of the crime and disorder act, and the Youth Justice and Criminal Evidence Act, which diverted first time juvenile offenders into restorative justice, programs (Shapland et al., 2011; Van Ness & Strong, 2013).

In 1999 a pilot group program for family group conferencing was set up in Hong Kong. The same year, the Institute for conflict resolution to promote VOM was set up in Bulgaria, and in Europe Recommendation No. (99)19 was adopted by the Council of Ministers of Council of Europe, which dealt with use of mediation in penal issues (Shapland, 2011 et al.; Van Ness & Strong, 2013). In 2000, the traditional courts in Rwanda were utilizing restorative justice to deal with cases relating to the genocide, with authority to deal with all but the ringleaders (Shapland et al. 2011; Van Ness & Strong, 2013). The Victim Offender Mediation and Restorative Justice Forum was formed in Europe, and in United States there was the creation of the International Institute for Restorative Practices, the latter of which was not limited only to penal issues (Shapland et al., 2011; Van Ness & Strong, 2013).

In 2001 programs were started in Romania, the Czech Republic and Brazil. In 2002 the United Nations endorsed the "Declaration of Basic Principles of Restorative Justice Programs in Criminal Matters," and Colombia amended its constitutional law so that prosecutors were required to offer restorative justice resolutions to victims of crime (Shapland, 2011 et al.; Van Ness & Strong, 2013). In 2003 the first conference in restorative justice was held in China, and family conferences were started in Thailand (Shapland et al., 2011; Van Ness & Strong, 2013). In 2004 China established the Centre

for Restorative Justice and in 2005 Belgium introduced legislation facilitating the ability of victims or offenders to request mediation (Van Ness & Strong, 2013). In 2006 the Philippines introduced the Juvenile Justice and Welfare Act, which brought restorative justice into their nation, and United Nations published the *Handbook on Restorative Justice Programs* (Shapland et al., 2011; Van Ness & Strong, 2013).

In sum, restorative justice has a long and established history, initially within the cultural systems of justice (Morris et al., 2001; Shapland et al., 2011; Van Ness & Strong, 2013). Restorative justice has manifested in many countries, but as a result of Western influence, there was a shift away from restorative justice practices, where the focus was on restitution, towards a retributive approach, in which crime was seen as a crime against the state, Morris et al., 2001; Shapland, 2011 et al.; Van Ness & Strong,). The next stage is to look at the restorative justice from the African context for a possible application to Nigeria (Elechi, 2013, 2009; Nabudere, 1997).

Restorative Justice and the African Restorative Traditions

When considering restorative justice for potential consideration in a judge hearing context, there may be some benefit in assessing the issue specifically from the African perspective (Brock-Utne, 2001; Elechi, 2009, 2013; Nabudere, 1997). The traditional customary laws across much of Africa incorporated elements of restorative justice (Asiedu-Akrofi, 1989; Elechi, 2013). The justice was found in community settings, and adopted approaches similar to that advocated as restorative justice by Christie (1977), and Zahr (1990). While the theorists have defined restorative justice in the modern context, the customary law evolved over time, within community settings, which may have been

individual villages, or tribes, or may have come at larger areas such as tribes living in neighboring regions (Brock-Utne, 2001; Elechi, 2013, 2009; Nabudere, 1997). Invariably, the customary practices reflected the values and norms of the community, and would often be overseen by tribal leaders or tribal elders (Brock-Utne, 2001; Nabudere, 1997). During the 5th century BCE, West Africa saw the evolution of larger kingdoms. The political power became centralized, but despite these changes in terms of authority, there was little change in the context of conflict resolution, and customary law remained relatively untouched (Brock-Utne, 2001; Nabudere, 1997).

A key concept within customary law in Africa is the idea of *warp and weft* (Brock-Utne, 2001; Elias, 1972). These are two basic concepts on which the foundation of customary law was based, with the terms themselves coming from weaving practices, which are still used even today (Brock-Utne, 2001; Elias, 1972; Fenrich, Galizzi, Higgins, 2011). The concept refers to the way in which even complicated woven designs reformed by only two sets of threads, referred to as the warp and the weft (Brock-Utne, 2001; Elias &Olawale, 1974; Fenrich, Galizzi, Higgins, 2011). Within the context of customary law, the warp is the process of negotiation with community or family, which the elders will usually facilitate (Brock-Utne, 2001; Elias & Olawale, 1974; Fenrich, Galizzi, & Higgins, 2011) The weft refers to the less tangible aspects, including the *kparakpor*, which, when translated from Yoruba, means the spirit of humanhood, and community attitudes (Brock-Utne, 2001). In other areas of Africa there are similar word meaning the same thing, such as *ubuntu* in Zulu, and *ujamaa* in the Kiswahili language (Brock-Utne, 2001; Fenrich et al., 2011). In all cases they refer to the way in which there

is a family feeling of togetherness. The concept is one that indicates the strong linkages and togetherness within the community (Brock-Utne, 2001; Elias & Olawale, 1974). It is also notable that within customary law practices, both men and women were allowed to participate fully, providing meaningful input, which created a participatory system (Brock-Utne, 2001; Elias & Olawale, 1974). This participatory system may be argued as demonstrating that a strong community links existed, which processes involved maintaining and supporting those links through collective goal making and dispute resolution via restoration and peace-making (Brock-Utne, 2001; Elias & Olawale, 1974).

An interesting case demonstrating restorative justice in practice examined the practices of the Acholi people (Brock-Utne, 2001; Lanek, 1999). The customary law process within these people is based on a process that would encourage a guilty person to admit the crime and accept responsibility for their actions (Brock-Utne, 2001; Lanek, 1999). The Acholi people of Uganda have a system of leadership by consensus. Every individual within the tribe or clan has a voice, and the head of this clan will lead through the consent of the people (Brock-Utne, 2001; Lanek, 1999). One of the major roles of the leaders or chase is their role as arbiters, reconciling party following a dispute, with the primary aim of restoring peace and keeping good relationships between families, as well as good relationships between clans (Brock-Utne, 2001; Lanek, 1999).

The process of reconciliation among the Acholi people of Uganda is called *Mato Oput* (Brock-Utne, 2001; Lanek, 1999). The process is named after a drink, which the transgressor will consume at the end of the reconciliation ceremony; the drink itself is made from the foliage of the oput tree, creating a bitter tasting drink (Brock-Utne, 2001;

Lanek, 1999). The Moto Oput ceremony is a somber affair; the demeanor of those who attend is serious. The ceremony itself involves the transgressors themselves admitting their guilt and taking responsibility, the transgressors repenting for their actions, asking for forgiveness, and paying compensation (Brock-Utne, 2001; Lanek, 1999). The guilty person will then be reconciled with the family of the victim, symbolized by the sharing of the bitter Mato Oput drink (Brock-Utne, 2001; Lanek, 1999). The drink itself plays only a symbolic role; there are no medicinal or other effects as a result of this consumption. The bitter taste provides a reminder of the bitterness that existed between the parties before the conflict was resolved (Brock-Utne, 2001; Lanek, 1999).

Lanek (1999) argued that the Western approach towards criminal conduct, with the adversarial process, in which there is the use of force, as well as the potential suffering of physical material penalties, creates a process in which there is effective motivation for criminals to deny responsibility (Brock-Utne, 2001; Lanek, 1999). By contrast, the Acholi people have a long-established process that encourages the guilty to accept responsibility for their actions, and seek reconciliation through the Mato Oput ceremony, to which restitution may be provided to the victims and/or their families (Brock-Utne, 2001; Lanek, 1999). It is also argued that this process is far more effective in the context of community cohesion, which itself can be a factor in reducing the occurrence of rule breaking and crime (Brock-Utne, 2001; Lanek, 1999).

The practice of customary law was found throughout Africa, but the situation changed with the arrival of colonizers (Elias, &Olawale 1974; Fenrich et al., 2011). For example, in South Africa, Roman-Dutch law was introduced into the area, superseding

the customary law (Cornwell & Blad, 2013; Elias & Olawale, 1974). However, customary law did not die away, instead the customary courts continued operating, and can still be found in many areas of South Africa (Cornwell & Blad, 2013; Elias & Olawale, 1974). This created a situation where customary practices have continued, and those living in the region will be familiar with those practices (Cornwell & Blad, 2013). Skelton (2002) argued that with this social context, those individuals who know customary practices have an immediate recognition and feel for the potential value of restorative justice.

The customary law and conflict resolution of the Acholi is not unusual; the principles seen in the approach are found within much of the customary law found in Africa (Elias & Olawale, 1974; Fenrich et al., 2011). A key concept within all areas of African customary law is the basic principles on which it is based (Elias & Olawale, 1974; Fenrich et al., 2011). The main aim is to create a situation where there is reconciliation; where peace can be restored, as well as the restoration and maintenance of community harmony (Elias & Olawale, 1974; Tshehla, 2004). The process itself places a stress on individual duties in community duties, recognizing the rights and responsibilities of the individual ((Elias & Olawale, 1974; Gyeke, 1998). Central values within this process are dignity and respect, which link closely to the concept of ubuntu (Cornwell & Blad, 2013(Elias & Olawale, 1974; Gyeke, 1998).

It is notable that within this approach there is no significant differentiation between different types of wrong, with law breaking that may be defined as either civil or criminal within Western world, been dealt with in the same way (Cornwell & Blad, 2013;

(Elias & Olawale, 1974; Gyeke, 1998). In both contexts someone has broken a rule and done wrong, which has harmed an individual, as well as the wider community (Fenrich et al., 2011; Mqeke & Vorster, 2002). A defining characteristic of the processes, wherever they are within African customary law, is the inherent simplicity of the procedures (Brock-Utne, 2001; Mqeke & Vorster, 2002). The process itself, and the outcome, is not based on the way law is pronounced by other courts, so there is no principle of precedents, and rules of "stare decisis" do not exist (Brock-Utne, 2001; Mqeke & Vorster, 2002). However, this should not be interpreted as meaning that the processes themselves are static; the law does change and evolve (Bennett, 1999; Brock-Utne, 2001).

In addition to respect and resolution, another common characteristic is the level of community involvement, with hearing or community meeting being lead by the tribal clan chief, or a tribal elder (Bennett, 1999; Cornwell & Blad, 2013). The usual approach will be for the meeting to take place with all participants sitting in a circle, a process that is common to many indigenous tribes, not only in Africa, but also in other geographical regions of the globe (Bennett, 1999; Brock-n, 2001; Cornwell & Blad, 2013). A good outcome will be a decision where restitution has been made, or compensation paid, and peace is restored (Brock-Utne, 2001; (Elias & Olawale, 1974; Mqeke & Vorster, 2002).

The feelings of African people who were already aware of customary law have demonstrated the benefits of its application, especially in situations where the modern legal system appears not to be providing justice ((Elias & Olawale, 1974; Mqeke & Vorster, 2002). A good example of this was seen in Somalia, after the collapse of the

nation-state (B. Hart & Saed, 2010; Nabudere, 1997). The collapse of the state created a situation in which the modern legal mechanisms were ineffective, so the communities in Northern Somaliland reverted to a posttraditional version of the customary law processes (B. Hart & Saed, 2010; Nabudere, 1997). The Gurtii system of that region has adapted to the modern environment, which is based on the old processes (B. Hart & Saed, 2010; Nabudere, 1997). Clan elders will intervene with the aim of resolving conflicts and providing mediation in order to settle hostilities (B. Hart & Saed, 2010; Nabudere, 1997). This process has seen clan elders bringing together hostile warlords in order to create some type of stability and order in a war-torn and anarchic environment (B. Hart & Saed, 2010; Nabudere, 1997). The process helps to restore a limited amount of stability to the area, through the creation of social relationships, within the politics of the modern world (B. Hart & Saed, 2010; Nabudere, 1997). However, there have been some changes. The older traditional system in which restoration would include payment of compensation was based primarily not on material restitution, but on bloody compensation and revenge (B. Hart & Saed, 2010; Nabudere, 1997). However, this is now changing reflecting modern standards and values, while at the same time it is able to provide a framework to support new systems of conflict resolution, based on the old restorative justice processes of the past (B. Hart & Saed, 2010; Nabudere, 1997).

The changes away from customary law have been argued as being the result of the ceiling of political power by colonial invaders, which unsettled many of the existing power balances, and also led to a high level of dissatisfaction with justice outcomes (Brock-Utne, 2001; Nabudere, 1997). However, the case of Somaliland indicates that

even where colonial powers come into force, some semblance of customary law have continued, there resides an inherent understanding of those processes by the local people, and it is a process that is sufficiently flexible and inclusive that will allow its incorporation (Brock-Utne, 2001; Nabudere, 1997).

Indeed, even today many of the practices are still used in informal ways in the conflict resolutions for crimes that are not taken to the justice system, as well as for other conflicts (Fenrich et al., 2011; Mqeke & Vorster, 2002). Some customs that can be seen continuing include practices in Liberia, where the Kpelle people will hold meetings to resolve conflicts, referred to as *moots* or *house palavers* (Brock-Utne, 2001; Fenrich et al., 2011). The process involves a mediated settlement led by an experienced elder. In Tanzania the Ndendeuli people still have a system in which mediators provide a proactive approach towards an agreement assessment, suggesting ways in which the settlement may be reached, and may even undertake some exertion of pressure to persuade parties to the conflict to accept that settlement (Brock-Utne, 2001; (Elias & Olawale, 1974). Pressure may be exerted through the use of words, including talking; however the mediators may also resort to ridiculing or shaming (Brock-Utne, 2001; (Elias & Olawale, 1974). The utilization of pressure is seen as a special case, and is not suitable for use in all contexts (Brock-Utne, 2001; (Elias & Olawale, 1974). For example, pressure may be used where parties cannot agree, and the source of the conflict is self evident (Brock-Utne, 2001; (Elias & Olawale, 1974). The process may be used to try to influence troublemakers' behavior, with the use of individuals who are good at poking fun at others, in order to create shame, and induce ridicule by the rest of the community (Brock-Utne, 2001;

Fenrich et al., 2011). The process is interesting, and uses psychological tools in order to create compliance with the community norms (Brock-Utne, 2001; Fenrich et al., 2011).

Overall, the most common method of negotiation found in Africa, both in the past and today, is based on the neighborhood system (Brock-Utne, 2001; (Elias & Olawale, 1974; Fenrich et al., 2011). This is one of the simplest systems, and is undertaking a participative fashion, and will start with the initiation of negotiations between individuals regarding the dispute that is emerging (Brock-Utne, 2001; Elias, 1972; Fenrich et al., 2011). The process will start with the gathering of the context information, including the circumstances of the rule breaking, and the situation in which it occurred, for example, whether it concerned only the immediate family, or a larger neighborhood, and identifying different parties who were involved (Brock-Utne, 2001;Fenrich et al., 2011). The conflict may be between individuals, but it may equally be between organizations, for example, schools (Brock-Utne, 2001). The process is undertaken from the beginning, with a desire to find a solution, so discussions are directed away from the apportioning blame and aggressive demeanors (Brock-Utne, 2001; Fenrich et al., 2011). In all cases the mediators, or judges, will make their decisions based on the societal rules that have been established over time, looking towards the future and the way in which improved relationships may manifest (Brock-Utne, 2001; Fenrich et al., 2011). Improved relationships are not only between the parties to the dispute, but between all members of the community (Brock-Utne, 2001). However, in most cases the parties themselves will be granted sufficient scope so they can make their own decisions, and come to a mutual agreement (Brock-Utne, 2001).

The role of the elder is of particular importance. The elders act as mediators, and they are generally respected within African communities, perceived as having gained wisdom through experience (Brock-Utne, 2001). The role adopted by the mediator may depend upon the different traditions, as well as the circumstances in which they are acting, and the personalities involved (Brock-Utne, 2001). As well as mediating, and applying pressure or manipulation in order to attain settlement, the elders may also assess and report on assessment, or convey suggestions between the parties (Brock-Utne, 2001; (Elias & Olawale, 1974). Their general role is that of facilitation for a resolution; they help to ensure that the communication takes place, and provide a route through which information can be clarified (Brock-Utne, 2001; (Elias & Olawale, 1974; Fenrich et al., 2011). The mediators must always remain passive, and their role is not to represent either party to the dispute, instead they are representing the shared values of the community (Brock-Utne, 2001; Fenrich et al., 2011). In all cases no predetermined paradigms exist and they are not bound by legal precedent, so they are able to change their roles as they see fit, creating flexibility to adapt (Brock-Utne, 2001; Fenrich et al., 2011).

Critiques of Restorative Justice

Although there appears to be some potential advantages for restorative Justice, there are also some potential disadvantages, and the system is often critiqued. Daly (2001), an open advocate, argued that restorative justice is often perceived in the wrong manner, and it has not achieved its aims due to the way in which it is implemented. Key to the criticisms is the argument that restorative justice is often perceived as the opposite of a retributive justice (Daly, 2001; Weitekamp & Kerner, 2012). Daly (2001) argued that

restorative justice literature tends to focus on the differences between restorative and retributive justice, comparing and contrasting, appearing to place them in juxtapositions; an argument also supported by other writers (Gromet & Darley, 2006; Weitekamp & Kerner, 2012). For example, restorative justice focuses on repairing harm, whereas retributive justice has a focus on punishment (Daly, 2001; Weitekamp & Kerner, 2012). Likewise, Daly (2001) and Weitekamp and Kerner (2012) argued that literature appears to indicate that restorative justice has the main characteristics of dialogue and negotiation; whereas retributive justice is characterized by adversarial relationships.

The literature review demonstrates that this emphasis is placed on restorative justice, comparing it to retributive justice (Daly, 2001; Gromet & Darley, 2006; Weitekamp & Kerner, 2012). Although the emphasis may be on repairing harm and negotiation, it is not advocated in any context that this cannot, or even should not, be accompanied by a suitable punishment (Daly, 2001; Weitekamp & Kerner, 2012). Instead, the aspect of fairness, reconciliation, and making restitution is presented as able to provide an alternate from the implementation of a punishment, which is undertaken purely for the sake of revenge, and not for justice (Braithwaite 2002; Vladmar & Miller, 1980; Wenzel et al., 2008). The arguments suggest that although restorative justice has many advantages, it does not preclude other types of punishment being implemented, which can be undertaken within that system. The restorative justice processes in the Gurtii system in Northern Somaliland of the past included the potential for bloody revenge (Brock-Utne, 2001, 2001; Nabudere, 1997), demonstrating flexibility and the crossover between restorative justice and retributive justice.

A second area of criticism may be the way in which the role of the state is perceived or criticized. In restorative justice the community members themselves are able to take an active role, whereas it is the state that takes action in retributive justice of the West (Daly, 2001; Weitekamp & Kerner, 2012). However, it may be argued that the state creates a unifying and standardizing influence; and the increased flexibility of restorative justice may lead to a scenario of unfair disparate treatment to offenders, even in similar circumstances simply due to the personalities of the people involved (Daly, 2001). While agreement may be reached through mediation, the process itself may result in wider society issues in terms of the views of justice and unfairness (Weitekamp & Kerner, 2012).

A major criticism is also the way that two paradigms of justice are presented. The literature may be biased, presenting characteristics associated with restorative justice as good, and those associated with retributive justice as bad (Daly, 2001; Weitekamp & Kerner, 2012). The oppositional contrast has been criticized for creating bias even before the processes are fully assessed (Daly, 2001; Weitekamp & Kerner, 2012). Some scholars have argued that advocates of restorative justice mean well, but there is an implication that there can only be one justice system, and that restorative and retributive are mutually exclusive, which results in articles supporting it becoming a sale pitch (Daly, 2001; Weitekamp & Kerner, 2012). The idea seems to be based on the attitudes towards justice that were expressed by Mead (1918), where the repose to crime is seen as either an approach that embodies retribution, exclusion and repression, and is characterized by an "attitude of hostility towards the lawbreaker" (Daly, 2001; Mead, 1918, p. 227). In this

approach the law breaker is the enemy; the alternative approach, which is cited most frequently in juvenile cases, is where there is a desire to understand what has caused the 'defective' situation, causing the law to be broken; an approach referred to as reconstructive (Daly, 2001; Mead, 1918). These are presented as mutually exclusive due to the opposing psychological attitudes involved in each lens; one sees the lawbreaker as an enemy, and the other does not wish to see the lawbreaker in that manner. The approach has continued into the argument on restorative justice, either explicitly or implicitly (Daly, 2001; Mead, 1918; Weitekamp & Kerner, 2012).

Rather than adopting a singular approach, Daly (2001) argued "that in the real world, even where restorative justice is favored; the application appears to be a hybrid, which may be retribution as well as restitution" (p. 25). Also, Weitekamp and Kerner (2012) argued that in the real world center where past offenses were still likely to take place, there may be the presence of rehabilitative justice where measures are taken to try and encourage future compliant behavior, as well as restorative justice, where a chance may be given to the offenders to make amends to the victims (Braithwaite, 2002; Daly, 2001). However, the difficulties are the way in which it may be permitted, often on an ad hoc basis, certainly without continuity in uniformity (Braithwaite, 2002; Daly, 2001; Weitekamp & Kerner, 2012). According to Weitekamp and Kerner, the problem may be seen as complicating the justice system, where these different elements may be seen as simple techniques rather than different ideals of justice. This will end up in, creating separate paradigms, an approach that may undermine the ability to utilize the best of each justice model (Braithwaite, 2002; Waldgrave, 1995; Weitekamp & Kerner, 2012). This

effectively is a major criticism of the relationship between the different models of justice and has been problematic (Daly & Immarigeon, 1998; Hampton 1998). Indeed, Zedner (1994) argued that instead of being seen as in juxtapositions, the idea of retribution and reparation could be viewed as being interdependent, retribution censure, or punishment, occurring prior to reparation.Another potential issue associated with restorative justice, is the way in which it may be applied. The system may be used as retribution, but there are also occasions when those involved may impose punishments which would be beyond the maximum allowed under the more traditional criminal justice systems (Braithwaite, 2002; Weitekamp & Kerner, 2012). The problem may be exacerbated by the way in which desensitization may occur if punishments become gradually stronger. Therefore, within a restorative justice system there also needs to be some rules to prevent harsher punishments being imposed. For example reintegrative shaming may be acceptable, but stigmatization should be rejected (Braithwaite, 2002; Shapland, 2011; Weitekamp & Kerner, 2012). For illustrations, a situation where stakeholders come to the agreement that a young offender may be forced to wear a T-shirt saying "I am a thief" is not restorative; instead, it is the case of stigmatization, and does not imply respect or an opportunity for reintegrating the individual into the community; instead, restorative justice is being used as an excuse for retribution (Braithwaite, 2002). Therefore, it is necessary for controls to be in place within restorative justice (Weitekamp & Kerner, 2012)

Restorative Justice: Methods and Practice

There are three main models of restorative justice: victim-offender mediation, family group conferencing, and circles (Braithwaite, 2002; Shapland, 2011). Other methods include panels, which are variations of the main identified three, with almost the same characteristics (Braithwaite, 2002; Shapland et al., 2011). Each of these methods may be considered in terms of their practical implication, and their potential outcomes (Braithwaite, 2002; Shapland et al., 2011).

Victim-Offender Mediation

Victim-offender mediation is one of the earlier models during the 1960s and 1970s with some of the early attempts at creating restitution through bringing together the victims and the offenders (Shapland et al., 2011; Van Ness & Strong, 2013). This was the approach adopted in Ontario, Canada, in 1974. The initial case involved two drunken men aged 18 and 19 years whose crime was vandalizing houses and cars belonging to 22 different people (Shapland et al., 2011; Van Ness & Strong, 2013). The men pleaded guilty, and during the period between the sentencing, the probation officer talked with a volunteer from the Mennonite Central Committee (Shapland et al., 2011; Van Ness & Strong, 2013). During that conversation during which the two men were discussed, there was a general decision that these defendants may not benefit from a prison sentence, and that the young men were more likely to learn a lesson and be prevented from reoffending if they were to meet with the victims, hear their stories, apologize, and pay restitution (Shapland et al., 2011; Van Ness & Strong, 2013). The idea was presented to the judge, who was hesitant at first, but the final sentence was privation, with these tasks being a

condition of probation been granted (Shapland et al., 2011; Van Ness & Strong, 2013). The outcome was sufficiently positive for the judge to see the potential benefit, and implement these types of orders and suitable occasions (Shapland et al., 2011; Van Ness & Strong, 2013).

The success also attracted more interest, in both Canada as well as the United States, with the interest generated primarily through the Mennonite Central Committee (Van Ness & Strong, 2013). The early victim offender programs were supported by this ongoing tension, and incorporated a program where offenders would meet their victims, in order to develop an understanding of the harm that they had caused (Shapland et al., 2011; Van Ness & Strong, 2013). The program started out and was based within the community, rather than within the criminal justice system (Shapland et al., 2011). The early manifestations were referred to as the team-offender reconciliation programs, placing emphasis on the relational aspect of the process (Shapland et al., 2011; Van Ness & Strong, 2013). The program is expanded outwards, and as they expanded, probation services increasingly took up the process, as well as the community-based programs. The perceptions were also changed as the term reconciliation was replaced with the term dialogue or, more commonly, mediation (Shapland et al., 2011; Van Ness & Strong, 2013). Research indicates that victim offender mediation programs appear to offer a degree of satisfaction and healing for both the victims and the offenders (Shapland et al., 2011; Van Ness & Strong, 2013). Research in the late 20th century showed that approximately eight or nine out of every 10 participants agreed that they benefited from

the process and the resulting agreement (Carr, 1998; Davis, Tichane, & Greyson, 1980; Perry, Lajeunesse, & Woods, 1987).

However, the effectiveness of the victim offender mediation model may vary between its different manifestations (Carr, 1998; Davis et al., 1980; Perry et al., 1987). In the shuttle approach of mediation, the victim and the offender do not meet face-to-face; instead a mediator takes on the role of communication acting as a go-between (Van Ness & Strong, 2013; Umbreit & Roberts, 1996). Research carried out in 1990, 1996, and 2006, comparing the shuttle mediation with direct face-to-face mediation demonstrated lower levels of satisfaction in the shuttle approach (Dignan, 1990; Evje & Cushman, 2006; Umbreit & Roberts, 1996). The research indicated that face-to-face meetings yielded slightly better satisfaction levels compared to the shuttle mediation approach (Dignan, 1990; Umbreit & Roberts, 1996). Bradshaw and Umbreit (1998) undertook a secondary research analysis of data obtained from studies that took place in United States and Canada; their findings indicated similar levels of satisfaction. The research was undertaken using stepwise multiple regressions, in order to identify which variables impacted on the level of victim satisfaction that was recorded. The results demonstrated that free variables could explain 40% of the variance in satisfaction levels, and could explain the difference (Bradshaw & Umbreit**,** 1998). The first variable was the way that victims felt about the mediator, with a good feeling needed for high level of satisfaction (Bradshaw & Umbreit**,** 1998). The second factor was the perception of the fairness of the resulting restitution agreement; the third influence was whether or not victim had a strong wish to meet with the offender (Bradshaw & Umbreit, 1998). Evje and Cushman (2000)

confirmed the research findings, and demonstrated that out of those who took part in the process, 90% would recommend it to others.

Davis et al. (1980) and Bradshaw and Umbreit (1998) drew a comparison between victims that experience the traditional court system, and those who experienced victim offender mediation, and found that there is a higher level of satisfaction in the teams that experienced the mediation. In later research, Latimer, Dowden, and Muise (2001) undertook a meta-analysis examining 13 different victim offender mediation programs, along with group conferencing programs, and found that in 12 out of those 13, the satisfaction rates were higher for victims compared to traditional court systems. In the research, the findings indicated that generally the victim-offender mediations have higher satisfaction levels compared to group conferencing, where the greater voice of the teams, with fewer participants, led to higher levels of satisfaction (Latimer et al., 2001). Sherman and Stang (2007) also found similar levels of satisfaction.

Family Group Conferencing

The conferencing approach towards restorative justice has been used effectively in New Zealand (Maxwell & Lui, 2010; Shapland et al., 2011, Van Ness & Strong, 2013). The concept was adopted as part of the children, young persons and their families' act which was passed in 1989 (Maxwell & Lui, 2010). It created the utilization of the family group conference to replace youth court for the majority of offenders aged between 14 and 16 years (Maxwell & Lui, 2010; Van Ness & Strong, 2013). The change was a dramatic form, and at the time was controversial, creating a high level of concern regarding the efficacy of the changes (Van Ness & Strong, 2013). The decision to

introduce the system followed five years of ongoing concern regarding the operation of the juvenile system, especially for the increasing number of Maori children that have been removed from their parents and traversing the court systems (Maxwell & Lui, 2010; Van Ness & Strong). The Maori culture is one based on community involvement, with low levels of individualistic behavior, but while the emphasis is placed on community, each individual is also valued (Van Ness & Strong, 2013). The Maori approach towards conflict would invariably involve the family, undertaking a conversation process with the aim of finding a solution (Maxwell & Lui, 2010). The solutions would usually be collective and not individualistic, with the family of the offender and the offender taking some responsibility for making things right with victim and their family (Maxwell & Lui, 2010; Van Ness & Strong, 2013).

The change saw the adoption of family group conferencing as providing an alternate approach towards resolution, incorporating commonalities with the Maori culture. However, there are also some important differences (Maxwell & Lui, 2010; Van Ness & Strong). The conferencing process did remove the responsibility for determining what would happen to the offender away from the judge, and put that responsibility into the hands of the participants of the conference. Individuals within the community that are required to take place included the offenders and members of their family, or disapproval group (Maxwell & Lui, 2010; Van Ness & Strong, 2013). The attendance of victims is not necessary, however, they will be invited, and be able to play a role, but if they refuse to attend, the conference was to take place (Maxwell & Lui, 2010; Van Ness & Strong, 2013).

The basis of the approach was adopted in the interests of social welfare, and not as criminal justice (Maxwell & Lui, 2010). The practice expanded, and as knowledge increased the spread, a police officer from New Zealand found out about the process, and then adapted it for utilization by the Australian police force as an alternative to the traditional charging of juvenile offences (Van Ness & Strong, 2013). The process was developed in a prescriptive manner, as the police officer along with some colleagues created a script which could be used within the conference process (Maxwell & Lui, 2010; Van Ness & Strong, 2013). Subsequently, both the New Zealand and the Australian processes, have been adapted for use with adult offenders, and have been used globally (Maxwell & Lui, 2010; Van Ness & Strong, 2013).

The use of group conferencing has been demonstrated as producing high levels of satisfaction in most of the researches. The poorest result was seen in New Zealand, where 47% of the victims were not satisfied, and 53% were satisfied (Maxwell & Morris, 1993). Subsequent research has demonstrated high levels of satisfaction, ranging between 73% up to 90% (Fercello & Unbreit, 1998). In more recent studies, satisfaction levels appear to be even higher, ranging between 90% and 100% across the different ways in which satisfaction may be measured (Hayes & Daley, 2004).

In research undertaken by Hayes and Daley (2004) in Minnesota, the team identified the elements which were most likely to result in positive experiences. The most helpful was the ability of the victims to meet with the offenders, and to talk to them so they could explain the impact of the crime, and hear their explanation. Hayes and Daley

also identified the least helpful manifestations which could occur in the group conferencing process, which was a negative attitude of parents during the conferencing.

In research undertaken with juvenile offenders, the programs were also found to be highly successful, with 85% of the teams indicating that they would recommend this program compared to the alternate juvenile justice system (McCold & Wachtel, 1998).

Circles

The third method, and one of the lesser used models within the literature, is that of circles (Maxwell & Lui, 2010). These approaches emerged at approximately the same time as conferencing, and it may be argued this model has its origin within the practices of indigenous peoples (Maxwell & Lui, 2010; Van Ness & Strong, 2013). These approaches may be known as sentencing circles, healing circles, or community circles, and draw on the understanding of justice as it is seen in aboriginal peoples (Van Ness & Strong, 2013). The initial manifestations are seen in Canada, and the process may have drawn on the influences of the first Nations people of Canada, who used circle processes within the systems (Maxwell & Lui, 2010). The first recorded case where circles were utilized was in the Yukon Territory, in the town of Mayo (Maxwell & Lui, 2010; Van Ness & Strong, 2013). The case occurred in 1992, and involved a 22-year-old offender who had a long history, including 43 previous convictions, as well as a history of alcohol abuse (Bonta, 1998; Van Ness & Strong, 2013). The offender had been in and out of prison, and in each case it had been determined that the offender required long-term treatment for substance abuse, as well as some other interventions (Bonta, 1998;Van Ness & Strong, 2013). However, these were never provided (Van Ness & Strong, 2013). There

was concern on the part of the low pressures, including the probation officer, the Crown counsel as well as the judge that the cycle is likely to continue unless something is done to break the circle (Bonta, 1998; Van Ness & Strong, 2013). In order to try and break this cycle the leaders explored other ways and agreed that sentencing could incorporate other stakeholders, such as the leadership of his nation, evicting and other community members, as well as his family (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). Following conversations with members of the first Nations community and their chief, the process was changed to emulate the circles used within the indigenous people's culture (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). The court room was rearranged so that chairs were arranged in a circle, with all of the court officials, including the judge, prosecution, and defendant in the circle, along with his family, the chief and other members of the first nation (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). The process resulted in the First Nations community working with the judge, agreeing to try and help the offender and the family in dealing with the substance abuse (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). The offender also agreed to participate, accepting this house as part of the three-part program that was the final outcome. The offender's family also agreed to provide support during the process of change (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013).

During the process the judge was able to identify the presence of some significant advantages using circle process compared to traditional sentencing. The process challenged the way in which law professionals had gained a monopoly on the process,

and facilitated participation by nonprofessionals (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). This increased participation benefitted the system by improving the amount and quality of information available which also facilitated a greater level of constructive consideration in determining the way in which a sentence should be determined (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). The process also provided those who participated with an increased understanding of the constraints of the justice system, as it led to an increased understanding of the need to look at how and why problems occurred (Bonta, 1998; Van Ness & Strong, 2013). The process was also deemed to be successful, as it facilitated a convergence between the values of two different cultures; first nation, and the Canadian institutions (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013).

The use of circles has since expanded across North America, and although they are also appearing elsewhere, their use is more constrained (Coates, Unbreit, & Vos, 1999; Shapland et al., 2011). This approach may be argued as the most inclusive of the three different approaches, as it facilitates the greatest level of involvement, not only from the offender and the victim, as well as their families, but also from community members (Bonta, Wallace-Capretta, & Rooney, 1998; Van Ness & Strong, 2013). It is also an approach which can be adapted to a wide range of situations, and include a wide range of stakeholders (Coates et al., 1998; Shapland et al., 2011; Van Ness & Strong, 2013).

The lesser use of circles is resulting in fewer studies to examine the efficacy of the process (Coates et al., 1998; Van Ness & Strong, 2013). The research does indicate

that there have been positive outcomes as a result of different types of circles, including talking circles, sentencing circles and healing circles (Coates et al., 1998; Van Ness & Strong, 2013). Early work was undertaken through the Hollow Water First Nation Community Holistic Circle Healing approach, which was applied to individuals who are sex victims (Lajeunesse, 1996). Here, the community involved was able to highlight positive outcomes, but also indicated that there were ongoing concerns (Lajeunesse, 1996). The research indicated that those who participated benefited from having a voice, and the ability to influence the outcome, with the process helping to renew the sense of community, and cultural pride, as well as supporting the concept of mutual respect (Lajeunesse, 1996). However, with this process it was also noted that there were some significant difficulties or barriers which may hinder its effective use. Criticism included the lack of privacy, embarrassment associated with the process, the potential difficulty working with families and close friends, as well as the potential for religious conflict (Lajeunesse, 1996; Coates et al., 1998).

The overall set level of satisfaction of victims in this process is deemed to be very high (Coates et al., 1999; Matthews & Larkin, 1999). Matthews and Larkin (1999), who undertook research in Whitehorse, YT, examined the use of healing and sentencing circles, reported very high levels of satisfaction among the participants. In South St. Paul, MN, Coates, Unbreit, and Vos (1999) examined the results of restorative justice circles that were implemented for offenders who had committed low level of assaults, or misdemeanors, and also found very high level of satisfaction. The research was undertaken by interviewing 30 participants to determine whether they would recommend

participating to others in similar circumstances like themselves. The offenders found the connection with people in the circle most effective, as they change their attitude, and also gave them an opportunity to pay back the victims and community. Another advantage was avoiding court (Coates et al., 1999). The victims also found the system beneficial (Coates et al., 1999).The main benefits included the ability to tell their story, to listen to others involved, and connect with the people in the circle. Community representative participants felt that they were able to give something back to the community by helping people (Coates et al., 1999).

Effective Restorative Justice Project

The level of satisfaction of the victims and the offenders appear to indicate there may be a positive signal (Coates et al., 1998; Morris et al., 2001; Van Ness & Strong, 2013). However, satisfaction does not necessarily mean the process is effective, especially in the context of crime control, and the prevention of reoffending (Asaduzzaman, 2014; Van Ness & Strong, 2013). Notwithstanding, evidence appears to support the argument that restorative justice programs appear to have a greater potential to prevent reoffending, compared to traditional court systems, but the level of effectiveness can vary greatly depending upon the type of offence, and the context in which it occurs (Asaduzzaman , 2014; Braithwaite, 2002; Latimer et al., 2005; Strang, 2005). The ability to undertake research to determine the outcome can also be difficult; as the research process may be biased by the way in which self-selection is present. This is because those who participate in exhaustive justice processes as an alternative to the traditional court system will often self-select themselves (Braithwaite, 2002; Coates,

1999; Latimer et al., 2005; Strang, 2005). If true scientific rigor is being implemented into the research process, it would require that various type of criminals were allocated on a random basis to either restorative justice or court processes, in order to create controllable scientific experimental conditions (Knowlees, 2012; Strang, Sherman, & Mayo-Wilson, 2005). This is the only process that would facilitate a true comparison, with the gathering of data from the individuals who took part, regardless of the treatment or justice system they are allocated to (Strang, Sherman, & Mayo-Wilson, 2005). However, this scientific method is not viable because of ethical and practical considerations. Furthermore, Strang et al. (2005) argued the self-selection issue may be seen as more of a point of interest, rather than creating a real problem.

To consider a successful project, the case of the Afikpo people, also referred to as the Ehugbo, in Nigeria was considered (Elechi, 2009, 2013). The research involved an examination of a conflict resolution model which was being used in southeastern Nigeria (Elechi, 2009, 2013). The model is being used in a contemporary indigenous environment, but is based on a cultural traditions and ideas of justice (Elechi, 2009, 2013). In line with restorative justice in the African context, the Afikpo people have a great sense of community, with great emphasis on communal values (Elechi, 2009, 2013; Omale, 2006). This does not mean that rights, interests and well-being of individuals are unimportant, but demonstrates the way in which an individual should always consider the potential consequences of their actions on the wider community (Elechi, 2009, 2013).

Afikpo is located in Ebonyi state, one of the 36 states within Nigeria. The population is approximately 110,000, and is served by three courts, the High Court, the

magistrate's court, and the customary court (Elechi, 2009, 2013). The High Court and magistrate's court have their basis in English law, and the customary court provides an alternative system based on traditional conflict resolution processes found in indigenous law (Elechi, 2009, 2013). The customary court was introduced in 1984 under a local state edict in order to provide a bridge between cultural differences (Elechi, 2009). The judges of these customary courts are not legally trained, but they have a strong understanding of the areas of customary laws over which they will preside (Elechi, 2009, 2013).

A significant difference between the High Court and magistrate's court and the customary court is the way in which the customary court is more relaxed, and empowered to seek reconciliation during any step of the trial procedures (Elechi, 2009, 2013). The overall emphasis is on reconciliation, rather than on rights (Elechi, 2009, 2013). The customary law court edicts Section 18 states, "In civil cases or matters, a customary court may promote reconciliation among the parties hereto and encourage and facilitate the amicable settlement thereof" (as quoted in Elechi, 2013). The customary court has the power to implement a range of sanctions, which can include, but are not limited to fines and/or compensation (Elechi, 2009, 2013). It is also notable that the customary court also has the power to hand out an imprisonment sentence. The focus is therefore not only on restorative justice as there is a degree of recuperative justice also present, backing the claim by Daly (2001), that "in the real world, the manifestation of restorative justice tends to be in the context of a hybrid approach, rather than a pure approach" (p. 25).

Elechi (2009, 2013) identified this as a case that demonstrated there has been a return to customary law. The ongoing nature and apparent use of the system appears to

indicate success. The ability of the system to run alongside the more formal High Court and magistrate's court, also demonstrates the potential of creative solutions and benefits associated with the restorative Justice provided by customary courts (Elechi, 2009, 2013).

Restorative Justice and the Victims

Victims have displayed high levels of satisfaction when they have participated in restorative justice programs (Latimer et al., 2005; Sherman et al., 2005; Strang et al, 2005). A high level of satisfaction is likely to be the result of a greater level of participation, and the process focusing on reparation rather than the state taking control, and evicting feeling of disempowered and forgotten by the victims (Beven, Hall, Froyland, Steels, & Goulding, 2005. To the victims, their participation is empowering and therefore provides satisfaction (Beven et al., 2005; Hayes & Daley, 2004). An aspect of the psychological conditions that may result from being involved in a crime may benefit from the ability to gain this type of closure (Bevan et al., 2005). Notably, it is the emotional restoration that appears to be most important, with a lower level of importance placed on material restoration (Strang, 2002). However, while a majority of victims appear to be satisfied, this is not true for all victims (Bevan et al., 2005; Strang, 2002). The readiness of the victims to participate in restorative justice may also vary greatly; in some cases this was as low as 36%, but in other cases it was as high as 92% (Bevan et al., 2005; Strang et al., 2006). Research identifying factors which may predispose victims' participating in restorative justice, as well as challenges and barriers which may deter their participation, have not been sufficiently studied, in order to identify any particular patterns (Strang et al., 2006).

Conclusions

Social control theory and reintegrative shaming theory provide support for the way in which restorative justice operates (Braithwaite, 1989; Harris, 2004). Restorative justice has the potential for restitution and punishment as well as provides a potential method for overcoming resource constraints in a typical Western justice system (Evje, 2000; Gromet & Darley, 2006). There is a potential for a high satisfaction level (Dignan, 1990; Evje & Cushman; 2006; Umbreit & Roberts, 1996), and several examples have demonstrated how restorative justice has been used by drawing on traditional law and successfully restoring law and order in other African countries with the same cultural backgrounds as Nigeria. At the same time, restorative justice can increase the perception of equity. Thus, the literature has indicated that restorative justice has potential application in Nigeria (Elechi, 2013; 1999; B. Hart & Saed, 2010).

Summary

The theoretical basis for the study was on the concept of social control and reintegrative shaming. Defining restorative justice as a process that places the victim at the center of the process can reduce stress on justice systems (Braithwaite, 2002; 1989; Shapland et al., 2011), and has been credited with creating increased satisfaction with fairness of outcomes (Dignan, 1990; Evje & Cushman; 2006; Umbreit & Roberts, 1996;).

Although there is evidence from studies on restorative justice being an effective tool for change, many theorists and researchers have criticized restorative justice and do not believe it is a useful tool (Braithwaite, 1999). Regardless of the failings of some countries to properly implement an effective program of restorative justice, the results of

programs that were allowed to be used have generally positive results (Braithwaite, 1999).

According to Braithwaite (1999),

> When individuals are basing their decisions on knowledge of the background and the particulars of an offense, public surveys show that the people are less likely to be unforgiving and want harsh punishments for the criminals (p. 15).

Therefore, when people are closer to the people they are judging and have all the necessary information, they are less likely to want to simply punish the person. The use of restorative justice means that people are made to pay for their wrongdoing in a way that is going to help them and the victim of their crime. If a person who is wronged can forgive and try to heal, it shows he or she is not out for revenge or merely seeks to punish the criminal. In this way the use of restorative justice is preferable to simply punishing a person because it can have more long-term positive effects.

Cases in Somaliland and among the Afikpo people have demonstrated the way in which traditional law may be used as a basis to introduce restorative justice in Nigeria (Elechi, 2013; 1999; B. Hart & Saed, 2010). There may be criticism of the process, such as the focus on restoration and heed for punishment (Daly, 2001), but the literature indicates that the restorative process need not be implemented in a manner that is diametrically opposed to the retributive process; restoration may be made along with the netting out of punishment (Braithwaite, 2002; Wallis, 2013; Zedner, 1984).

CHAPTER 3. RESEARCH METHOD

Introduction

The process of assessing the potential of restorative justice alternative to the Nigerian criminal justice system from the perspective of the criminal justice system professionals required a robust approach towards primary research. Relevant data were gathered to answer two main research questions concerning the perceived potential acceptability of restorative justice processes and the perceived potential impact of restorative justice processes on preventing reoffending. Braithwaite (1999, 2002) and Bonta et al. (1998) noted that there are many different types of restorative justice practices, which are influenced by different cultures and traditions, which also manifest in divergent formats. As such, the approach taken toward the research needed to facilitate sufficient flexibility to allow for recognition of local cultural perspectives (Bryman, 2012; Silverman 2013).

Past research evaluating the potential of restorative justice had been based on quasi-experimental approaches, with the assessment of the outcomes from the perspectives of the participants, including the victims and the offenders (Bradshaw & Umbreit, 1998; Braithwaite & Biles, 1984; Carr, 1998; Coates et al., 1999; Davis et al., 1980; Edossa et al., 2007). Although B.Hart and Saed (2010) examined an organic emergence or return to restorative justice within a system in crisis, the majority of the

research took place with pilot studies in sound justice systems, where improvements were being sought (Carr, 1998; Coates et al., 1998; Marshall, 1999). This exploratory study differed from past research; it was not an assessment of restorative justice through a pilot project or examining of the application of restorative justice concepts but an assessment of the perceived potential of a pilot, undertaken from the view of criminal justice system professionals (Adolino & Blake, 2010; Anderson, 2010).

The choice of epistemology, regarding the nature of knowledge and way in which the research may be undertaken, is usually dominated by two research paradigms, positivist and interpretivist (Carter & Little, 2007; Gray, 2013). The positivist paradigm has traditionally been favored as providing the most robust research results due to its alignment with scientific methods (Carter & Little, 2007; Chilisa, 2011; Gray, 2013). The underlying paradigm for positivist research is that the world can be examined with the identification of definable and provable relationships, relating to cause and effect (Carter & Little, 2007; Gray, 2013). The relationships may be highly complex, but with sufficient understanding gained through the collection of measurable data and analysis, the relationships may be identified and defined (Gray, 2013; Kasi, 2009).

Positivism is often utilized in scenarios where researchers are seeking to utilize the research process in order to create generalizations (Chilisa, 2011; Kasi, 2009). The processes used in positivist research will frequently utilize statistical analysis and hypothesis testing (Chilisa, 2011; Gray, 2013). The assumption of positivism with singular answers to research questions has also been argued as potentially overly

simplistic, with the assumptions that there are singular, objective, answers to research questions (Denizen & Lincoln, 2005; Steedman, 2000).

The alternate research approach is interpretivism, also referred to as anti-positivism, due to the divergence in the underlying assumptions associated with this form of enquiry (Alexander, 2014; Chilisa, 2011; Gray, 2013). Whereas the positive approach towards research seeks singular objective answers, the interpretive approach facilitates a greater degree of flexibility, allowing for subjective assessment of data (Chilisa, 2011; Gray, 2013). In this research paradigm the world is perceived as highly complex, and is best understood adopting a more pluralistic perspective, which incorporates consideration of individual viewpoints (Chilisa, 2011; King, Keohane, & Verba, 1994).

Within interpretivism there is the assumption that research questions will not necessarily result in singular answers, and facilitate a broader examination of issues rather than simply examining cause and effect relationships (Chilisa, 2011; King et al., 1994). The ability of the researcher to consider the subjective interpretation may be particularly useful in research situations where there are divergent cultures and traditions, and for examining situations with divergent stakeholder needs (Chilisa, 2011; King et al., 1994). However, interpretivism may also be criticized for the subjectivity, and the inherent implications that the facilitation of subjectivity will reduce the robustness of the interpretation of results (Chilisa, 2011; King et al., 1994).

The post-positivism research paradigm that has emerged bridges the difference between positivist and interpretivist research approaches, seeking to combine the strengths of the scientific logical approaches found within positivism, with the pluralism

and flexibility identified within the interpretivist research school (Chilisa, 2011; Kasi, 2009). The difference between the positivist and post-positivist approaches is apparent in the relationship between theories and data; in the positivist paradigm theory emerges from the observational data, the raw empiricism supposes it is possible to gather data through theory, which may be subsequently utilized in the development of theory (Trochim; 2006). In other words, data are assumed to be unbiased by theory (Grey, 2013; Willis, 2007). This concept is rejected within post-positivism, where theory is deemed to exist, and data are applied to test the theories; in post-positivism the theory is the first element of the research, expressed through the development of the hypothesis to which the data will be applied and used to test (Grey, 2013; Willis, 2007). The post-positivist approach was most aligned with the needs of the current research. Theory led me to examine the potential of restorative justice in the Nigerian context, with the desire to gain generalizable but robust results that would be representative of the situation in Nigeria.

Research Design

The design of the research was based on the need to gain a generalizable result, which required collection of data from a sample that was representative of the population I studied, avoiding potential for bias or skew in the sample (Chilisa, 2011; Creswell, 2010). To collect sufficient data to generate sufficient reliability, a quantitative exploratory correlational predictive research with multiple logistic regression analysis approach was adopted (Grey, 2013; Guba & Lincoln, 1994). The research was undertaken with the use of The Eysenck Personality Questionnaire. This questionnaire was developed as a 101-item inventory to assess individuals along three personality

dimensions; psychoticism, extraversion, and neuroticism (Eysenck & Eysenck, 1975). The tool is simple, with a range of questions to which the respondents answer *yes* or *no*. The assessment of personality based in the answers was used to indicate the degree to which a respondent may have a liberal approach and be favorable to changes in the existing system, or conservative and resistant to changes, on the basis of correlational predictive modeling.

A high degree of precedent for the use of a correlational predictive research model with multiple logistic regression analysis already existed, especially in research where social attitudes and psychological personality features have been measured in diverse populations (Feldt, 2010, p. 235). Scientists have shown this method possesses a high degree of validity and reliability and is highly effective at the particular task of "maximize[ing] predictive power while minimizing the number of covariates in the model" (Sarkar, 2010), the objective of the present study.

The self-completing Eysenck Personality Questionnaires had a number of advantages. It allowed for a cost-effective and time-efficient method of collecting data from a large number of people (Creswell, 2010; Yin, 2002). The use of Eysenck Personality Questionnaires also facilitated a wider distribution in a diverse country that covers a total of 923,768 sq km, with a number of divergent local traditions and cultural differences (CIA, 2014). The questionnaires were distributed via the postal service and the Internet.

Prior to distribution of the questionnaires contact was made with key people at the Nigeria Police force headquarters, the Nigeria High courts, and the Nigeria prisons, to

facilitate the distribution processes. Ritter, Lorig, Laurent, and Matthews (2004) compared responses provided by postal questionnaires and those distributed through the Internet and found no significant differences in the construct reliability of the responses, and less work was required to gain a higher response rate using the Internet. Reliability and ease of use are established benefits of the distribution of questionnaires through the Internet (Hunter, 2012; Smith et al., 2013). Hunter (2013) and de Leeuw (2012) noted the potential for bias in a sample if there are issues associated with the target populations' ability to access the Internet. With legal professionals, the police, and prison officials being the targeted population for this study, it was unlikely the results would be skewed based on Internet access; postal questionnaires, however, supplemented the Internet distribution and provided the same level of reliability (Hunter, 2012; Ritter et al., 2004). Postal questionnaires may have lower response rates due to the greater effort required on the part of respondents to complete and return the form compared to Internet questionnaires where there is a higher level of convenience (Hunter, 2012; Ritter et al., 2004). Postal questionnaires have also been noted as having more practical barriers prior to receipt by a potential respondent (Hunter, 2012).

Population and Sampling Plan

The sampled population for this study were all criminal justice professionals (police, judges/lawyers, and prison officials) living and working in Nigeria and drawn from the databases of criminal justice officials in Lagos, Nigeria. These databases are generally a matter of public record but require specific permission to use. Out of this population, about 300 participants (100 each) from the Nigeria police, lawyers/Judges,

and prison officials was required to obtain statistically meaningful results from the analysis. Participants were selected using simple random sampling (Ronet & Russell, 2012, p. 113). More specifically, "criminal justice professionals"included police officers (junior/senior); judiciary (judges, magistrates, public prosecutors, and lawyers), and prison officers (junior/senior) who were Nigerians and had legal rights to work in these professions without regard to gender, age, religion, and ethnicity (Ronet & Russell, 2012). The choice of Lagos was logical based on the fact that most cultures, ethnic groups, religions (including those from the North-East and North-West Zones) and social classes can be found in the chosen area (Falola, 2009). Lagos is also the center of industrial, commercial, and bureaucratic activities in Nigeria, which attract people of diverse background and social class (Falola, 2009).

Having established the above criteria, the cluster sampling technique (Akinkoye,1994, p. 8) was used to first cluster the research population into the official "six geo-plitical zones" in Nigeria (IPCR, 2002, p. vi). A "purposeful sampling technique" (Akinkoye, 1994, p. 9) was used to choose four geo-political zones of: South-South, North-Central, South-East and South-West for this study, excluding North-East and North-West, which are monolithic in culture, ethnicity, and religion with North-Central. Secondary sources such as books, reports of dailies, thesis, government publications, conference papers, seminar reports, and periodicals were reviewed and critically analyzed to support the views and provide insights into the data that were derived from the primary sources. The materials from secondary sources addressed

several questions relating to conceptual issues and provided the bases for quantitative analysis of empirical outcome.

Instrumentation/Measures

To measure the variables associated with social attitudes toward restorative justice, I used an established psychometric instrument, the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975). This questionnaire comprises 101 questions designed to quantify four key aspects of personality as identified by Eysenck: psychoticism, neuroticism, extroversion (as opposed to introversion), and sincerity. Each of the four scales is associated with one of the items on the questionnaire, with a simple *yes* or *no* answer being collected in order to provide a quantitative ranking on that scale (Eysenck & Eysenck, 1985). For instance, 25 items are associated with psychoticism, and so the scale for psychoticism ranges from 0 to 25, based upon an individual's responses to the items in question (Eysenck & Eysenck, 1985). While the purpose of the psychoticism, extroversion, and neuroticism scales are to measure those aspects of the participant's personality, the sincerity or "lying" scales exists primarily as a measure of reliability, and has the potential to invalidate the results if it appears that the participant is answering dishonestly (Eysenck & Eysenck, 1985).

There is a significant precedence for using a basic personality inventory to measure social attitudes. A 1976 study was able to successfully correlate at least six social attitude variables with responses to the EPQ (Pearson, 1976, p. 109). In the study, 111 psychiatric patients were given the EPQ in order to measure the "relationship between personality and social attitudes"; the "lie scale correlated positively" with

measures of "conservatism vs. liberalism", with a significance of $p < 0.01$, and with measures of "ethnocentrism and intolerance" with a significance of $p < 0.05$ (Pearson, 1976, p. 109). This is in keeping with Eysenck's own considerations that fundamental aspects of personality are innately tied to social attitudes and political orientations (Friedman, 1981, p. 550; Stone, 1976, p. 213).

Another study from 1973 provided direct psychometric data related to the correlation between social attitudes and the responses given to the EPQ; in this study, some 97 students were given both the EPQ as well as the Conservatism scale, which measure six factors related to social attitude such as conservatism vs. liberalism, ethnocentrism, intolerance, and so on (Wilson, 1973, p. 115). The results of the study showed that there was a significant correlation between psychoticism as measured by the EPQ and conservatism (0.23, $p < 0.05$) (Wilson 1973, p. 115). Moreover, there was a significant positive correlation between extroversion and idealism (0.33, $p < 0.01$) and a significant negative correlation between extroversion and religious puritanism (-0.30, $p < 0.05$) (Wilson 1973, p. 115). As for neuroticism, there was found to be a significant link between that and ethnocentrism or intolerance (0.23, $p < 0.05$) (Wilson 1973, p. 115). Lying was positively correlated with both conservatism (0.26, $p < 0.01$) and religious puritanism (0.37, $p < 0.01$) and negatively correlated with idealism (-0.26, $p < 0.01$) (Wilson 1973, p. 115). In other words, to the extent that the EPQ is a reliable and valid instrument, its measurements of factors such as psychoticism, neuroticism, extraversions, and lying, are useful correlates for measuring the study's own variables of conservatism, ethnocentrism, intolerance, and idealism (Jost, Glaser, Kruglanski, & Sulloway, 2003).

The EPQ has been subjected to rigorous analysis of validity and reliability since its inception (Jost et al., 2003). For example, in a 1971 study, Platt compared the EPQ to the MMPI as well as the Internal-External Control Scale with a sample of 1,100 participants in order to measure construct validity; Platt found that the EPQ's "extroversion scale is clearly correlated with the MMPI social introversion scale for both males *(r* = -.58, $p < .005$) and females *(r* = 0.63, $p < .005$), and that the Lie scales are also very highly related (for males, $r = .53$, $p < .005$; for females $r = .43$, $p < .005$) (p. 104). Additionally, Platt stated there are "significant relationships between the EPI (EPQ) neuroticism scale and the MMPI scales of hypochondriasis… hysteria" and other neurotic personality factors (p. 104). Consequently, Platt concluded that the "correlations all supported, to greater or lesser degrees, the construct validity of the EPI (EPQ)" (p. 104). MacRae (1975) also assessed the reliable performance of the EPQ's items and found a high degree of consistency for both forms A and B of the EPQ, with mean scores of 452 participants deviating by no more than 16% (p. 501).

Data Collection

All data collected for this study were obtained from the randomly selected participants from the Nigeria police, judges/lawyers and prison officials using the Eysenck Personality Questionnaires hosted by and distributed via SurveyMonkey across the sample population. To ensure that only those targeted for the survey took part in it, access to the survey required a specific password distributed in the invitation to participate in the research (Bryman, 2012; Gaiser & Schreiner, 2009). The online format

allowed for automatic collection of data. The postal questionnaires required data input to be undertaken manually.

To increase the potential for participation, respondents were notified prior to agreeing to take part in the research that the data collected would not include identifiable personal details. This assurance also had the potential to increase the level of participants' participation and honesty. Hosting the questionnaire on SurveyMonkey also helped ensure confidence in confidentiality (Crowther & Lancaster, 2012; Gaiser & Schreiner, 2009). Data were removed from SurveyMonkey after participants completed the questionnaire and were stored securely to ensure data integrity would be protected and to prevent unauthorized access to the individualized responses.

Data Analysis

Before analyzing the data, I checked them for reliability and internal consistency (Grey, 2013; Willis, 2007). The screening questions were used to eliminate responses from noncompliant respondents, such as those who did not meet the required criteria or complete the questionnaire (Grey, 2013; Willis, 2007). The design of the questionnaires incorporated a structure to facilitate testing for internal consistency. Asking the same questions about similar issues also allowed the answers to be compared to ensure internal consistency (Peterson, 1994). I assessed the different areas using Cronbach's alpha, a measure commonly used to assess internal consistency between similar items in a questionnaire or assessment (Creswell, 2010; Grey, 2013). Only data that received a score of 0.7 or higher were included in the data analysis. The general standard considered

as providing sufficient internal consistency within the field of any social research is 0.7 (Chilisa, 2011; Grey, 2013).

The resulting data were subjected to statistical analysis to assess the views regarding the acceptability of restorative justice, looking at the different aspects incorporated within the questionnaire individually, and the overall answers (Grey, 2013; Willis, 2007). The assessment was broken down using the independent variables in order to determine any particular patterns in the support or rejection of the ideas I examined (Grey, 2013; Willis, 2007). I conducted a statistical analysis to assess the views of the professionals in the criminal justice system regarding the potential impacts restorative justice may have on reoffending. The assessment was undertaken in the same manner as the assessment on the acceptability of restorative justice, looking at the overall views, reviewing specific areas/issues within the questionnaire, and assessment with reference to the independent variables (Grey, 2013; Willis, 2007).The statistical process used for this study included simple one-sample median and descriptive statistics, factorial logistic regression, and t test for correlations using Spearman's R^2 (Grey, 2013; Chilisa, 2011).

Assumptions and Limitations

I assumed that the 300 respondents from the different professional categories, drawn from the differing areas of Nigeria, would provide a representative sample. However, with any research there was the potential that the sample itself was unintentionally skewed (Friedman, 1981). The main limitation was the assertion of the relationship between conservatism and liberalism, and ethnocentrism and intolerance as closely associated with social attitudes and political orientations; past researchers,

however, have demonstrated that they are closely linked (Friedman, 1981, p. 550; Stone, 1976, p. 213). Using legal professionals as the sample was also a limitation in terms of policy assessments; the research indicated only the degree to which restorative justice would be acceptable within the professional fields represented in the sample, and should not be seen as reflecting popular opinion in Nigeria.

Validity and Reliability

Robust research has the characteristics of reliability and validity (Wills, 2007). Reliability is research that provides reliable results as the research is repeatable and, when repeated, will produce the same results (Patton, 2002). Reliability indicates the research results were not anomalous and is increased with reference to the size of the sample and the sampling method (Patton, 2002). A sample size of 300 ensured there was a representative sample and minimize the potential for a Type I error (Curwin & Slater, 2007; Willis, 2007). The potential for a Type II error cannot be eliminated (Curwin & Slater, 2007).

Validity refers to the methodology used to collect and analyze the data (Curwin & Slater, 2007; Willis, 2007). This research was designed to ensure internal validity, with a robust design incorporating randomization of the sample selection, suitable controls, with the use of an established research tool and a logical structure.

Expected Findings

The primary expectation was that the results would indicate the degree to which restorative justice may or may not be acceptable to professionals in the criminal justice system. It was expected that due to the higher cultural presence of restorative justice in

some traditional practices in Nigeria, there would be at least some degree of acceptance of the idea (Omale, 2009). Nigerian respondents are generally positive of restorative justice because its values, principles, and philosophy have been seen to be congruous with their restorative culture and traditions (Omale, 2009). The Eysenck Personality Questionnaire (Eysenck & Eysenck, 1985) does not question directly the acceptance of the specific idea. Instead, it draws on the underlying social attitudes that may influence perceptions. Thus, the results were not completely predictable. The results were expected to provide a foundation for future research concerning improvements, supplements, or changes to the Nigerian criminal justice system.

Ethical Considerations

Credible research requires not only the characteristics of validity and reliability but must be perceived as being undertaken in an ethical manner (Bryman, 2012; Chilisa, 2011; Grey, 2013; Miller, 2012). Therefore, the research process itself must demonstrate a sound ethical framework (Bryman, 2012; Miller, 2012). Prior to undertaking the research, the design was checked to ensure there was total compliance with the university ethical standards. Thus, Capella University's Institutional Review Board assessed the research proposal for approval of the study before I proceeded. To ensure ethical research was undertaken, it was necessary to consider different issues associated with research (Chilisa, 2011; Israel & Hay, 2006). As the research was not on a controversial subject and did not involve any intervention, no issues were associated with detrimental outcomes such as psychological, physical, or social harm (Chilisa, 2011; Israel & Hay, 2006).

The main ethical concern is the right of respondents to retain their privacy. This applies to their right to retain their views and refuse to participate, and their right to confidentiality, including responses to the research questions (Chilisa, 2011; Israel & Hay, 2006). The invitation or requests sent to the respondents made it clear that participation was purely voluntary and they could withdraw at any time (Chilisa, 2011; Israel & Hay, 2006).

Prior to participation the nature of the research must be described to ensure there is informed consent (Chilisa, 2011; Israel & Hay, 2006). Therefore, a statement of informed consent was attached to the questionnaires posted online as well as those sent through the mail. Security measures to protect participants' confidentiality were put in place. No part of the questionnaires asked for participants' bio-data.

Conclusion

The research process was designed to provide a robust approach to answering the two research questions to determine whether restorative justice is acceptable alternative to the present criminal justice model in Nigeria. The Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985) and a quantitative exploratory correlational predictive research design with multiple logistic regression analysis provided a strong basis for testing the theories regarding restorative justice (Feldt 2010, p. 235; Jing, 2010, p. 238). With sufficient responses from a representative stratified sample of criminal justice professionals in Nigeria, the results should be generalizable as well as reliable (Curwin & Slater, 2007; Wills, 2007).

Summary

This research was undertaken by adopting a post-positivist approach, testing the theory against the data (Trochim 2006. Participants completed the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985), which was distributed online through the SurveyMonkey, as well as through the post office. Key personnel in relevant criminal justice offices were randomly selected to participate. The Eysenck Personality Questionnaire assessed different aspects of acceptability of restorative justice and its impact on reoffending. The results were subjected to statistical analysis and internal consistency requirements were assessed through the use of Cronbach's alpha (Curwin & Slater, 2007; Wills, 2007). Results were statistically analyzed with ordinal and categorical data and answered the two questions and any correlation between the two.

CHAPTER 4. DATA COLLECTION AND ANALYSIS

Introduction

This research was undertaken to answer two research questions addressing the assessment of the acceptability of restorative justice to criminal justice professionals and their belief that restorative justice would help to reduce subsequent criminal behavior and reoffending. The results for a sample of 300 police officers, lawyers/judges, and prison officials were collected and analyzed with Microsoft Excel at the 95% level of confidence. Full tables, including the deceptive analysis, *t* tests, and graphs with the regression analysis are presented in this chapter. The results indicated that there was likely to be an overall level of acceptance of the idea of restorative justice; however, the level of acceptance was not equal throughout the different sample groups, with lawyers/judges showing the greatest potential level of acceptances, with 86% of that group being classified as liberal. The police would find restorative justice acceptable as well, with 75% of this sample group being classified as liberal. The results for the prison officials indicated a lower potential level of acceptance, with 79% classified as conservative. The results of the analysis also indicated there was a likelihood that judges/lawyers and the police, but not the prison officials, would believe that restorative justice would reduce reoffending.

Description of Sample

A total of 447 invitations and questionnaires were sent out to potential respondents drawn from the databases of police, lawyers/judges, and prison officials in Nigeria. A total of 336 were returned, for a response rate of 75.1%. Of the 336 that were returned, 112 were from members of the Nigerian police force, 110 from lawyers and judges, and 114 from prison officials. The sample was spread across four different areas of Nigeria, where there was the greatest potential for a representative sample of the different cultural backgrounds in Nigeria. The sample was evenly spread among South-South, North-Central, South-East, and South-West. The sample excluded the North-East and North-West, which are monolithic in culture, and ethnicity as well as religion with North-Central. The sample areas were initially identified through cluster sampling (Akinkoye, 1994, p. 8).

The responses gained were not all suitable for use. Twenty-one were not fully completed or answered in a clear manner and were excluded from the sample. Thirteen were eliminated following assessment of the answers with high L (lie) scores, which indicated that the respondents may be unreliable; this was originally inserted as a reliability measure (Eysenck & Eysenck, 1985).

The remaining responses resulted in 100 from the Nigerian police force, 100 lawyers and judges (69 lawyers and 31 judges), and 100 prison officials. The sample was predominantly male, accounting for 71% of the sample, with 28% female. Most criminal justice system professionals are men; however, no comprehensive statistical data exist to assess actual levels across the three professions. A 2010 report for the police revealed

only 12.4% were women, but there were plans to try to increase this to 35% by the end of 2015, so the skew in the sample was likely to reflect at least some of the gender skew that exists in the professions examined in the sample (Prenzler & Sinclair, 2013). The mean age of the sample was 39.2 years, with a standard deviation of 17.3 years.

Statement of Results

The results from the research were analyzed in light of the two research questions.

Research Question 1. To what extent would restorative justice be acceptable to criminal justice professionals as an alternative to the current criminal justice system in Nigeria?

Hypothesis 1. Restorative justice will be acceptable as an alternative for the existing criminal justice system in Nigeria by Nigerian criminal justice system professionals.

Psychoticism

To examine the first research question, the psychoticism dimension of personality was measured using the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1985; 1975). Wilson (1973, p. 115) demonstrated a direct correlation between psychoticism and conservatism, with liberalism the opposite of conservatism. The entire sample (police, lawyers/judges, and prison officials) gave a mean score of 10.66 out of a total possible score of 25. The median point of 12.5 indicates the midpoint (Eysenck & Eysenck, 1975, 1985). The standard deviation for the entire sample was 4.58. The 10.64 score was below the midpoint of the scale, making the sample appear to be more liberal than conservative. A result indicating liberalism indicates a greater potential for the acceptance of

restorative justice, which is generally seen as a liberal concept, and requires an acceptance of change that is not akin to conservatism (Wilson, 1973, p. 115).

There were differences among the three groups, with different means and data patterns emerging. The mean for the police was 10.7, slightly below the midpoint score of 12.5, and indicated a slight skew towards liberalism. The highest apparent level of liberalism, and therefore potential greatest level of acceptance of change according to the work of Eysenck and Eysenck (1975, 1985), was seen with the mean score for the lawyers and judges at the lowest, at 7.2. The mean for the prison officials was the highest at 14.0, indicating a more conservative rather than liberal attitude. The higher level of conservatism indicated a greater likelihood that change would be resisted rather than embraced. There was a slight negative skew for the police, but lawyers / judges and the prison officials demonstrated a positive skew, with lawyers and judges showing the greatest positive skew. The standard deviations were relatively similar, but the variance within the samples displayed some differences. A summary of the descriptive statistics are shown in Table 1 , demonstrating the greater level of liberalism in the lawyers and judges, and the police, with the highest level of conservativism among the prison officials. A summary of the descriptive statistics is shown in Table 1 .

To determine if there were any statistically significant differences, a set of *t* tests was undertaken. A *t* test determines whether there is statistical difference between the means of two sample groups (deMarrais & Lapan, 2003) at a 95% level of probability. The *t* test used was a two-sample *t* test, with two tails, using the assumption of unequal

variance, supported by the statistics shown in Table 1, which indicated they were not of equal variance.

Table 1

Psychoticism Descriptive Statistics

Police		Lawyer/Judge		Prison Official	
Mean	10.7	Mean	7.2	Mean	14.01
Standard Error	0.374301	Standard Error	0.323491	Standard Error	0.393506639
Median	11.5	Median	7	Median	14
Mode	12	Mode	5	Mode	12
Standard Deviation	3.743007	Standard Deviation	3.234911	Standard Deviation	3.935066388
Sample Variance	14.0101	Sample Variance	10.46465	Sample Variance	15.48474747
Kurtosis	0.372262	Kurtosis	0.588473	Kurtosis	0.488916759
Skewness	-0.01828	Skewness	0.518095	Skewness	0.38516562
Range	19	Range	17	Range	19
Minimum	1	Minimum	1	Minimum	6
Maximum	20	Maximum	18	Maximum	25
Sum	1070	Sum	720	Sum	1401
Count	100	Count	100	Count	100
Largest(1)	20	Largest(1)	18	Largest(1)	25
Smallest(1)	1	Smallest(1)	1	Smallest(1)	6
Confidence Level (95.0%)	0.742694	Confidence Level (95.0%)	0.641876	Confidence Level (95.0%)	0.780802543

The result of the *t* test comparing the police and lawyers/judges is shown in Table 2. The results indicated there was a significant difference between the two groups. The *t* statistic gained from the test was 7.0747 (rounded to four significant figures), and the critical value for the two-tailed test was 1.9720. The *t* test was, therefore, above the critical value, and as such there was a statistically significant difference (Curwin &

Slater, 2007; deMarrais & Lapan, 2003). The key value indicates that there is a very high level of confidence, $p = 0.000000005$.

Table 2

Psychoticism Police and Lawyers/Judges T Test, Two-Sample Assuming Unequal Variances

	Police	Lawyer/judge
Mean	10.7	7.2
Variance	14.01010101	10.46465
Observations	100	100
Hypothesized Mean Difference	0	
df	194	
t Stat	7.074714760281	
P(T <= t) one-tail	0.000000000013	
t Critical one-tail	1.652745977259	
P(T <= t) two-tail	0.000000000027	
t Critical two-tail	1.972267532582	

The second *t* test was comparing the police to prison officials. The same process of *t* test was utilized, including the use of a two-tailed to sample *t* test assuming unequal variance. However, the variances between the police and prison officials appear to be closer that the first test. The test assuming unequal variance provides for a greater level of robustness in the results (deMarrais & Lapan, 2003). The results of this *t* test are shown in Table 3.

The two means appear to be different, but the *t* test confirms that there was a statistically significant difference between the two groups. The key statistic gained from the test was -6.0947. The two-tailed test was given as 1.9720. The test statistic was outside of this range, and therefore there was a significant difference between these two

groups (Curwin & Slater, 2007). Again, there was a high level of certainty associated with this, p = 0.000000005.

Table 3

Psychoticism Police and Prison Officials T Test, Two-Sample Assuming Unequal Variances

	Police	Prison official
Mean	10.7	14.01
Variance	14.01010101	15.48475
Observations	100	100
Hypothesized Mean Difference	0	
df	198	
t Stat	-6.094736148393	
P(T <= t) one-tail	0.000000002814	
t Critical one-tail	1.652585783618	
P(T <= t) two-tail	0.000000005628	
t Critical two-tail	1.972017477836	

The third test compared the lawyers/judges and the prison officials, the former having the lowest mean score, and the latter having the highest mean score. Therefore, even before undertaking the test, it would appear logical to assume that there would be a statistically significant difference between the two groups. For completeness, another *t* test was performed. The statistical analysis gives a key statistic of -13.3685, against a critical cut-off value of 1.9720. As expected, this was outside the cut-off value, and indicates that there was a statistically significant difference between the two groups (Curwin & Slater, 2007). In this case the *p* value was extremely low, indicating an extremely high level of certainty, the *p* = 3.34E-29.

Table 4

Psychoticism Lawyers and Prison Officials T Test, Two-Sample Assuming Unequal Variances

	Lawyer/judge	Prison official
Mean	7.2	14.01
Variance	10.46464646	15.48475
Observations	100	100
Hypothesized Mean Difference	0	
df	191	
t Stat	-13.3685253	
P(T <= t) one-tail	0.000000000000	
t Critical one-tail	1.652870547230	
P(T <= t) two-tail	0.000000000000	
t Critical two-tail	1.972461989767	

Examining the means and considering the differences among the various groups is useful, and indicates an overall view. However, the overall acceptability may also be assessed by considering the number of individuals within each sample group that are either above or below the midpoint (deMarrais & Lapan, 2003), indicating either a likely acceptance or rejection of restorative justice based on the concept of conservativism. With a simple count of the numbers considered conservative or liberal based on the category either above or below the midpoint; the results appear to give a more decisive answer compared to the mean scores. Within the police, 25% (n = 25) had a score of 13 or higher, which indicated a high level of conservativism, and therefore an increased potential rejection of restorative justice. Conversely, 75% (n = 75) had scores of 12 or less, indicating a greater skew towards liberalism, and therefore a potentially greater level

of acceptance of restorative justice. Lawyers/judges, who have the highest mean score, also had the highest number of individuals which would be classified as liberal rather than conservative, with 86% (n = 86) having scores of 12 or below, and classified as liberal, and only 14% (n = 14) being classified as conservative. The prison officials had the lowest number of individuals in the liberal category, with 79% (n = 79) being classified as conservative with scores of 13 or higher, and only 21% (n = 21) with scores of 12 or lower as liberal. Overall, this means that 60% (n = 182) of the sample appeared to be liberal rather than conservative, and may be open to the idea of restorative justice.

Research Question 2. In the opinion of criminal justice professionals, to what extent would the use of restorative justice in Nigeria help to reduce increase criminal behaviors and the subsequent violence associated with those behaviors?

Hypothesis 2. Nigerian criminal justice professionals will demonstrate a receptive attitude towards the use of restorative justice in Nigeria, believing it creates an improved positive attitude towards criminal justice (compared to the current situation) and reduce the subsequent criminal behavior.

Extroversion

The second question concerned the degree to which it may be believed that restorative justice would reduce reoffending. Wilson (1973, p. 115) found there was a high positive correlation between extroversion and idealism, with idealism more likely to accept or embrace the idea that the use of restorative justice may be effective. Unlike psychoticism, where there is a potential score of 25 for those with the highest level of that

personality trait, extroversion has a maximum score of 20, for those with the highest level of that personality trait (Eysenck & Eysenck, 1975, 1985).

The mean for the entire sample was less decisive compared to the score for psychoticism. The mean of the entire sample was very close to the midpoint, only slightly over with a mean of 10.7567, and a standard deviation of 4.94, a higher standard deviation than seen with psychoticism, and potentially notable as it is a higher level on a smaller potential score. The point close to the midpoint is indicative of a more balanced result (Curwin & Slater, 2007), with the presence of extraversion and introversion in the total as more likely to be balanced.

The distribution pattern of scores across the three groups within the sample varied, as was the case with the psychoticism. The results for the descriptive statistics analysis are shown in Table 5. For extroversion, the police respondents gave a mean score of 10.55, close to the sample mean and to the midpoint, with a standard deviation of 4.4 and a very slight negative skew, which has a very near normal distribution and indicated a balance within the sample group (Curwin & Slater, 2007). The lawyers/judges sample had the highest mean score for extroversion, or 14.2, with a standard deviation of 4.1218, and a small negative skew. The prison officials had the lowest mean score, at 7.52, with a standard deviation which was also the lowest, at 3.8650, and a slight positive skew. Therefore, it appears from the statistics that as seen with psychoticism, there was also a difference in terms of extroversion among the three groups in the sample.

As with psychoticism, the next stage of the analysis was to determine whether there was a statistical difference among the different sample groups. Again, the use of the

t test to compare the different groups was deemed to be most suitable to assess whether there was a significant difference between the means (Curwin & Slater, 2007; deMarrais & Lapan, 2003).

Table 5

Extroversion Descriptive Statistics

Police		Lawyer/Judge		Prison Official	
Mean	10.55	Mean	14.2	Mean	7.52
Standard Error	0.440242	Standard Error	0.412188	Standard Error	0.38651
Median	10	Median	14.5	Median	7
Mode	10	Mode	12	Mode	6
Standard Deviation	4.402421	Standard Deviation	4.121881	Standard Deviation	3.86509
Sample Variance	19.38131	Sample Variance	16.9899	Sample Variance	14.9389
Kurtosis	-0.67189	Kurtosis	0.174132	Kurtosis	-0.1562
Skewness	-0.00961	Skewness	-0.64289	Skewness	0.69488
Range	17	Range	18	Range	17
Minimum	2	Minimum	2	Minimum	1
Maximum	19	Maximum	20	Maximum	18
Sum	1055	Sum	1420	Sum	752
Count	100	Count	100	Count	100
Confidence Level (95.0%)	0.873536	Confidence Level (95.0%)	0.817871	Confidence Level (95.0%)	0.76691

The first *t* test compared the mean scores of extroversion of police with lawyers. The analysis consists of two different samples, using a two-tailed test. As seen in Table 5, there appeared to be unequal variance, so unequal variances were assumed within the *t* test process. The *t* test statistic was gained as -6.0522, and the critical value for the two-tailed *t* test was 1.9720. Therefore, the *t* test result was outside of the range, and indicates that there was a statistically significant difference between the two groups (Curwin &

Slater, 2007). The *p* value supports this and shows a high level of confidence, *p* = 0.000000007.

Table 6

Extroversion Police and Lawyers T Test, Two-Sample Assuming Unequal Variances

	Police	Lawyer/judge
Mean	10.55	14.2
Variance	19.38131313	16.9899
Observations	100	100
Hypothesized Mean Difference	0	
df	197	
t Stat	6.0522098367	
P(T<= t) one-tail	0.0000000035	
t Critical one-tail	1.6526252193	
P(T<= t) two-tail	0.0000000071	
t Critical two-tail	1.9720790338	

The *t* test was repeated for the comparison of the police with the prison officials, the *t* -statistic, shown in Table 7, was 5.1721, against a critical value of 1.97220. Again, the result was outside of the critical value, showing a statistically significant difference, p = 0.0000005.

The third *t* test was undertaken to compare the last combination of the sample groups, the lawyers/judges with the prison officials. These are the groups with the highest and the lowest means, suggesting a statistical significant difference exists, as was found in the previous two tests. The test was undertaken for completeness and is shown in Table 8. The *t* test statistic gained was 11.8218, with the critical cut off value being 1.9720. As

expected, the value was beyond the cut off value, and as such there was finding that there is a statistically significant difference, p = 1.02E-24.

Table 6

Extroversion Police and Prison Officials T Test, Two-Sample Assuming Unequal Variances

	Police	Prison officials
Mean	10.55	7.52
Variance	19.38131313	14.93899
Observations	100	100
Hypothesized Mean Difference	0	
df	195	
t Stat	5.1721018870	
P(T = t) one-tail	0.0000002860	
t Critical one-tail	1.6527053098	
P(T <= t) two-tail	0.0000005720	
t Critical two-tail	1.9722040513	

Table 8 indicates the differences in the level of potential belief in the way restorative justice may help to reduce reoffending, as assessed through the concept of idealism associated with extroversion; higher levels of extroverts are present in the lawyers, making them potentially more accepting that restorative justice may reduce reoffending due to the link with idealism (Wilson, 1975).

Table 7

Extroversion Lawyers and Prison Officials T Test, Two-Sample Assuming Unequal Variances

	Lawyer	Prison officials
Mean	14.2	7.52
Variance	16.98989899	14.93899
Observations	100	100
Hypothesized Mean Difference	0	
df	197	
t Stat	11.82182591348440	
P(T<= t) one-tail	0.00000000000000	
t Critical one-tail	1.65262521926551	
P(T<= t) two-tail	0.00000000000000	
t Critical two-tail	1.97207903377850	

However, the use of means may also be complemented by looking at the overall level of potential acceptability by looking at the number of people who may be classified as extrovert compared with introvert. In this case the extroverts are those with scores over 10, and the introverts are those with scores of 10 or less (Eysenck & Eysenck, 1975, 1985). In the police sample 45% (n = 45) had scores of more than 10, 83% (n = 83) of the lawyers and judges had scores of over 10, and 19% (n = 19) of the prison officials were in the extroversion category. This totals to 49% (n = 147) of the sample appearing to be aligned with the potential belief that restorative justice practices may result in a reduction of reoffending.

Details of Analysis

The analysis was undertaken with the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985). To gain comprehensive results, only fully completed questionnaires were analyzed, and any with a high L value were omitted due to their potential level of unreliability (Eysenck & Eysenck, 1975, 1985). The analysis was based on the concept developed by Wilson (1973, p. 115), in which the score for psychoticism is positively correlated with conservativism, and where extroversion is associated with liberalism.

The personality trait of conservativism is associated with the resistance to change, and a greater desire for the status quo to be maintained (Rokeach, 1960, p. 11). As such, individuals are more likely to be opposed or resistant to changes (McClosky, 1958, p. 28; Wilson, 2013, p. 13), such as the introduction of restorative justice (Wenzel et al., 2008, p. 375). Conversely, liberalism has been specifically identified as a trait which is likely to be more progressive, and potentially open to accept both change, and concepts such as restorative justice (Braithwaite, 1999, p. 3; Cornwell & Blad, 2003, p. 44). Idealism is associated with a more positive perception of the potential outcome of restorative justice, so those that had a higher idealism score may be more likely to believe it will reduce reoffending (Edwards, 2014; Ubah, 2014).

The research shows mixed beliefs in the sample and some differences among the groups that made up the sample. Therefore, the results may be assessed by looking at each of the samples, in turn, to assess the acceptability of restorative justice to each of the sample groups.

Acceptability of Restorative Justice by Nigerian Police

Psychoticism, which is seen as associated with conservativism and the potential resistance to the idea of restorative justice, was measured by examining the scores of the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985). In the personality questionnaire, there is a potential high score of 25, indicating a high level of conservativism, with a score of zero being the highest score of liberalism (Eysenck & Eysenck, 1975, 1985). The midpoint of 12.5 is used to determine which category an individual will fall into. Those with scores above the midpoint are classified as conservative, whereas those with a score below the midpoint are classified as liberal (Eysenck & Eysenck, 1985). The assumption is that those with a more liberal approach are more likely to accept restorative justice (McClosky, 1958, p. 28; Wenzel et al., 2008, p. 375; Wilson, 2013, p. 13).

The results of the analysis demonstrated the mean score was below the midpoint, and therefore there appears to be an overall level of liberalism rather than conservativism, which was further supported with the slight negative skewness of 0.01828, as shown in Table 1, and a relatively low standard variation 3.743. This appears to indicate that there was a bias towards liberalism, and therefore restorative justice was likely to be acceptable.

The assessment was then further examined by looking at the actual numbers of police respondents who may be classified as liberal or conservative. This approach helps to overcome the potential of bias, in which there may be mathematical skews impacting on the overall result (Cohen & Slater, 2007, p. 111; Dancey & Reidy, 2007, p. 232).

While the mean score appears to indicate that it was potentially close, at 10.7, less than 2 points under the midpoint of 12.5, the research analysis indicated that 75% of the respondents were classified as liberal, with scores of 12 or under. Therefore, it appears that even if many of the scores were only slightly skewed towards liberal, there is the potential for restorative justice to be acceptable to three quarters of the police force. This may be argued as supporting previous research in other areas, where it has been found that restorative justice has been acceptable by the police force, which had implemented it, or supported it through the development of restorative justice projects (Abramson, 2003, p. 392; Maxwell & Lui, 2010, p. 15; McCold & Wachtel, 1998, p. 2; van Ness & Strong, 2013, p. 86).

Consideration also has to be given to the aspect of extroversion examined in the police force. As seen in Wilson (1973, p. 115), the personality traits are associated with idealism. There is a greater potential for those who have a high level of idealism to support, or believe in the idea that restorative justice is likely to reduce reoffending (Edwards, 2014, p. 59; Quince, 2012, p. 337; Ubah, 2014, p. 2334). This is an issue that may be argued as specifically pertinent to the police, as they are the first line respondents within the criminal justice system, and highly aware of the risks associated with reoffending (Lattimore, Steffey, & Visher, 2010, p. 253). The indications from the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985) were less decisive in the context of reoffending compared to the sample from the police in terms of the acceptability of restorative justice. The mean was only slightly over the midpoint, at 10.55, and was almost a completely normal distribution, with both the median amount

also of 10. This potential lower level of acceptance is also seen when looking at the number of the police classified as extrovert, compared to introvert, with 45% of the sample having scores of more than 10. However, it is highly notable that 12 members of the sample were on the 10 mark. Therefore, even if they are classified within a higher category, as extrovert, this will still be 57% of the sample, and still lower than the acceptability of the idea of restorative justice. Although restorative justice may be seen as unacceptable idea, there is a lack of understanding regarding the potential efficacy in terms of reoffending, and the way in which the outcomes may be achieved (Abel, 1981, p. 246; Bonta et al., 1998, p. 22; Mears & Mestre, 2012, p. 5). This would indicate that there is less potential for restorative justice to be seen as reducing reoffending in this sample group.

Acceptability of Restorative Justice by Nigerian Lawyers/Judges

The results of the research indicated that lawyers and judges would have the potentially greatest level of acceptance of restorative justice. The mean score from the Eysenck Personality Questionnaire Psychoticism (Eysenck & Eysenck, 1975, 1985) was 7.2, which was the lowest score from all three sample groups, and as such indicated the lowest level of overall conservatism (Wilson, 1978, p. 115). The score was significantly below the midpoint of 12.5, so from this alone it appears there is a high level of liberalism in this group, and is skewed away from the normal result that may be expected of a general population (Stankov, Lee, & van de Vijver, 2014, p. 24).

Not only was this the highest score, the *t* test showed a statistically significant difference between the lawyers/judges, and the other two samples of police and prison

officials with a very high probability level represented by the *p* value (Curwin & Slater, 2007; Dancy & Reidy, 2007). The assessment of acceptability was also undertaken by examining the number of individuals within the sample that could be seen as liberal rather than conservative. Eighty-six percent were classified within the liberal category, and only 14% in the conservative category, a result that reinforces the level of the mean, and the statistical analysis. With this result, the majority of lawyers/judges likely found introducing restorative justice acceptable in Nigeria.

The assessment of extroversion also demonstrated the highest level of potential for there to be a belief that restorative justice would reduce reoffending rates. The extroversion score, which as noted is associated with idealism (Wilson, 1978, p. 115), was 14.2. This is above the mid-score of 10, and although not undertaken, may also be assumed that this would show divergences from the expected mean in terms of a significant difference if a chi-squared test had been undertaken (Curwin & Slater, 2007). The actual number of lawyers/judges who may have the belief that restorative justice would reduce the reoffending rate was slightly lower than those who found the idea of restorative justice acceptable, with only 83% of the sample fallen into the extroversion rather than introversion category. However, within this category those who achieved a score of 10 were included in the lower category, in order to ensure that there was a robust analysis.

Acceptability of Restorative Justice by Nigerian Prison Officials

The prison officials displayed the highest level of conservativism measured through psychoticism. Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975,

1985) measuring conservativism against liberalism saw a mean score for the prison officials of 14.01. This score was higher than the police sample as well as the lawyers/judges sample. Furthermore, the score is also seen toward conservativism with the median at 14, although the mode was 2. This high score was above the normal scores in a normally distributed population (Stankov et al., 2012, p. 24), and appears to demonstrate that there would be a potentially higher level of resistance to change due to the high level of conservatism, indicating this may be the group that would be most resistant to the introduction of restorative justice. The high level of conservativism was also supported with the numerical assessment of the number of prison officials that would be classified as conservative. The results indicated that 79% of the prison officials were conservative, leaving only 21% as liberal, with scores of 12 or below on the conservativism dimension. Overall, this indicates that the acceptability of restorative justice to Nigeria prison officials is likely to be extremely low, as they are resistant to change.

The measurement of extroversion, associated with idealism, used within this study to consider the potential belief that restorative justice may reduce reoffending was also a relatively clear result. The midpoint for the extroversion score was 10 (Eysenck & Eysenck, 1985), and the mean score for the sample group was 7.52, at the confidence level of 0.7669. The low level is also reflected in the median of 7, and the mode of 6, accompanied by a relatively low standard deviation of 3.8650. All these indicate the result was not representative of the entire population and did not have a normal distribution (Curwin & Slater, 2012; Stankov et al., 2012).

In both previous groups, police and lawyers/judges, the level of extroversion was slightly less than the level of psychoticism. The prison officials were no different: The level was lower not only in the mean but also in a number of prison officials who could be classified as extrovert, with only 19% in this category. Therefore, it is fair to assume within the given constraints of the study that prison officials would have both the lowest level of belief that restorative justice may have a positive benefit in terms of reducing reoffending, as well as the lowest level of support for restorative justice.

Bivariate Relationships

A bivariate relationship is seen where there appears to be a correlation indicating causation between two independent variables (Curwin & Slater, 2007; Dancy & Reidy, 2007). In all three sample groups, there appears to be a bivariate relationship between the level of psychoticism (conservativism) and the level of extroversion. Furthermore, in the samples where there is no apparent higher level of liberalism, there is a higher level of extroversion; conversely, where there is a higher level of conservativism, there is a lower level of extroversion. To assess this relationship, the results were examined using correlation, creating aesthetic graph, and then drawing a linear regression line to assess the general trend (Curwin & Slater, 2007, p. 171). The equation for the line is then assessed, and an R^2 statistic located in order to consider the closeness of fit (Curwin & Slater, 2007, p. 171). In all cases, it appears that there is either a strong or a moderate closeness of fit to a converse relationship between psychoticism and extroversion, demonstrating that as conservativism increases there is a lower level of extroversion. In

other words, the greater the potential acceptance of restorative justice is, the greater the potential belief that restorative justice may reduce reoffending.

The bivariate analysis for the police demonstrates that there is a strong relationship between extroversion and psychoticism. Figure 1 shows the relationship plotted on a scatter chart, with psychoticism along the *x* axis, and extroversion along the *y* axis. The general trend is downwards, and the linear regression line demonstrates that trend. The R^2 statistic was 0.7539, usually any statistic above 0.7 was deemed to demonstrate a strong correlation (Curwin & Slater, 2007, p. 171).

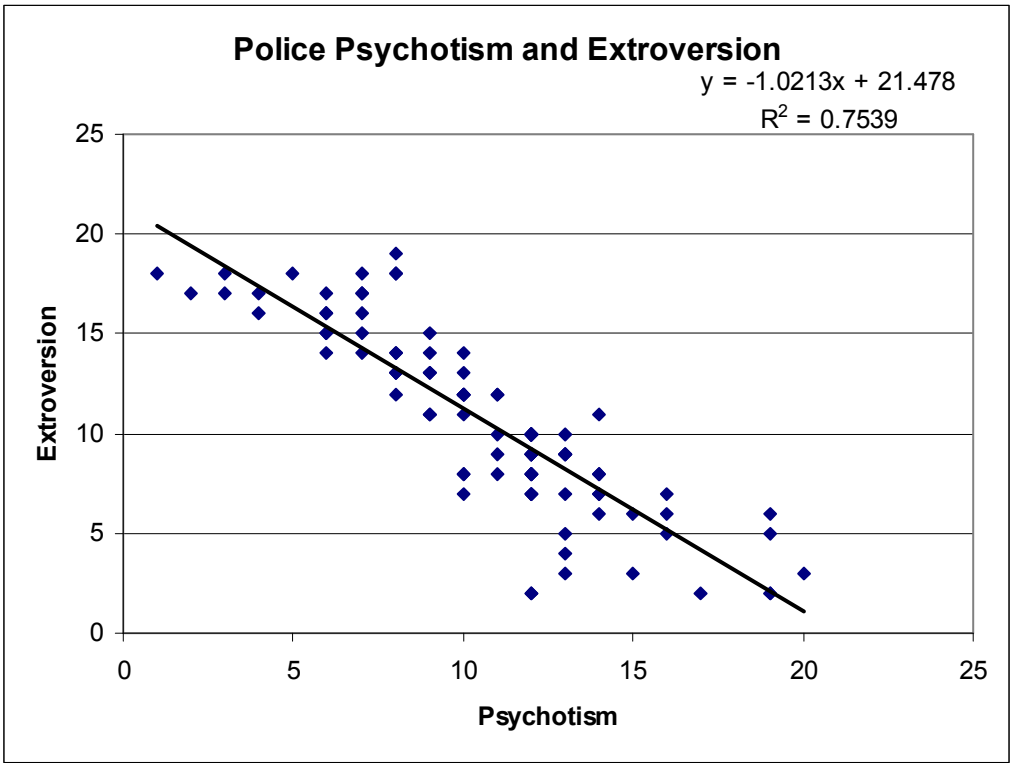

Figure 1. Bivariate analysis for police.

The bivariate analysis of the lawyers/judges shows a similar trend; however, the relationship is not quite as strong, with the R^2 statistic being 0.5959, indicating a

moderate relationship; scores between 0.5 and less than 0.7 are deemed to be a moderate relationship (Cohen & Slater, 2007, p. 171). The results for the lawyers/judges are shown in Figure 2 .

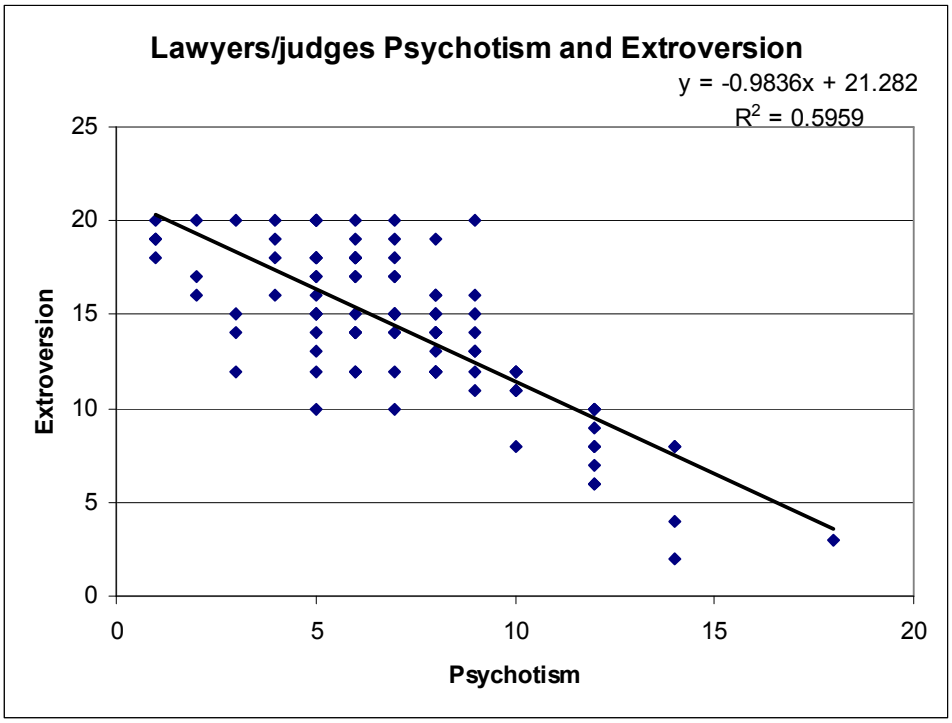

Figure 1. Bivariate analysis for lawyers/judges.

The bivariate analysis for the prison officials indicates a tighter relationship compared to the lawyers/judges, although not quite as strong as the police, with the same converse relationship demonstrated, with the R^2 statistic of 0.7266.

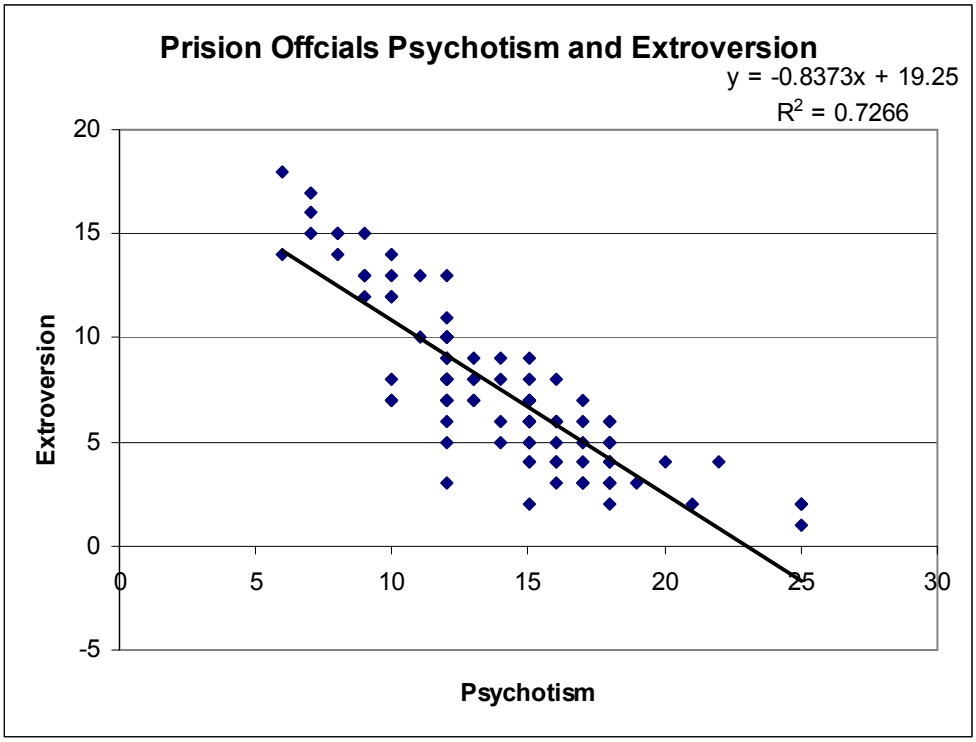

Figure 2. Bivariate analysis for prison officials.

The research appears to indicate that the two dimensions are related, and that there is an inverse relationship between psychoticism and extroversion, with individuals that demonstrate a higher level of psychoticism (conservativism) displaying a lower level of extroversion. This demonstrates the relationship between the two variables; however, it should not be confused as indicating any causation, as correlation does not prove causation (Kasi, 2009, p. 58; King et al., 1994, p. 144). Verhulst, Eaves, and Hatemi (2011, p. 34) found that personality factors were an issue of correlation rather than causation, and although the research was undertaken in a political context, it may be argued to be relevant in this study.

Research Question 1 and Hypothesis 1

The first research question determined the extent to which restorative justice would be acceptable to the criminal justice professionals as an alternative to the current criminal justice system in Nigeria. The alternate hypothesis was that restorative justice would be acceptable by the criminal justice professionals, with the null-hypothesis stating that it would not be acceptable. Overall, the alternate hypothesis is not rejected, as the assessment under psychoticism indicated overall lower scores associated with liberalism rather than conservativism. There was a mean score of 10.66 for the entire sample with the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985), and 60% of the entire sample were classified as liberal. This appears to support the hypothesis. However, it should be noted that this was not found equally across the entire sample, as demonstrated in the sections examining the acceptability of restorative justice for the different sample groups. Thus, the hypothesis would be rejected for the prison officials, where there is a high level of psychoticism, and a low level of extroversion, but would be accepted for the police, and the lawyers/judges.

Research Question 2 and Hypothesis 2

The second research question assessed the opinion of criminal justice professionals to determine to what extent the acceptability of restorative justice alternative in Nigeria would reduce criminal behaviors and the subsequent violence associated with those behaviors. The initial hypothesis stated there would be a receptive attitude, and the null hypothesis stating there would be a nonreceptive attitude. Although the result was not as conclusive as the first hypothesis, with a mean score from the

Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975,) of 10.7567, there is still an extrovert score, indicating acceptance of the alternate hypothesis.

An assessment of the number of individuals classified within extroversion was 49%, indicating a much closer score. Importantly, within this category those who scored on the midlevel were classified as an introvert rather than extrovert. However, if categorized as extrovert, the number would increase above the midpoint 172, which is 57%, and would indicate a higher level of belief that restorative justice would reduce criminal behavior. However, this result is not fully conclusive, and again becomes clarified when the different groups are examined individually. The hypothesis would be clearly accepted for the lawyers/judges, and clearly rejected for the prison officials, while the police would appear to have acceptance. This would be less conclusive with more moderating factors potentially higher number of individuals demonstrating resistance.

Conclusions

The Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985) indicated there is a significant degree of potential diversity in the sample studied. This may not be surprising, as it has been demonstrated that those involved in the criminal justice system cannot agree on the potential role and impact of restorative justice, including many who would support the idea (Bazemore, 2001, p. 42; 1998, p. 768; Braithwaite, 2002, p. 4; Christie, 1977, p. 2; Duff, 1992, p. 44; Evje & Cushman, 2000, p. 4) and those who believe that the idealism does not translate into reality (Carroll et al., 1987, p. 108; Daly, 2001, p. 1; Daly & Immarigeon, 1998, p. 21;).

This study, which examined specifically beliefs of criminal justice professionals, demonstrated diversity in this field, with the greatest level of potential acceptance being among the lawyers/judges, and the lowest level of acceptance the prison officials. Tthe overall results supported the hypothesis that restorative justice would be acceptable as an alternative to the existing criminal justice system in Nigeria. The receptiveness to restorative justice providing the potential to reduce criminal behavior and reoffending had an overall lower level of support, but showed a similar pattern, with the highest level of receptiveness being in the lawyers/judges, and the lowest in the prison officials. However, the support for the hypothesis was less convincing, and given that there is a requirement for a robust approach, the results do not categorically indicate that the criminal justice professionals may be receptive to restorative justice as a way of reducing criminal behavior; rather, only certain segments within the criminal justice system have that belief.

Summary

This chapter has provided a summary of the results from the research that was undertaken from September to December 2014. Two research questions were examined. One addressed the acceptability of restorative justice as an alternative to the existing criminal justice system from criminal justice professionals in Nigeria. The second addressed their receptiveness to restorative justice to provide a system that may reduce the level of criminal behavior and reoffending in Nigeria. The results were gathered from a sample of 300, made up of 100 police, 100 lawyers/judges, and 100 prison professionals and were analyzed in order to assess personality characteristics that could

be associated with the criminal justice professionals. Results of the Eysenck Personality Questionnaire demonstrated an overall higher level of acceptance of the potential for restorative justice as an alternative to the traditional criminal justice system in Nigeria, with a significant level of support from the lawyers/judges. There was overall support from the entire sample when measured in terms of the mean, and the sample number classified as liberal. The level of support for restorative justice reducing criminal behavior and reoffending was less clear. Although restorative justice had overall support from lawyers/judges, the prison officials had a conflicting view, and acceptance or rejection of this hypothesis was dependent upon the method used for the test. The differences among the different groups for both conservatism and idealism, measured through psychoticism and extraversion, were also demonstrated to have statistically significant differences, supporting these conclusions.

CHAPTER 5. CONCLUSIONS AND RECOMMENDATIONS

Introduction

The aim of this chapter is to provide an understanding and evaluation of the overall. The chapter begins with a summary of the results, followed by an interpretation of the results of the study in relation to the initial research hypotheses and research questions. Then, a discussion of the conclusions is provided to review the results in the context of research and theory, the limitations of the study, and other problems in light of their impact on the findings and conclusions. Finally, recommendations for future research and summary are included.

Summary of Results

Nigeria has a history utilizing traditional restorative justice, based on a consequentiality justification for dealing with deviant behavior rather than the retributivist approach found in the current main stream justice system (Brock-Utne, 2001; Elechi, 2013, 2009; Konow, 2003; Norrie, 2000; Shapland et al., 2011). The traditional restorative justice, where practiced in Nigeria, tended to incorporate a higher level of social cohesiveness and the concepts associated with reintegrative shaming (Elechi, 2013, 2009; Hay, 2001; Murphy & Harris, 2007). In answer to the first research question, results suggested restorative justice would be acceptable to criminal justice professionals, who believed it may reduce criminal behaviors, with both of the null hypotheses rejected and the alternate hypotheses accepted (Green, 2007; Willis, 2007).

Discussion of the Results

The first hypothesis offered strong evidence on the acceptability of restorative justice measured as a converse of the psychotism in the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985). This was based on the alignment of psychotism with conservatism as opposed to liberalism (Wilson, 1973). The potential belief that criminal behavior may be reduced as a result of instituting restorative justice also was supported, through the measurement of extroversion, which is aligned with idealism, but the level of support was not as strong as indicated in answer to the first hypothesis (Wilson, 1973). Importantly, there was not a full agreement across the entire sample.

The sample was divided into three different categories: the police, the lawyers/judges, and prison officials. This strategy is frequently recommended to gain more in-depth results where there are potentially significant differences in a sample (Curwin & Slater, 2007; Ronet & Russell, 2012; Silverman, 2013). The three different sample groups gave divergent results. The lawyers and judges appeared to have the greatest potential for acceptance of restorative justice and the belief that criminal behavior may be reduced, while the prison officials showed the least level of acceptance for both of the hypotheses.

Research Question 1

Applying the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985) to the three sample groups measured psychotism, the mean score of 10.66, which was below the midpoint of 12.5, indicated a liberal rather than conservative approach,

with a 74% probability using a confidence level of 95%. This was a statistically decisive result (Green, 2007; Grey, 2013; Willis, 2007). However, statistics of entire population (or samples representative of population) may hide skews in certain segments (Silverman, 2013). This was true, as seen in the results section, proven with the use of the *t* tests. The lawyers and judges showed a highly positive skew, with the mean of 7.2, but the prison officials showed a negative skew with a mean of 14.01 for psychotism (Eysenck & Eysenck, 1975, 1985). In this context, breaking the first hypothesis into three hypotheses, one for each profession, the police and the lawyers/judges tests resulted in a rejection of the null hypothesis, while the prison officials test resulted in an acceptance of the null hypothesis.

The results show an acceptance of the hypothesis that restorative justice will be acceptable as an alternative for the existing criminal justice system in Nigeria by the lawyers/judges and the police, but it would not be seen as acceptable for prison officers. For the lawyers/judges and the police, this result with a low score for psychotism indicates that the low levels of conservatism, with the corresponding higher level of liberalism, are likely to result in a greater perceived acceptance of restorative justice. However, the degree to which it would be acceptable was demonstrated as significantly different with the application of the *t* tests; lawyers and judges were more likely to find it acceptable compared to the police. Thus, there may be a correlation between profession and psychotism /conservatism and, therefore, the attitude towards restorative justice. This finding goes in line with Elias (1972) and Mqeke and Vorster (2002), who argued that exposure to the traditional custom law is likely to make restorative justice practice more

acceptable. However, the results indicated that profession appears to have a higher correlation to the potential acceptance of restorative justice, especially as the sample is stratified across. Still, the correlation between profession and attitude is not sufficient to prove causation, as it may be that the job itself stimulates a more conservative attitude; conversely, it may be that those attracted to the prison official profession are those with a greater level of conservatism before they enter the job.

Research Question 2

The second question addressed the way in which restorative justice may be perceived by the criminal justice professionals in the context of preventing reoffending, The degree to which there was a potential belief that restorative justice may result in a decline in repeat offending is closely tied with the concept of reintegrative shaming and social control theories (Hay, 2001; Murphy & Harris, 2007). Restorative justice may also be seen as aligned to the concepts of equity, especially for the victims, who are excluded from the retributive justice process that is seen in the current criminal justice legal system (Brathwaite, 1999; Martin & Law, 2013).

The result was measured through the assessment of extroversion, which is aligned with idealism (Wilson, 1973). The results were not as decisive as the general acceptance in the first hypothesis but reflected the same pattern: The lawyers/judges showed the greatest positive response, while the prison officials showed the lowest level of potential belief that restorative justice would reduce reoffending. The means for the police and the lawyers/judges were 10.55 and 14.2 respectively, while the mean for the prison officers, was 7.52. The extrovert assessment for the first two groups also demonstrated a relatively

high probability level of 87% and 81%, respectively, but the probability level of the prison officials was slightly lower at 77%. Therefore, the results have a high level of credibility in terms of the assumption they are representative of their individual sample groups.

Thus, the greatest level of idealism is among the lawyers/judges group, and therefore the highest level of extroversion/idealism, making this group of criminal justice officials most likely to take a positive view of restorative justice, believing it to provide a good potential for reducing reoffending. The *t* tests demonstrated the result were significantly different to the police officials, with a higher potential level of acceptance. However, the police result was also above the mean. Although the level was lower than the lawyers/judges, it was still on the extroversion/idealism side, indicating a belief that restorative justice would reduce reoffending. The level of resistance appears to be low, with many of the scores concentrated around the midpoint. Therefore, for both of these professions, there is likely to be support for the value of restorative justice. However, the result was different for prison officers; there was a low level of idealism, and therefore there was likely to be a low belief that restorative justice would reduce reoffending. This result supported the idea that there are significant differences in the opinions and the beliefs between the different professions, although it was a correlation rather than causation. The assessment is important as the results indicate where there is likely to be the greatest acceptance in the criminal justice professionals, and where there is likely to be the greatest level of resistance.

When the results for the second test were examined along with the first *t* test, there was a strong converse relationship between extroversion (idealism) and psychoticism (conservativism); the r^2 statistic of 0.7539 showed a strong correlation for the police, 0.7266 showed a strong correlation for the prison officials, and 0.5959 showed a moderate correlation for the lawyers/judgers (Curwin & Slater, 2007; Dancey & Reidy, 2007; Willis, 2007). This result indicated strong relationships between the two results; extroversion appears to be conversely linked with psychoticism in the criminal justice professionals.

Discussion of the Conclusions in Relation to the Literature in the Field

The results reflect the current problem in Nigeria and how the concepts of social control and reintegrative shaming theories might be applied (Braithwaite, 1989; Hay, 2001; Hirsch, 1969; Walgrave & Aertsen, 1996). The problem seen in Nigeria is the lack of social control with a system that is generally recognized as failing due to being over burdened and overstretched (Amnesty International, 2008; Onimajesin, 2009). Under social control theory, social circumstances, norms, and forcing compliance result in reducing crime, creating justice where it does occur, and reducing reoffending (Hirsch, 1969; Leighninger & Popple, 1996). The process starts from a young age (Hirsch, 1969; Leighninger & Popple, 1996). But in Nigeria, the reverse is the case (Amnesty International, 2008).

Justice in Nigeria has not been delivered, and those within the system as well as those seeing the system from the outside, including the victims and society seeing the processes, are losing faith in the system (Bourne, 2012; Onimajesin, 2009). Specifically,

many victims do not feel they have gained recompense or justice (Bourne, 2012; Onimajesin, 2009). In these circumstances, an attraction of restorative justice is that the community can retake control of the process, and victims may believe they can gain suitable recompense (Bourne, 2012; Onimajesin, 2009). The literature has indicated the high level of acceptability of restorative justice due to its inclusion in customary law practices, even being accepted where the more formal law practices cannot be enforced (Elechi, 2013; Fenrich et al., 2011; B. Hart & Saed, 2010).

Nigeria has a history of restorative justice enshrined in the traditional law practices (Asiedu-Akrofi, 1989; Brock-Utne, 2001; Elechi, 2013, 2009; Fenrich et al., 2011). The aim of the process was to create peace by reducing conflict, an idea at the core of restorative justice (Braithwaite, 2002; 1999; Daly, 2001; Van Ness & Strong, 2013). Three processes can be seen in Nigerian traditional practices: victim-offender mediation, family group conferencing, and circles (Braithwaite, 2002; Brock-Utne, 2001; Elechi, 2013, 2009; Shapland et al., 2011). This may be important when assessing the results of the primary research, as the traditional practices indicate a degree of knowledge and cultural acceptance in the sample of participants who were living and practicing in Nigeria at the time of the research (Asiedu-Akrofi, 1989; Brock-Utne, 2001; Elechi, 2013, 2009; Fenrich et al., 2011). The diversity of the different regions and different practices were allowed for in the way that the sample was gathered using a clustering sample technique across six geo-political regions, to gain a representative cross section (Akinkoye, 1994; Falola, 2009).

However, in each region the practices tended to have a number of commonalities based on conflict resolution rather than the idea of retribution. Unlike in the retributive justice model, many of the practices in community processes that incorporate restorative justice include rather than exclude the victims (Burke, 2012; Duff, 2001; Grifis, 2008; Norrie, 2000; Raphael, 2003). Within the practices, there is the concept of reintegrative shaming, the idea that shaming the individuals will generate sufficient negative feelings by using a social control approach to prevent reoffending (Brock-Utne, 2001; Elechi, 2013; Hay, 2001 Murphy & Harris, 2007; Shapland et al., 2011; Weitekamp & Kerner, 2012). In Nigeria, a number of the traditional restorative justice practiced in customary law facilitated the use of tactics to purposefully shame, including ridiculing, but falling short of stigmatizing (Brock-Utne, 2001; Elias, 1972; Shapland et al., 2011).

The high potential level of acceptance may reflect the ideas of justice, which are already a part of the Nigerian culture due to the ongoing practices (Elechi, 2013; Brock-Utne, 2001). Indeed, there is a natural attraction to restorative justice, given its long history in many cultures and the level of inclusion that it generates (Braithwaite, 2002; B. Hart & Saed, 2010; Grifis, 2008; Nabudere, 1997; Raphael, 2003; Van Ness & Strong, 2013; Vidmar & Millar, 1980). In cultures where aspects of potential practice of restorative justice are already known, a population is less likely to resist the ideas, and cultural acceptance may be more likely (Haralambos & Holborn, 2007; Shapland et al., 2011). Likewise, the current study suggests that, because of the existing cultural exposure, there would be an overall level of acceptance and an overall reduction in

reoffending if restorative justice were introduced (Elechi, 2013; Fenrich et al., 2011; B. Hart & Saed, 2010).

The results suggest exposure to restorative justice reflects acceptance. The police, who investigate and deal with criminals as well as offenders were in favor of restorative justice. But those who had the greatest level of ongoing exposure to the current retributive system, the prison officials, showed the greatest level of potential resistance to or rejection of restorative justice. That may reflect experiences that had caused social biases and expectations (Bilton et al., 2000; Haralambos & Holborn, 2007). This rejection is less surprising when the process of normalization for cultural practices is concerned, as they have the greatest level of exposure only to those who have been imprisoned, and the punishment side of the justice equation (Haralambos & Holborn, 2007; Shapland et al., 2011).

A wealth of research supports the idea that restorative justice will provide numerous benefits, and can successfully complement Western style punitive justice systems (Bazemore, 1998; Bazemore & Umbreit, 2001; Braithwaite, 1999; McGarrell et al., 2000; Sherman & Stang, 2007; Van Ness & Strong, 2013). A number of cases may be particularly pertinent to the concept acceptance as demonstrated by the overall level of satisfaction reported by those who took part in the restorative justice programs, as well as the lower level of reoffending that resulted from the processes (Braithwaite, 2002; Claes et al., 2009; Ness & Strong, 2013; Nugent et al., 1999). Understanding the process by those who are involved mostly with the stakeholders rather than just the punishment may also explain the differences among the different sample groups. The lower acceptance

by the prison officials may not only be more cynical due to less exposure to restorative justice practices but also may reflect a lower level of perception regarding the potential benefits of restorative justice.

Overall, the results of the research are aligned with the literature on the subject, allowing for higher level of restorative justice seen in the African cultures compared to the counterpart Western cultures. The results indicated there is some potential for its adoption in Nigeria according to the criminal justice professionals, and restorative justice may help reduce existing problems, complementing and supporting the current punitive system.

Strengths and Limitations of the Study

The research has inherent strengths and weaknesses, as there is no perfect research design (Curwin & Slater, 2007; Dancy & Reidy, 2007). The research method, supported by the use of existing accepted research paradigms, was designed to be robust and provide for a higher level of credibility, and support robustness (De Marrais & Lapan, 2003; Miles & Huberman, 1994; Rugg & Marian, 2004).

The research was undertaken with a range of criminal justice professionals, with the use of clustering sampling across the different regions of Nigeria (Akinkoye, 1994; Falola, 2009). This helps to ensure that the results gathered from the sample will be representative of the population that is being studied (Curwin & Slater, 2007; Dancy & Reidy, 2007). The use of the Eysenck Personality Questionnaire (Eysenck & Eysenck, 1975, 1985) is an accepted and recognized tool for measurement of personality traits and attitudes, which also supports the robustness of the results. The Eysenck Personality

Questionnaire has itself been subjected to a number of tests and assessed many times, as well as revised (Eysenck & Eysenck, 1985; Jost et al., 2003; Pearson 1976; Platt, 1971; Wilson, 1973). The assertion of the converse relationship between psychotism and conservatism, and extroversion and idealism, has also been tested and established (Wilson, 1973).

The weakness of the study may be in the assertion that those with a low conservative score will have a high level of acceptance of restorative justice. Those with more liberal views are more likely to find restorative justice acceptable. Although the correlation has been established, it is unlikely to be 100% accurate in any population, including the population of this study, which may create a potential source of error (Grey, 2011). The divergence may be seen within the different personality traits, as the questionnaire indicates differing views may be present in both conservative and liberal thinkers (Eysenck & Eysenck, 1975, 1985). Even if a person is more liberal, he or she may have divergent views on justice, just as a conservative individual may have mainly restrained views but more progressive views on justice. The questionnaire does not target justice per se, and therefore, may result in some assumption errors. The same weakness can be seen with the assumption of the direct correlation between extroversion and idealism, where the link has been proven (Stone, 1976; Wilson, 1973), and the belief that restorative justice may reduce offending.

Recommendations

In spite of the above potential challenges to restorative justice practices in Nigeria, the researcher is arguing, and recommending to the Nigerian criminal justice

system and other jurisdictions that, restorative justice has potentials for national healings and reconciliation. It also brings justice closer to the people and the people closer to justice.

Conversely, this study did not interview or survey the opinions of offenders in Nigeria because the researcher took it for granted that restorative justice would be an acceptable concept to most offenders in view of literature evidence, and the fact that most critics of restorative justice see it as a "soft option" for offenders. However, offenders in Nigeria operate in a different geographical and socio-cultural climate. So would opinions of offenders in Nigeria on restorative justice be different from the general expectation? This poses another line of inquiry for further studies.The research has provided valuable results that can lead to ways to improve, complement, and supplement the criminal justice system in Nigeria. Given the limitations, however, future researchers should ask more direct questions about the concept of restorative justice rather than just the attitudes reflecting an underlying approach toward restorative justice.

If those concerned with criminal justice reform in Nigeria for instance, and the international donors in general wish to have any real impact on improving access to justice for the majority: bring justice closer to the people, and the people closer to justice, and to control crime, then the potentials of restorative justice, and the vital role played by traditional and informal justice mechanisms for the majority of Nigeria people especially those living in communities (rural/urban), needs to be acknowledged. Restorative reconciliation is deeply needed in the Nigerian society, because a vast majority of the people has been harmed and there are unresolved pains, no matter how subtle. What the

Nigerian government do with these unresolved and repressed national pains and anger will make the difference between national harmony or more division and hatred. Hence, policy makers in Nigeria need to seek impartial knowledge, and to broaden their understanding of how and where effective restorative justice forums operates (such as Australia, Canada and New Zealand for instance), and pursue policies which take full account of their existence and success. This is important as consolidation of peace as well as maintenance of peace in the long term in Nigeria cannot be achieved unless the people are confident that redress for pains and grievances can be obtained through legitimate and non intimidating structures for the peaceful resolution of disputes and fair administration of justice. Perhaps as Smith (2004) argues, the time to "give restorative justice a fair crack of the whip" in Nigeria is now.

Conclusions

The results of this study suggest restorative justice has a significant potential for success in Nigeria. Nigerians have already been exposed to the concept of restorative justice in customary laws albeit practiced in different ways in different areas (Brock-Utne, 2001; Elechi, 2013; Fenrich et al., 2011). The results of the Eysenck Personality Questionnaire indicated that restorative justice would be acceptable to the majority of people within the criminal justice system in Nigeria, with the exception of prison officials. As discussed in the literature review, restorative justice has a number of beneficial outcomes, including a higher level of overall satisfaction of the directly involved stakeholders, including, but not limited to, the victims and their families, and

offenders (Braithwaite, 2002; Claes et al., 2009; Ness & Strong, 2013; Nugent et al., 1999).

The acceptability of restorative justice as a potential alternative for the traditional criminal justice system in Nigeria was demonstrated by the statistical analysis (Curwin & Slater, 2007; Dancy & Reidy, 2007). Although more constrained, lawyers, judges, and police officers believed restorative justice may prevent reoffending. Prisons officials seemed particularly cynical, with the lower levels of extroversion than the other professionals when the data were broken down into the individual categories. The results indicate restorative justice may provide at least a partial solution to some of the existing problems in the Nigerian criminal justice system, such as the overburden on resources and the inability to address the large number of cases, which have caused delays, and the perception of injustice (Amnesty International, 2008; Bourne, 2012; Onimajesin, 2009).

Summary

Restorative justice was acceptable to the majority of the sample in this research, with the exception of prison officials. The hypothesis that restorative justice would be acceptable to the Nigerian criminal justice professionals was held, with the null hypothesis rejected. The hypothesis that criminal justice professionals would believe restorative justice would help reduce reoffending was also held, again with the null hypothesis rejected. In the case of both hypotheses, the lawyers/judges were most in favor, whereas the prison officials were most opposed. The general assertion of acceptance appears to support the literature regarding the way in which restorative justice may already be understood at a cultural level in Nigeria, given its ongoing practice in

customary law (Elechi, 2013; Fenrich et al., 2011). The criminal justice professionals may also be in a good position to understand the benefits such as those evidences seen in pilot projects in New Zealand, Australia, and Canada (Bazemore, 1998; Braithwaite, 1999; Bazemore & Umbreit, 2001; McGarrell et al., 2000; Ness & Strong, 2013; Sherman & Stang, 2007

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APPENDIX. STATEMENT OF ORIGINAL WORK

Academic Honesty Policy

Capella University's Academic Honesty Policy (3.01.01) holds learners accountable for the integrity of work they submit, which includes but is not limited to discussion postings, assignments, comprehensive exams, and the dissertation or capstone project.

Established in the Policy are the expectations for original work, rationale for the policy, definition of terms that pertain to academic honesty and original work, and disciplinary consequences of academic dishonesty. Also stated in the Policy is the expectation that learners will follow APA rules for citing another person's ideas or works.

The following standards for original work and definition of *plagiarism* are discussed in the Policy:

> Learners are expected to be the sole authors of their work and to acknowledge the authorship of others' work through proper citation and reference. Use of another person's ideas, including another learner's, without proper reference or citation constitutes plagiarism and academic dishonesty and is prohibited conduct. (p. 1)
>
> Plagiarism is one example of academic dishonesty. Plagiarism is presenting someone else's ideas or work as your own. Plagiarism also includes copying verbatim or rephrasing ideas without properly acknowledging the source by author, date, and publication medium. (p. 2)

Capella University's Research Misconduct Policy (3.03.06) holds learners accountable for research integrity. What constitutes research misconduct is discussed in the Policy:

> Research misconduct includes but is not limited to falsification, fabrication, plagiarism, misappropriation, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reviewing research, or in reporting research results. (p. 1)

Learners failing to abide by these policies are subject to consequences, including but not limited to dismissal or revocation of the degree.

Statement of Original Work and Signature

I have read, understood, and abided by Capella University's Academic Honesty Policy (3.01.01) and Research Misconduct Policy (3.03.06), including the Policy Statements, Rationale, and Definitions.

I attest that this dissertation or capstone project is my own work. Where I have used the ideas or words of others, I have paraphrased, summarized, or used direct quotes following the guidelines set forth in the APA *Publication Manual*.

Learner name and date	USHI, VICTOR ILO 03/17/2015
Mentor name	DR. MICHAEL T. WEBB, School of Public Service Leadership