

**CORRECTIONAL SERVICE CENTRE
WITHIN THE
DEPARTMENT OF CORRECTIONAL SERVICES**

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Abstract

“Restorative Justice Programmes are proliferating internationally and gaining mainstream acceptance as alternative or supplementary justice interventions”. Immergion & Daly, (1997:13). With the growth of the Restorative Justice approach in the various disciplines, the need to assess the programme - its principal goals, effectiveness and impact on offenders / inmates in Correctional Services Centres / facilities - is imperative.

The thesis investigates the socio-religious factors of the Restorative Justice programme and evaluates their impact, whether it is short-term or long-term, on offenders serving a sentence at Voorberg Correctional Centre / Facility, within the Department of Correctional Services of South Africa. The primary objectives of this research are:

1. To determine if the Restorative Justice programme includes socio-religious factors or not?
2. To study the impact of these socio-factors and how the programme participants understand the programme in terms of the following: (1) programme attendance; (2) awareness raising; (3) gaining a better understanding and perception of the programme contents.
3. To study these socio-religious factors and activities of Restorative Justice programme within the framework of Harden’s Faith-Based Programme Theory, and to formulate parameters for an Integrated Faith-Based Programme for Restorative Justice within the context of the Department of Correctional Services.

On the one hand the programme of Restorative Justice is rendered by the Spiritual Care Division, as a spiritual / religious programme. On the other hand, it is also rendered as a Correctional programme by Case Intervention Officers within the Department of Correctional Services. One Orientation Manual is used by both divisions. The policy of the Department of Correctional Services focuses on the social aspects in order to pursue and meet its objectives.

But the researcher argues that the impact of the programme depends on how it links the socio- and religious characters of Restorative Justice. Building on existing literature on an

Integrated Faith-Based Outcome Theory Model of Restorative Justice, the researcher proposes a new programme theory and programme outcomes that include both these factors, namely social and religious, as mechanisms to enhance social and religious acceptance and change. The researcher strongly believes that both socio- and religious factors will assist future programme participants of restorative justice in creating better awareness, knowledge and social acceptance as short term goals of the programme. On the other hand both the socio- and religious factors can contribute in fulfilling the long term goals within the lives of programme participants, such as the reintegration society, and the restoration of their relationships with themselves, victims, families and communities.

Chapter 1 Introduction

1.1 Background of the research

Restorative Justice means different things to different people. The concept of Restorative Justice has been implemented differently in several of organizations, for example, the Courts invite victims of crime to the courts to testify about what transpired when the crime occurred. The Department of Correctional Services in South Africa implements Restorative Justice as a programme that is focused upon awareness raising and creating a better understanding of the negative impact of crime upon their own lives, and the lives of family members and the victims.

According to Braithwaite (1989), Clear & Karp (1999) and Zehr 2002 (as cited in De Beus and Rodriguez 2007:337) the main purpose of restorative and community justice programmes, (e.g. victim-offender mediation, family group conferencing, and circle sentencing is to restore victim dignity and facilitate offender reintegration. These programmes seek to hold offenders accountable and the intention is to reduce re-offending by ensuring community involvement.

During June 2003, Chris Giffard (2002), a researcher from the Centre of Conflict Resolution, in partnership with the University of Cape Town, conducted an exploratory workshop on the topic of “Options for Restorative Justice in South African Prisons” at Voorberg Correctional Facility within the Department of Correctional Services. This formed part of a Prison Transformation Project the object of which was to assist the Department of Correctional Services in its quest to transform and to make a paradigm shift, moving away from being an institution of punishment to being a Correctional Centre/Facility where offending behavior is corrected through rehabilitation intervention programmes, where use is made of the services of social workers and psychologists, and which include education and skill development. The inputs of this workshop and several others that followed helped the Department of Correctional Services in formulating its policies regarding Restorative Justice. Giffard highlighted the following challenges that the Department faced: He stated that Restorative Justice should strive to restore the balance within the community after offences had occurred, restoring the human dignity of the victims in the process of justice, and establishing a dialogical process between the victims and the perpetrators. Community involvement is crucial in order to ensure the smooth reintegration of ex-offenders into the community.

He also emphasized the fact that the outcome of the approach is to prepare the offenders for a responsible life in the communities, by focusing on the harm that they caused the victims, families and

the communities. The later became part of the Department's policies that are formulated within the White Paper on Corrections (2005) and in Act 111 of 1998.

Claassen (1996:11), a South African theologian, provides us with a basic definition of Restorative Justice, from a South Africa context. He describes Restorative Justice as follows: "A process whereby all the parties involved in a particular offence, come together to respond collectively on how to deal with the aftermath of the offence and the implications of it." Claassen places more emphasis upon the process of Restorative Justice and the implication of the process. It becomes clear that Claassen is more practically driven about the process of Restorative Justice. There is some agreement between the work of Claassen (1996), Gifford (2003) and Tutu (1998), in terms of the basic principles of restorative justice and the implementation thereof. This motivated the researcher to develop a special interest in the field of restorative justice. The present research contributes to the growing understanding of Restorative Justice in South African society. The researcher acknowledges that there are different levels of Restorative Justice.

Since 1994 and 1996, the Department of Correctional Services in South Africa, has developed a policy procedure of Restorative Justice. The purpose of the policy procedure on Restorative Justice is to seek and provide clear guidelines on correcting the criminal behavior of those who are incarcerated for crimes they have committed. And indeed the development of sound policies and the implementation of the different Restorative Justice Interventions are closely linked with other programmes within the Department of Correctional Services. The Department of Correctional Services has strived to develop proper mechanisms to monitor and evaluate the relevance, efficiency, effectiveness and the impact of these policies and procedures of Restorative Justice. The Department developed different principles from the framework within which the policies and procedures are implemented. For the purpose of this research, the researcher highlights a few of the key principles, for example: awareness raising campaigns to create a common understanding of restorative justice; building partnerships with the intention to encourage restoration of relationships between and amongst offenders, victims and communities; the relevance and impact of Restorative Justice; cultural diversity Restorative Justice interventions which are sensitive to cultural diversity within the South African population; and voluntary participation. Any restorative justice interventions must be offered with consent from both the offender and the victim. Information of both the victim and the offender must be treated with confidentiality. Lastly, restorative justice interventions must be sensitive to diversity and religious differences.

What interest does the researcher have in doing research of this nature? After completing his theological studies, the researcher worked as a minister in a congregation and also as a religious worker at Van Rhynsdorp Correctional Centre during the period 2002 – 2003. His primary function was to conduct the Restorative Justice programmes with offenders once a week. These groups consist

of sentenced offenders. At that stage, the researcher was responsible for conducting personal interviews, pastoral counseling, and victim and community conferencing (creating opportunities for offenders, victims, families and other stakeholders to dialogue on restorative justice issues).

During the past three decades, politicians, government officials, community leaders and academics have contributed to a critical reappraisal and proposal of a mode of justice that can deal with past and present atrocities and promote reconciliation, healing, restoration and social reintegration. Globally, the 1989 fall of the Berlin wall, overlapping with the dawn of the New South Africa, is often used as a landmark of these thematic shifts in the practices and thought of communities, organizations, movements and the academic world. Robert Schreiter (1990a; 1990b; 2002), a Catholic missiologist, emphasized 1989 as a historical marker between the past and the future, leading to a new kind of interaction between groups and communities across cultures and religion, and the integration of these themes under reconciliation as a new paradigm of mission and ministry.

Schreiter has dealt with the contents of the paradigm both at the theoretical and practical levels, even expanding some aspects to programmes as he participated in various communities. His writings therefore set the initial theoretical (theological and missiological) background and complement the theoretical, practical and programmatic dimensions of the Restorative Justice Movement (RJM). This research connects with judicial systems, community organizations and interdisciplinary studies which have proposed and developed Restorative Justice (RJ) and its short-term-, intermediate- and long-term quantitative (reducing re-offence) and qualitative (reconciliation, healing, restoration and integration as conceptualized from the RJ perspective) outcomes as an integral dimension of correctional services. A task team consists of chaplains, social workers within the Department, and NGO's such as NICRO, Hope Prison Ministry and the Centre for Conflict Resolution. They have worked together to construct the theoretical, methodological and programmatic frameworks to include and expand Restorative Justice within both Correctional Services.

Although the global (since the 1970s) and local (i.e. in South Africa since the early 1990s) Church-based and Faith-Based Prison ministries are important and relevant, the proposed paradigm of ministry and mission and evaluation studies will primarily inform the research about the impact of the religious and social dimensions of Restorative Justice programmes on (ex) offenders at Voorberg Correctional Centre, within the Department of Correctional Services. Nevertheless, the perceived problems, implications and challenges of Restorative Justice Programmes for ministry and mission in South Africa, from 1990, will also be outlined for further research. The Church and other nongovernmental organizations have already started to research reconciliation and forgiveness and the impact thereof within a new democratic society.

The researcher conducted a literature review on Restorative Justice. The primary focus was on the practical implementation or the process of Restorative Justice. A literature review improves the researcher's ability to scientifically develop his research. This literature review is an essential phase in the development of this research. It comprised of both national and international studies.

Hence this thesis is informed by the practical- and process-orientated definitions and conceptualizations of authors like Braithwaite (2000), Umbreit (1996), Berzinz (1996) and Zehr (1995). These scholars have developed different definitions, within the various disciplines such as justice/law, social sciences and theology. For example John Braithwaite (2000:563), an Australian criminal lawyer defines Restorative Justice as follows: "restoration is a holistic approach to crime, bringing together offender, survivor and community through a process of dialogue aimed at restoring relationships within the community." Mark Umbreit (1996:22), also a scholar in the field of justice, states:

Restorative Justice emphasizes the importance of elevating the role of victims and community members through more active involvement in the justice process, holding offenders directly accountable to the people they have violated and providing a range of opportunities for dialogue, negotiation and problem solving, which can lead to a greater sense of community safety, social harmony and peace for all involved.

The definition of Lorraine Berzinz (1996:35) emphasizes one of the outcomes of Restorative Justice as follows: "Restorative Justice is a way to do justice so that healing can take place, calling to account for one's actions, dealing with what went wrong, dealing with the feelings and issues around them, and dealing with the harm of the crime but also the harm caused by the Criminal Justice process."

Howard Zehr (1995:15) defines restorative justice as follows: "Those who have taken in a specific offense and who collectively identify the harm, have an obligation to heal and to put things as right as possible." Zehr is often referred to and acknowledged as the founder of Restorative Justice. He has written extensively on the different definitions of Restorative Justice and the practical implementation process thereof. He emphasises correcting the harm that was caused by the crime. He places the victims first in his model of Restorative Justice. Offenders must get to a point where they realize the harm victims suffered, whether it was emotional, physical or financial. Offenders should try to rectify their actions of the past, apologizing and making an attempt to compensate their victims. (Zehr 2000:28)

These definitions focus on different levels of restorative justice. In the above-mentioned definitions the emphasis is placed on a process and the outcome of such processes. From the above-mentioned literature review it becomes clear that restorative justice means different things to different people within their different contexts.

Generally the literature defines restorative justice in terms of

- 1) the role of the victims and community;
- 2) holding the offender directly accountable;
- 3) acknowledging that crime violates people's rights;
- 4) creating opportunities for dialogue;
- 5) focusing on the outcomes for affected parties.

The researcher used these elements in developing the questionnaires. (Refer to Annexure IV).

South African theologians such as Tutu (1999) and De Gruchy (2002) have written extensively on the topic of restorative justice within the South African context. Both Tutu (1999) and De Gruchy (2002) focus on the practical dimension. De Gruchy (2002:2) highlights the theological dimensions of restorative justice. But both of them argue from an implementation level and state that the procedural process dimension is important. Tutu (1999) and De Gruchy (2002) have mostly made use of restorative justice elements and the practical process to emphasize the transitional phase in South Africa, from a pre-apartheid period to a post apartheid period. Their theological conceptualization and ideas have helped people to contribute to ways of reflecting on the past. The researcher agrees with Tutu (1999: 83) who describes the work of the TRC as follows: "We opened the wounds; we cleansed them with balm of acknowledgment. The perpetrators were given the chance to come to terms with what they had done." This was the basic fundamental principle of the work of the Truth and Reconciliation Commission. The emphasis was on taking up the responsibility to make a change and contribute to the healing of wounds of the past. This becomes a moral conviction in a quest to help with the transition within South Africa from an apartheid state to a democratic state. By adopting Restorative Justice Principles the TRC helped to rectify the wrongs of the past. de Gruchy also argues from a theological and Christian perspective. "At the heart of my argument is the conviction that reconciliation is about the restoration of justice, whether that has to do with our justification by God, the renewal of interpersonal relations, or the transformation of society." (de Gruchy 2002:2)

Through their understanding of restorative justice, the TRC, theologians and others promoted forgiveness instead of violence. This process strengthened accountability and forgiveness that promoted healing over revenge. It becomes important to take note at what level of understanding de Gruchy introduces the concept of Restorative Justice. It is a form of justice that has to do with healing relationships, irrespective of whether they are personal or political. For de Gruchy, reconciliation can (only) be reached through a process of restorative justice and by means of practical implementation. He argues that when we talk about justice and reconciliation within one process, this leads to

restorative justice within a covenantal theological framework. The core of this type of justice is the healing and the renewal of interpersonal relationships. Promoting an ecumenical perspective, de Gruchy compares the different religious traditions of restorative justice. As one of several world religions, Christianity informs an exploration into the multicultural and a multi-faith character of restorative justice. Secondly, de Gruchy highlights the process of restorative justice and the objective of such a process, namely creating a new covenantal relationship. The covenantal concept plays a key role in the fundamental Christian doctrine of reconciliation. He relates the concept to its original contexts and relationships between the Abrahamic family of religions (Judaism, Christianity and Islam). Here reconciliation has a significant religious as well as a political meaning. de Gruchy defines the notion of “covenanting as taking responsibility for the past and committing with a search responsibility towards healing and restoring the justice for the present and keeping hope for forgiveness and reconciliation in the future.” (2002:6)

For purposes of this study, the researcher included Christians, Muslims, Rastafarians and non-religious offenders as part of the research programme participants. This therefore justifies the need to assess and evaluate the impact and effectiveness of restorative justice amongst offenders with different orientations, and those who participated and those who did not participate in the programme. This research examined the impact of restorative justice on the social- and religious dimensions of the life of offenders and the relationship between programme attendance, awareness raising and gaining better understanding and perception.

1.2 Research aims and objectives

The aim was to explore and evaluate the short-term and long-term impact of the social - religious factors of a restorative justice programme. A strong focus was placed on exploring and investigating the programme attendance, awareness raising, perceptions, attitudes and behavioral change of offenders at Voorberg Correctional Centre, within the Department of Correctional Services. The researcher also focused on themes and principles of forgiveness and reconciliation between offenders, victims and communities. The researcher also evaluated the offender’s experiences regarding reconciliation and forgiveness as aspects of trust towards the community, as well as restoring justice for the victims and those who are affected by these crimes (for example families and communities). This formed part of the theological dimension of restorative justice within a Faith-Based Programme Theory Model. But restorative justice is also the outcome of the process. The researcher specifically explored the offenders’ understanding of forgiveness and reconciliation and how they apply this understanding in a face-to-face dialogue session with the victims. The researcher used an open-ended questionnaire to probe themes and issues.

In this study the research subjects are offenders and programme facilitators, who validate the data that are collected within this research. In short, the aim of this research is to assess and examine some of the short-term and long-term impact of such interventions in terms of the

- i. social- factors of restorative justice;
- ii. religious factors of the restorative justice programme;
- iii. the effect of the programme on the experience, awareness, perceptions, and attitudes of offenders.

1.3 Research question

The researcher follows predominantly qualitative research methods to describe, explore and evaluate the impact of the restorative justice programme on individuals within the natural setting of Voorberg Correctional Facility Centre. The centre and its programme should be understood within the broader context of the Department of Correctional Services in South Africa. The White Paper on Corrections (2005) emphasises the responsibility of the Department of Correctional Services, namely "... to correct offending behavior in a secure, safe and humane environment in order to facilitate the achievement of rehabilitation, and avoidance of re-offending/recidivism. The participant should then be prepared for his / her release as law abiding citizen." (2005:19)

The researcher¹ is currently working as the Chairperson of the Correctional Supervision and Parole Board², at Voorberg Management Area, within the Department of Correctional Services. In line with the global and local developments of the past thirteen years, his primary task is to evaluate and determine the impact of rehabilitation interventions and programmes on offenders with the intention of possible release on parole, day parole, medical parole and correctional supervision.

In terms of the broader interest, the researcher wanted to find out whether and how the RJ programme objectives have been achieved; how effective the programme have been in terms of the aims and objectives of the restorative justice principles. The following might have affected the process and outcome:

- i. the placement of the programme within the rehabilitation paradigm might have caused confusion;

¹He obtained his Diploma in Theology in 1994 and his B.D. degree in 1996 at the University of Western Cape. He worked as a minister of religion in the Uniting Reformed Church in S.A., Nieuwoudtville congregation, for seven years. During that time, he became aware of the impact of crime on the victims and the community and responses of the church to people in pain. He himself was a victim of crime.

²Parole: conditional release / placement of an offender back to the community, to complete his / her sentence within the community.

- ii. possible inconsistency in the rendering of the programme;
- iii. whether the staff and other service providers (such as religious workers and case officers) are trained to present the programme;
- iv. the conceptualization of the relationship between the social and religious components.
- v. the relative importance and the weight given to the two components in the programme.

Therefore, the research questions are:

I. What are the social-religious factors of restorative justice programme?

- ii. How have these social-religious factors, when included in the restorative justice programme, created awareness, increased understanding, changed perceptions, attitudes and behaviors of offenders towards victims and thus contributed to forgiveness, reconciliation and healing of offenders?

1.4 Research methodology and framework

Therefore, this is a hermeneutical and empirical study which collects qualitative and some quantitative data. The emphasis was placed upon collecting qualitative data.

This research is informed by and applies a relatively new framework and approach to theology and restorative justice in the correctional system of South African, particularly from social-religious, hermeneutical and empirical dimensions. It adds to the growing body of the restorative justice research by examining the restorative justice process and the impact of it on offenders. Hence, the research question is framed to investigate both the quantitative and qualitative aspects with the following research question: “What is the role and how do the social-religious factors of the restorative justice programmes (with with regards to key principles and perceived outcomes of restorative justice, such as healing, reconciliation, forgiveness, social and religious integration) influence and impact the programme attendance, awareness raising, perceptions, attitudes, knowledge and behavior of the (ex-) offenders?”

The researcher acknowledges that both the quantitative and qualitative aspects are important elements, but the researcher places emphasis on the qualitative elements to generate the primary data within this research. The researcher approaches this study from an empirical theological (practical theology and missiological) framework. The disciplinary framework of Practical Theology and Missiology informed and assisted the researcher to get a better understanding of the phenomena under review. As the quantitative methods have been overemphasized by other researchers, this research placed more

emphasis on a qualitative method. But human behavior and changing awareness, and attitudes, repetition can be a challenge, particularly when one studies the impact of programmes on human beings and how they respond. This is one of the main reasons why the research is informed by both theological hermeneutical and empirical dimensions. In view of the research question, the researcher combines quantitative (i.e. general information from the existing database and open-ended questionnaire on individual- and community level information) and qualitative (i.e. awareness, perceptions, attitudes and behavioral issues) methodologies.

The researcher divided the main research question into four key areas of concern. These key areas also explain the variations and variables of the social and religious dimensions. This assisted the researcher in the operationalisation of themes as item measurements in a semi-structured questionnaire.

Both the quantitative and qualitative data were collected according to four identified areas:

- i. social (poverty; employed or unemployed; social and cultural network and spaces levels of family and community bonding) dimensions and re-offending;
- ii. religious (degrees of exposure to religious spaces, events and discussion, e.g. dignity, forgiveness and justice in terms of RJ) dimensions and re-offending;
- iii. RJP completion on the one hand and personal construction and integration of the contents of the social dimensions of RJ;
- iv. RJP completion and personal construction and integration of the contents of the religious dimension of RJ.

An interdisciplinary approach enables one to tap into these issues and the dynamism behind these areas. For the purposes of this study, the researcher subscribes to certain theological methodological assumptions. Swinton (2006:5), a practical theologian, highlights that practical theology helps us to understand the faithful performance of the gospel in the dynamic encounter between human beings and God. The human experience is of the utmost importance because it is narrative based on and also reflects upon the awareness and experience of the research participants. Swinton (2006:5) concludes that 'Human experience is a place where the gospel is grounded, embodied, interpreted and lived out.' Practical theology consists of fundamentally missiological dimensions. Its primary purpose is the acknowledgement and working out of what it means to participate in God's mission. The ideas of Swinton have been reworked and expanded with ideas from missiological sources (Bevans and Schroeder, 2004; Schreiter 1992 and other scholars) which relate to Christian faith and mission in different contexts, cultures and communities. Hence, the research dealt with the various theoretical and methodological issues as applied in Practical Theology and Missiology.

Therefore, it means that the process of restorative justice is a personal journey with distinct processes that can lead to change and transformation (de Gruchy 2002). de Gruchy raises critical issues and suggests some responses when he states, 'how dare we speak of reconciliation.' (2002:4). The statement opens debates about the meaning, practices and processes of reconciliation. What becomes interesting is that we have to acknowledge that reconciliation has political and religious dimensions. Human societies and communities are faced with conflict or war and are alienated on a daily basis as victims of crime, for example the abuse of children, women, and people who are oppressed and marginalized purely because of different religious belief and orientation. Whether the oppression is religious or political, reconciliation is deeply personal and becomes interpersonal when victims and perpetrators meet. The question is who listens, who speaks and what motivates the two groups to meet? Do they meet because of and in terms of their religious beliefs, political or social beliefs, or a combination of these? How do we make the connection across the different levels and how do we speak about reconciliation under such circumstances? De Gruchy (2002:12). The researcher is of the opinion that we have to agree that this connection can be made because of our personal relationship with God, and that this allows us to connect with other people, whether the other person is my neighbor and a perpetrator. Even in the democratic dispensation of South Africa, we dare not to remain silent or be silenced around the issues of reconciliation. People and communities are still confronted with social evils, for example unemployment, poverty and crime. If we keep silent, then we contribute directly or indirectly to the evils.

van der Ven and Swinton agree that there is a constant debate between empirical theological and social science research methodologies and methods. Swinton (2006:6) argues that, '... the social sciences have offered practical theologians vital access to the nature of the human mind, human culture, the wider dimensions of church life and the implication of the social and political dimensions of society for the process of theological reflection.' On the other hand, van der Ven (2002:29) states, in 'Empirical Methodology in Practical Theology: Why and How', '... that practical theology is normative, not despite but because of its empirical character.' According to Karl Popper (as cited in van der Ven 2004:1), empirical methodology in practical theology promotes critical reflection and contributes to evaluation research. This is due to the nature of the relationship between practical theology and empirical nature.

The debate is often about the approaches, importance and meaning of the religious data which the researches have collected. van der Ven explains this when he says

...they are not collecting measurements of seismological or meteorological processes, but religious beliefs to which people have committed themselves, religious feelings that are precious to them, religious decisions that they take for their lives, religious communities to which they are attached and ecclesiastic institutions to which they are loyal. And in order to collect data about such beliefs, feelings, violations, communities and institutions, researchers

must strive to understand them from the inside and to fathom their meaning from the inside, for they are that meaning. (2002:33)

Therefore the researcher included questions in the questionnaire that directly relate to these issues of beliefs, religion, and interaction with God such like prayer, confession, guilt and thanksgiving. (Refer to Annexure IV; question no 7-9 in the questionnaire). These questions deal primarily with hermeneutical aspects that form part of the life of the individuals, groups and communities. As a human being and citizen, the researcher is part of such groups and communities. (Giddens, 1976:158) According to van der Ven (2002:34), within a qualitative research method one is usually faced with problems on two different levels, namely the individual and the collective. Van der Ven describes the individual level as follows. The researchers look for religious meanings that individual people reveal in their speech and actions, the feelings they mention in the process, the attitudes relating to them and the way they explain them. This comes out within the interview sessions. The problems arise from the collective level when you want to put observations and interviews with individuals and small groups into a broader context. It is important to relate people's actions and words to the broader context of the institutions in which they operate. Again, the context of this research is offenders that are incarcerated by the Department of Correctional Services. They are faced with several of challenges such as safety, gangsterism, security and rehabilitation. The institutional context is important and will give new meaning to the research. It is therefore necessary to align the empirical theological framework with the research design properly in order to collect the relevant quantitative and qualitative data in view of the research question.

Aspects of the two methodologies can be merged in order to improve the effectiveness of the RJ programme within its unique context. The social sciences and empirical theology (in Practical Theology and Missiology) represent a 'double hermeneutics' which is necessary to promote social and religious change and transformation - a complex process which needs a holistic approach. The social experiences of human beings do have an effect on their religious and spiritual beliefs; and *vice versa*. For example, most of the respondents come from dysfunctional families; they either grew up with one parent or with a grandma or grandpa. Some of them were not able to complete school, grade 12. Most of them grew up in communities where there were gangs and were drawn into these gangs who influenced their values.

The study used a qualitative research design. A qualitative study takes place in the natural setting. The researcher makes use of the qualitative research method because of its interactive and humanistic character. Qualitative research methodology allowed the researcher to develop a description of an individual or setting, analyse data to develop categories and themes, and interpret and draw conclusions, etc. Data is filtered through a personal lens that is situated in a specific context of social

and historical factors. The researcher systematically reflects on the participants in the inquiry and is sensitive to the respondents' personal biographies and how they will influence the study. The qualitative research methodology is often used designs which evaluate policies and programme effectiveness.

Mouton (2001:48) defines a research design as follows: 'a research design is a plan or a blue print of how you intend to conduct the research.' It is an investigating tool that assists the researcher to establish the effectiveness or the success and the impact of the research topic from a practical theology perspective. Swinton (2006) mentions that the key question asked by the practical discipline of theology in the process of developing the research design is, 'what appears to be going on within certain situations and what is actually going on?' To pursue these questions in a particular research design, one must, according to Babbie and Mouton (2001:49), '...use a wide variety of methods and techniques in empirical research, from methods / techniques of sampling, to data collection methods, and methods of data analysis.'

The researcher used the quasi-experimental research design to examine and explore the research question. Rossi, a programme evaluative researcher in the social sciences, says that in such a research the target (intervention) group - the participants in a programme - is compared with nonparticipants. Both groups should be present in the same or similar contexts. This design is based on the participants' experiences. In other words, the researcher compares the information from the two groups to assess the impact of the restorative justice programme in order to answer the research question.

Quasi-experimental design is used because of the nature of this research. The researcher studies the social and the religious factors of the restorative justice programme and their effect on the life of offenders. Suffice to say that this design assists the researcher to evaluate the effectiveness of the programme. Babbie and Mouton (2001) describe the quasi-experimental design as a study of real life experiences of people. Quasi-experiments refer to experiments that are distinguished from true experiments by the lack of random assignment of subjects to an experimental and control group. Babbie and Mouton (2001:351). Rossi on the other hand, describes quasi-experiments as experiments where the researcher opts to study the impact of intervention on target groups and compares the information with that of other groups that did not attend any interventions. 'Because the intervention and control groups that resulted did not fulfill the requirements of a randomized experiment, the evaluators were obligated to treat the situation as a quasi-experimental design.' Rossi (2004:275)

Within this quasi-experimental design the researcher explored and examined the experiences, awareness, perception, attitudes and behaviors of individuals from the groups. The one group of offenders / prisoners consisted of offenders / prisoners who completed the restorative justice

programme. The researcher compared them with a group of offenders / prisoners who did not complete the programme, but other rehabilitation programmes. The logic of this design requires that the groups must be matched on other characteristics in order to determine the difference in the outcome of the interventions.

The researcher made use of theoretical sampling methods or techniques. The primary question that the researcher asked is what or who has been observed in this study? It became critical for the researcher to make a decision about what to observe and what not to observe. Babbie and Mouton (2001:166) define sampling as a process of selecting the respondents. Two focus groups of inmates were selected. They don't represent the total population of offenders at Voorberg Correctional Facilities, Medium A and B since the focus of this research is not on testing a general view, but on understanding of the effect of the programme on inmates who have participated in the restorative justice programme and also those offenders who have expressed the desire to become future programme participants. The data collected from these focus groups are important for measuring the effectiveness in terms of outcomes envisaged by the programme planners and the real outcomes.

The researcher did not approach focus groups in the classical sense, but rather used focus groups as a method of identifying the research group participants. Given the low level of education literacy within the identified study population, the researcher decided on the focus group interviewing method. Therefore it becomes imperative for the researcher to create a tolerant environment in the interview sessions in order to encourage the participants to openly and willingly share their knowledge, understanding, perceptions and experience with the researcher. This method can be described as a conversation between the researcher and the respondents within the identified groups (Glense and Peshkin, Huysamen, Marshall and Rossman 1989). The purpose of the group participation is to promote self-disclosure among participants. This method certainly assisted the researcher to gain a better understanding of how the participants have experienced and thought about the programme.

The researcher can identify with Morgan (1997:6) when he describes his understanding of focus groups. He describes the technique as follows: 'as a research technique that collects data through group interaction on a topic determined by the researcher.' De Vos, Strydom, Fouche and Delpont (2002:307) argue that this method has three fundamental strengths that are shared by all qualitative methods, namely: i. exploration and discovery; ii. context and depth, and iii. interpretation.

The focus group technique involved small groups of 8-10 inmates. The researcher selected the members of focus groups in such a way that they have certain characteristic in common and they can relate to each other. The one common aspect related to these groups is that they either participated in the Restorative Justice programme or did not. This technique allows the participants to share their

personal experience of the programme with the researcher. The researcher used the following criteria to identify the study sample:

- Male offenders (age is irrelevant);
- Offenders serving a sentence for crime;
- First offenders, first incarceration / imprisonment;
- Offenders sentence not longer than 5 years;
- Offenders must have completed the minimum period of their sentence;
- Offenders who participated in the Restorative Justice programme;
- Offenders who did not participate in the Restorative Justice programme, but in other intervention programmes.

There are also other requirements:

- A participant must be a first or second offender in jail for the first or second time and serving a sentence of no longer than 5 years;
- A participant must have already completed the minimum of his sentence to become eligible for parole and correctional supervision;
- The offenders must be monitorable while on the system of Community Corrections. This basically means that these offenders must be placed on parole in order to monitor their reintegration into their communities.

Therefore it becomes imperative for the researcher to create a tolerant environment in the interview sessions in order to encourage the participants to openly and willingly share their knowledge, understanding, perceptions and experience with the researcher. The researcher can identify with Morgan (1997:6) when he describes his understanding of focus groups. He describes the technique as follows: ‘as a research technique that collects data through group interaction on a topic determined by the researcher.’

The following people were interviewed:

- 23 offenders who participated in the Restorative Justice Programme during incarceration.
- 21 offenders who did not participate in the Restorative Justice Programme, but other rehabilitation programmes.
- facilitators of the RJ programme

The researcher used multiple data collection methods to gather information, e.g. focus groups as interviewing technique, questionnaires, observations and case notes. These methods assist the researcher to gather and obtain the information that is needed. According to Babbie and Mouton (2001:288), ‘a qualitative interview is an interaction between an interviewer and a respondent in which the interviewer has a general plan of inquiry, but not a specific set of questions that must be asked in particular words and in a particular order.’ Babbie and Mouton (2001:289).

Phase 1: The research was conducted in two phases. During this phase a quasi-experimental naturalistic approach was used to gather information. The researcher requested the group facilitators to identify two groups as research participants and case study to gain a better understanding of the phenomena under review. Different methods were used to evaluate the social-religious factors of the programme and the impact or effectiveness of it on the lives of offenders within the Correctional Centre of Voorberg.

Phase 2: This phase had been outlined within the participant consent form as phase 2. (Refer to Annexure I) The researcher decided to utilize the method of a questionnaire in order to collect the data. The researcher made use of semi-structured questionnaires in order to gain as much possible information. Perhaps the use of the semi-structured questionnaire technique is the distinctive feature of group interviews. The researcher primarily collected data from unstructured interview schedules. (See attached a copy of the questionnaire, Annexure IV.)

Through the *observations* the researcher gained an insider view through directly observing behavior and talking to the research participants. He gained first-hand experience of the objects under investigation. The *secondary data* was gathered from the confidential institutional³ files of offenders to make sure that they fit the described criteria. This data basically consist of previous criminal records, their religious affiliation, education, support structure, different interventions and case notes of completion of RJ programme. The respondents were given the opportunity to complete a consent form that gave the researcher permission to obtain personal information from their case files. See the consent form attached as Annexure I.

1.5 Chapter outline

Chapter1: Introduction–Research Aims and Objectives

Chapter2: Integrated Faith–Based Programme Theory

(Theories and Theologies of Reconciliation and Restorative Justice (History and Practice of Reconciliation and Restorative Justice: Global and Local Contexts)

Chapter 3: Religious Change and Restorative Justice Programme

Chapter 4: Social Change and Restorative Justice Programme

Chapter 5: Integrated Faith Based Outcome Theory on Restorative Justice

Chapter 6 Conclusion and Implications of Restorative Justice Programme

1.6 Research ethics statement

This thesis met all the ethical requirements of the University of Stellenbosch. The researcher has committed himself to conduct this research in accordance with the prescribed rules and ethical requirement of the Faculty of Theology. The researcher

- Acknowledges that all the participants or respondent that participated did so voluntarily;
- Informed all the participants of the purpose and the relevance of their involvement in this research.
- Committed him to treating all participants with the utmost respect, dignity and confidentiality.

Chapter 2 Integrated Faith-Based Programme Theory of Restorative Justice

2.1 Introduction

The different debates on the theories and theologies of Restorative Justice are imperative and help the researcher to gain a better understanding of the contextualization of the Restorative Justice programme, globally (e.g. the Canadian model of Restorative Justice) and locally (for example the South African model of Restorative Justice). The researcher also aware that different dimension of Restorative Justice do exist within the different disciplines, e.g. within the theology, justice and social science disciplines. Therefore the researcher argues that within restorative justice theory and theology do have a strong religious and faith dimension. These debates assist the researcher to deal with the double hermeneutical aspect of restorative justice within the context of this research. This assists the researcher to look more closely into the religious / faith versus social science debate, specifically when it comes to forgiveness, justice and restorative justice. Therefore the researcher poses the question: What is the relationship between reconciliation, justice, healing and restoration and how are these concepts incorporated within restorative justice topic and process? This chapter also gives some background of how the programme of Restorative Justice functions within the Department of Correctional Services in South Africa. It discusses the meaning and value of the religious and theological perspectives of restorative justice and how they can contribute to the lives and thinking of inmates. Therefore it becomes important to mention that Swinton argues that ‘the social sciences have offered practical theologians vital access to the nature of the human mind, human culture, the wider dimensions of church life and the implication of the social and political dimensions of society for the process of theological reflection.’ (2006:6)

Firstly, the chapter summarises the current Restorative Justice programme within the Department of Correctional Services. Secondly, it highlights the social-religious factors within the Integrated Faith-based programme theory. Thirdly, it briefly introduces the different discourses on the current theories and theologies on reconciliation and restorative justice within the Faith-Based Programme Theory model. The interdisciplinary background, in terms of the contextual use and implementation of the concept of restorative justice, also become important. Restorative justice is partly implemented within different Criminal Justice sectors of which the Department of Correctional Service.

2.2 Overview of the Restorative Justice Programme of the Department of Correctional Services

Within the White Paper on Corrections (2005) and the Correctional Services Act 111 of 1998, the Department of Correctional Services highlights the responsibility and objectives. It is to correct offending behavior in a safe, secure and human environment through the process of facilitating the

rehabilitation path of the offenders incarcerated within Correctional Centre's. The Department of Correctional Services went a bit further in developing policies for those offenders and probationers (parolees) outside the Correctional Centre's, who are under the monitoring of the Community Corrections programme of the Department of Correctional Services, in order to minimize the re-occurrence of re-offending and recidivism. These objectives form the path that will determine as well as prepare the offenders for the reintegration process into the community of origin.

The primary task of the Directorate's Correctional Programme is to develop programmes that will target correcting offending behavior in order to enhance the process of social reintegration. Therefore this directorate identified the need for offenders to be orientated on the concept of Restorative Justice and Restorative principles such as Victim Empowerment and Victim Offender Mediation or Victim Offender Reconciliation, within the context of the Department of Correctional Services. It is important to keep in mind that the Department of Correctional Services developed these policies, keeping in mind that their primary function is to keep sentenced offenders, who are sentenced by the Courts, in a safe, secure and human environment.

The primary purpose of the Restorative Justice Programme within the Department of Correctional Services is to orientate offenders and prepare them for future interventions with those who were harmed through the crimes that were committed. These future endeavors would take place according to the Restorative Justice principle. The programme has been developed to make provision for diversity, e.g. gender, culture, age, sexuality, ethnicity and religion. The orientation manual on Restorative Justice Programmes emphasizes the two main objectives of the programme as follows:

- i) To raise awareness amongst the programme participants in order to address the negative impact of their involvement in crime or criminal activities;
- ii) To assist the programme participants to acknowledge their criminal behavior and to develop insight regarding the restoration of relationships between themselves and the victims and their communities. (Orientation manual on Restorative Justice, Manual for Facilitators, Directorate Correctional Programmes, 2008).

Point i) and ii) are strategically part of the short-term objectives of the programme developers. They can also be seen as the starting point that leads to insight development if the programme participants indeed react positively towards the programme content. If i) and ii) are perceived positively, this can lead to the renewal and restoration of relationships, grounded on firm values and norms. The Department of Correctional Services further believes that Restorative Justice essentially appeals to the healthy morals, values and norms of all individuals within communities and those who are entrusted with their care. Therefore they adopted definitions that speak to these morals, norms and values. The

Department of Correctional Services place a lot of value on Zehr and Umbreit's definitions of Restorative Justice. Both of them argue that 'Restorative Justice views crime as a violation of one person by another, rather than an action against the State. Dialogues and negotiations are normative, with the focus on problem-solving in the future rather than on establishing blame for past behavior.' (as cited in the Orientation Manual on Restorative Justice 2008:17) Both these scholars place the emphasis upon the process of implementation. The technique of dialogue and negotiation form the heart of their mediation model. They focus primarily on this level.

Within this general global understanding of what Restorative Justice aims to accomplish, the Department of Correctional Services rightfully states that Restorative Justice Processes aim to correct the harm that was caused through crime. Restorative Justice becomes a way of dealing with the aftermath of the crime. This implies that offenders must realise through their programme attendance and participation, that their conscious or unconscious decision to commit crime has indeed harmed their victims, Also, they must realise that their negative criminal behavior caused suffering, trauma, emotional instability, physical loss and financial loss to their victims and their communities. Zehr also emphasises that through programme participation, offenders must be made aware that they should make a strong attempt to make things right by apologizing and trying to compensate the victims for their loss Zehr (1990). There is a direct relationship between correcting offender's criminal behavior and the objectives of restorative justice. This re-emphasises the importance of awareness rising.

Within the programme, the Department of Correctional Services also acknowledges that Restorative Justice has its roots in many religions and faiths, also within the indigenous communities and cultures, for example in South Africa, New Zealand and Canada. In countries like Greece and Arab countries, Restorative Justice is part of the criminal justice system. This gives communities direct access to a criminal justice system that is more people friendly. Operating systems like this assist the governments and communities to restore the morals and values that were affected through the crime. Within traditional African societies including South Africa, communities made use of the principles of Restorative Justice to deal with the aftermath of conflict and crime. These principles were used to restore harm and create a safe environment of harmony. This historical value of Restorative Justice intends to transform the wrong past criminal behavior into future actions of restoration, repairing the harm and renewing a relationship with those whom they harmed.

Although the Department of Correctional Services, acknowledge the religious roots of Restorative Justice, it places much more value on the social factors that lead to criminal activities such as poor education, poverty, drugs and alcohol abuse. During 2001-2004, the Spiritual Care directorate presented certain parts of the Restorative Justice Programme. This sector played a major role in setting and developing a proper understanding of Restorative Justice. Suffice is it to say that Restorative

Justice is not limited to the Christian religion alone. This was one of the major reasons why the researcher opted to interview Christians, Muslims, members of African traditional religions and Rastafarians, as respondents during the interview sessions. The researcher also included all the above-mentioned religions' representatives during the observational group sessions. Even Zehr (1990:197-199) compares Biblical concepts like guilt, confession, reconciliation and forgiveness with the guilt of an offender. He used these biblical expressions to emphasize the fact that an offender will be measured by society in terms of his guilt and his ability to confess sincerely. This is the starting point of putting right the wrong of crime. Zehr brings to the forefront the notion of Biblical justice. Within Biblical justice the crime cannot be ignored, but it is possible to acknowledge the wrong and to make an effort to correct the past mistakes.

Since the inception of the White Paper on Corrections and Act 111 of 1998, more and more emphasis has been placed upon correcting offender behavior through the facilitation of rehabilitation programmes. This then unfolds in the development of correctional programmes. Much attention has been paid to amongst others, social factors that influence antisocial behavior and create dysfunctional families and ultimately lead to dysfunctional communities and societies. This led to the development of a new Correctional Restorative Justice programme, under the Directorate of Correctional Programmes. This programme is also intended to teach programme participants / attendees to take responsibility / accountability to rectify the wrongs of the past that led to them being incarcerated. It also infuses a mindset of restoration as a way of life and as a way of justice. Such a way of life is based on values such as respect, dignity, common understanding, accountability, integrity and peace.

The Department of Correctional Services, within its Restorative Justice Programme, asserts that the right and dignity of victims must be recognized and that victim involvement is critical in order to reach the objectives of creating a safe re-integration process for the offender to his/her community of origin. Opportunities must be created to provide for dialogue and mediation between the offenders and victims, through programmes such as Victim-Offender Mediation. This can only take place if both parties are willing to enter into a process of mediation. The main purpose of the mediation and dialogue is to seek solutions to repair the harm that was caused through the criminal behavior and to promote a safe and a just society. This is an important phase within the process of victim offender mediation. The outcome of this process will differ from person to person. It might be that some victims just want to make a statement regarding the impact of the crime on their lives, and not willing to forgive the offenders. In other cases it might be that the victims just want to see the offenders and are too afraid to reconcile, because they are not certain if the offender's apology is genuine.

The Department of Correctional Services is of the opinion that Restorative Justice can enhance the possibility of rehabilitating the offenders, correcting offender behavior and promoting social

responsibility. They also promote the aspect of corrections as a societal responsibility. (As cited in the White paper on Corrections in South Africa, 2005:68). Communities must take responsibility for these offenders by creating the space for them to adapt to the normal rules and values of the communities. These offenders indeed originated from these communities. The Department acknowledges that there are different processes within a Restorative Justice Programme e.g. Victim - Offender Mediation, /Victim-Offender Reconciliation, dialogue; family group conferencing, financial restitution to victims; personal services to victims; community services and written or verbal apologies.

The Department is also aware that there are other challenges regarding the social reintegration of offenders, which still need to be addressed, for example housing, family responsibility, skill development and positive support structures. During the observational session the researcher observed the following factors:

1. The programme was conducted on a daily basis and ran over a period of fourteen days;
2. Offenders were free to choose if they wanted to be involved in the programme or not;
3. Not all facilitators have access to the latest training manual and some use older training manuals because they feel more comfortable with the programme outline and information;
4. Offenders participated freely within the group discussions;
5. A few offenders actually want to meet with their victims;
6. Training for facilitators on the different programmes within the Restorative Justice process is a major concern for these facilitators.
7. There is a good record system at the Medium A Correctional Centre, in terms of the conducting of programmes.

2.3 Meta-theory

The critical questions that confronted the researcher after observing the current contextualisation of the Restorative Justice programme and collecting data through the questionnaires within the Department of Correctional Services are:

- i) What are the social-religious factors of the Restorative Justice programme?
- ii) What informs the research and evaluation of the Restorative Justice Programme and the research methodology?

Rossi (2004:2) defines evaluation research as a social activity and as a way of collecting, analysing, interpreting and communicating information about the functioning and effectiveness of a social programme. Evaluation studies are conducted for several practical reasons, namely:

- i) To add more value to the current programme;
- ii) To improve or to expand;
- iii) To increase the effectiveness of programme management and administration.

This evaluative quasi-experimental outcome research aims to answer the research questions on whether social and religious factors exist within the restorative justice programme, and if so, what their impact is in terms of effectiveness. The researcher looked critically at the short-term and the long-term outcomes and impact. The following quote from Rossi (2004:2) motivates the researcher to use this methodology of research:

Programme evaluation represents an adaptation of social research methods to the task of studying social interventions so that sound judgments can be drawn about the social problems addressed, and the design, implementation, impact, and efficiency of programmes that address those problems. Individual evaluation studies and the cumulation of knowledge from many such studies can make vital contributions to informed social actions aimed at improving the human condition.

Therefore the purpose of evaluation research is to measure the impact of the programme under review against the objectives that were set out. Within the context of this research, the researcher investigates if the Restorative Justice programme does have social-religious factors or not. Thereafter the researcher discusses what the impact of the social- and religious factors are upon the human behavior of the participants, basing the discussion on the data that was collected. .

Most evaluative studies focus on social programmes, especially human service programmes. But programme evaluation is not restricted to the social science discipline alone. Babbie and Mouton also acknowledge in their book, *The Practice of Social Research*, that ‘programme evaluation is the domain of social science.’ (Babbie and Mouton 2001:334). This type of research utilizes a whole range of social science methods. Babbie and Mouton, and Rossi and Freeman place a lot of emphasis on the following aspects of evaluation studies, conceptualization, design, implementation and utility.

The researcher acknowledges that the social world of human beings is plagued by all kinds of social ills like crime, poverty, unemployment, injustice and HIV AIDS. In order to address these illnesses, human beings continuously develop programmes to address these needs effectively, in order to improve the human condition. The researcher argues that evaluation research can cover a broader scope than just the social aspects of human behavior. Therefore within this research, the researcher does not only look at the social aspects of Restorative Justice, but also at the religious aspects. This argument of the researcher is motivated by the empirical theological method within the disciplines of practical theology and missiology. The empirical theological method, as developed by van der Ven (2002:9-11), attempts to make theology relevant within the social world of human beings, in the midst

of the social ills in society. Therefore the question of faith becomes a valid argument. The discipline of theology must be in a position to give answers to questions like: What were the religious experiences of people within this circumstance? How did their religion impact upon their individual and social life? How did the relationship between Church and society shape their lives? Therefore the researcher argues that the discipline of theology needs to realise its importance in this research.

It is also known that Restorative Justice Programmes are constantly under review to determine the impact of the practical aspect of Restorative Justice upon those people who take part in the process. These review studies are mostly done in countries such as New Zealand, Canada and the United States. I also refer to an article in the *Journal of Criminal Justice*, 'Restorative Justice practice.' According to Kimberley de Beus and Nancy Rodriguez, examination of programme completion and recidivism is also important. (Beus and Rodriguez 2007:337). Most of these impact studies focus on the impact of Restorative Justice with regard to reducing crime.

Therefore, for this research, the researcher opted to use this methodology in order to evaluate both the social- and religious factors of the Restorative Justice Programme of the Department of Correctional Services. So, clearly, the researcher places more emphasis upon the purpose of this research than on the method Babbie and Mouton (2001:333). Within qualitative evaluation research, 'programme evaluation entails the use of scientific methods to measure the implementation and outcomes of programmes for decision-making purposes.' (Rutman 1984:10) Rutman refers to a programme as any intervention or set of activities that is intended to achieve external objectives, that meets some recognition of social needs, or solves a problem. 'Programme evaluation is the use of social research methods to systematically investigate the effectiveness of social intervention programmes in ways that are adapted to their political and organizational environments and are designed to inform social action to improve social conditions.'" Rossi and Freeman (2004:16)

At the heart of this programme evaluation research, is the notion of theory. Weiss introduced the researcher to the concept of Theory-based Evaluation (TBE). The concept of theory characterizes TBE or programme theory. It basically explains the causal-effect-linkages within the programme. This forms part of a specific evaluation method of research (Weiss1972:1).The TBE has to do with a set of beliefs that underlie action. Therefore the researcher grapples with what characterizes the social-religious factors in a programme theory of Restorative Justice. Within this research, the following social factors of Restorative Justice were identified through the data collection process, group observations and the questionnaires, namely social environment, poor education, poverty, drug and alcohol abuse and dysfunctional families. The researcher also identified the religious factors of Restorative Justice, namely forgiveness, reconciliation, restoration, guilt, confession, and prayer and thanksgiving. The two sets of factors combined to become a set of beliefs within the common

understanding of those offenders who participated in the programme of Restorative Justice. In a certain sense this set of beliefs underpins the restorative actions which then become restorative behavior. This belief informs action, e.g. restorative action for example starting to think of restoration, rectifying actions of the past and asking forgiveness from those people they have harmed. Therefore the researcher argues that these beliefs basically form the logic model of Restorative Justice. These beliefs in the mind of the participants allow them to connect with the theory of Restorative Justice. The researcher wants to emphasise this connection between theories and beliefs, because the researcher is of the opinion that this argument will advance this evaluative study. Data about beliefs was collected especially during the interviews and from the questionnaires. The data assists the researcher to make valuable judgments and to disseminate the knowledge and understanding levels of the programme participants and to make comparisons between the two groups in the study. Therefore both the social and the religious factors become mediating factors that have a direct impact on the objectives of a Restorative Justice programme. The researcher emphasises the link between the social- and religious factors of Restorative Justice.

Although the Department of Correctional Services places more emphasis upon the social aspects of Restorative Justice, the researcher argues that you cannot accentuate one factor at the expense of the other. If you do so, you run the risk of misunderstanding the logic that underlines Restorative Justice as a process and a programme. This is one of the aspects about which the Department of Correctional Services needs to find clarity. This critique was directly drawn from the observation sessions and how the research participants answered the questionnaires. This might be one reason why the Department of Correctional Services focuses more on awareness raising about Restorative Justice, instead of moving to the next level of sufficient or effective implementation of mediation between offenders and victims. This action needs to be addressed practically and properly within training that needs to be given to programme facilitators.

Programme participants were asked the following question (question 3): *Has the RJP helped you to forgive yourself and think about asking forgiveness from your victims? If so, how would you do it?* Of the offenders in Group I who was asked this question, 90% (20/23) answered yes. Within this group the participants felt that a third person such the pastor / reverend or social worker should go with them to the victims and mediate this dialogue.

2.4 Towards an Integrated Faith-Based Programme Theory

The Faith-Based Programme Theory of Harden (2006:481-504) helped the researcher to gain a better understanding of the integrated model that links the religious and social dimensions of Restorative Justice Intervention at Voorberg Correctional Centre of the Department of Correctional Services. This integrated model forms an important part of this research and of obtaining a better understanding of Restorative Justice in practice.

This new programme theory approach helped the researcher to determine the impact of religion, faith and spirituality in different faith-based programmes. Therefore the researcher believes that this programme theory approach enhances the debate between the advocates of religious and nonreligious programmes. In order to evaluate the implemented programme, it is important to understand this research within a FBPT (Faith-Based Programme Theory) framework. The primary purpose of the programme theory approach is to assist the researcher in determining the impact of faith and spirituality amongst the research participants.

Although there are certain limitations (see chapter 6), the programme theory- and the empirical-theological approach seem appropriate to evaluate a programme like Restorative Justice within the context of the Department of Correctional Services, given its social-and religious nature. This forms the basis of the programme logic. Harden (2006:483) defines the programme theory approach as: ‘an explicit theory or model of how the programme causes the intended or observed outcomes and an evaluation that is at least partly guided by this model.’ This definition has been abstracted from the work of Rogers and Rossi (2000:5). Rogers refers to causal models in programme theory evaluation.

The question, what constitutes a faith based programme, is very important within this integrated model. Therefore it is within this integrated model that the researcher determines whether there is a link between the religious / spiritual and social dimensions of the intervention which aims at transformation as an outcome of the integrated FBPT.

In developing an understanding of the essentials of what constitutes a faith-based programme, it is important to acknowledge that the faith and spiritual dimensions should clearly be identified for a successful programme evaluation. A Faith-Based Programme can be defined as “a faith-based organization to include all organizations that engage in spiritual and / or social intervention activities based on religious beliefs and values of faith and spiritual tradition for transformational purposes.” Harden (2006:484). By using the term transformational purposes, Harden refers to “the quality that is characteristic of a religious idea of change” (2006:484), that contributes to spiritual and social well-being. Yes, this re-emphasizes that a holistic approach is needed in order to reach the outcome of

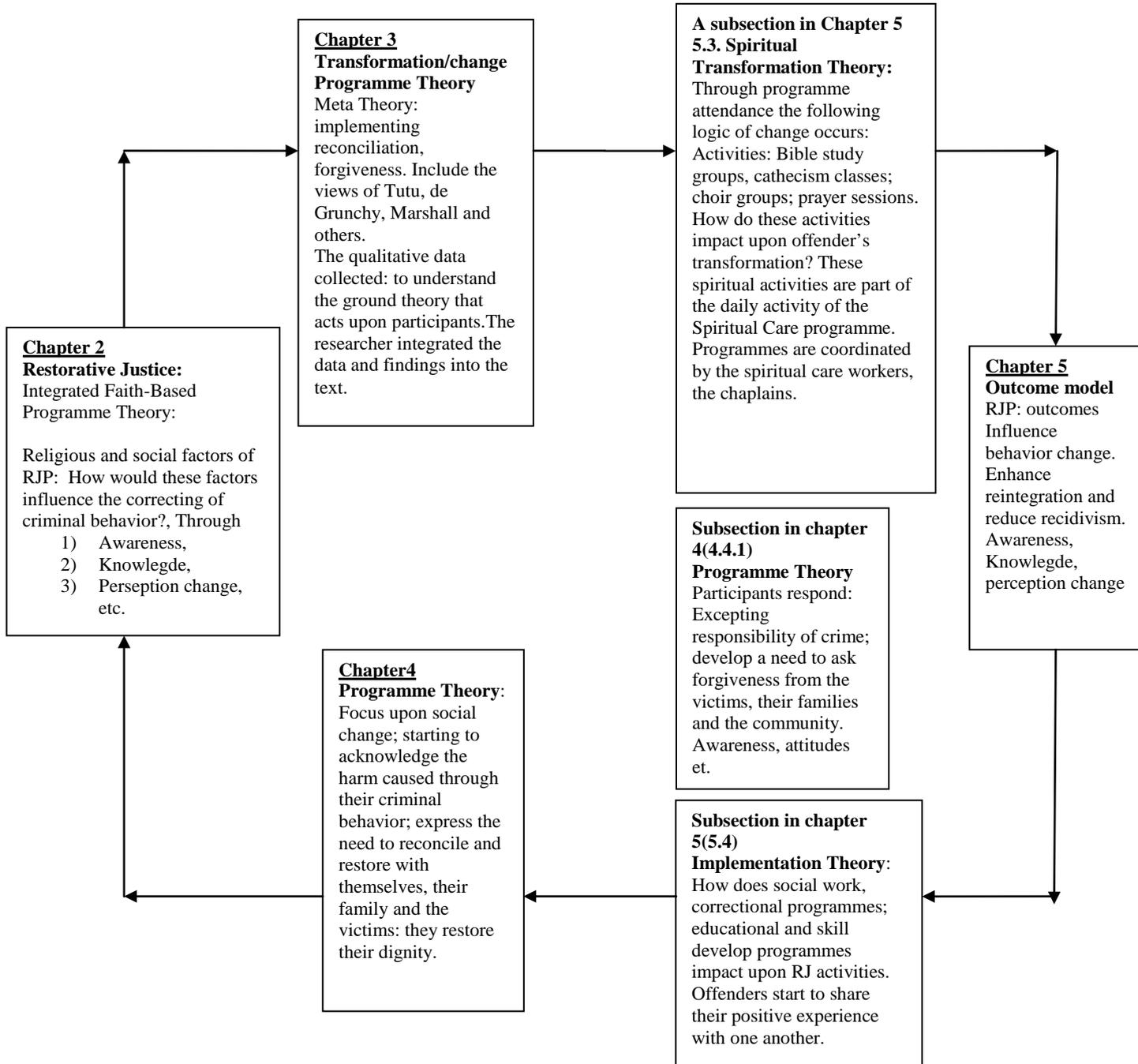
changing the mindsets and behavior patterns, and showing remorse and signs of acknowledgement of harm done. Secondly, we need to understand the extent to which faith and spirituality are important within the programme.

Hence it is important to understand the Faith-Based Programme Theory (FBPT), “as a meta-programme theory that describe the faith-based programme strategy based on a theoretical dimension that may include religious and / or nonreligious programme components that represent the beliefs and values of a religious tradition.” (Harden 2006:486-487) The key words here are “Theory and Theology that represent the religious beliefs and values of the programme with its contextual factors that influence the relationship towards each other.” Within this research the researcher refers to the religious beliefs as religious factors e.g. reconciliation, forgiveness, restoration etc. These religious factors indeed become part of the religious beliefs within religious activities such as prayer sessions, catechism classes, choir/worship session and bible study classes, etc. The FBPT integrated model consists of the following theories, e.g. programme theory dimension, implementation theory, transformational programme theory dimension, spiritual transformation theory and outcome theory.

The researcher developed a broad logic model to explain his understanding of how this Integrated Faith Based Programme Theory can work, in relation to his understanding of Restorative Justice within the South African Correctional Services system. Harden’s Faith based Programme Theory gave the researcher the broader framework for this model (cf. diagram on next page).

Diagram

Integrated Faith Based Programme Theory Model (adapted from the Harden model)



The programme theory dimension is an important mechanism between the programme activity and the desired outcome that articulates the response to the activity. It has an important implication towards the activity for the FBPT model. Programme theory within the FBPT model implies that the participants in the programme can respond towards explicit spiritual or religious events. Programme theory has a spiritual or religious significance in nature, given the fact that the response is spiritual or religious in nature.

Implementation theory refers to activities that are structured and delivered during implementation. This theory may entail activities that theoretically- speaking consist of spiritual or religious dimensions that reflect religious beliefs and values. If we contextualise the implementation theory of the Restorative Justice programme, it becomes clear that Restorative Justice has theoretically a spiritual or religious dimension that reflects its religious beliefs and values. The researcher is of the opinion that adopting and adapting the FBPT integrated model assists him to develop a theology and praxis of Restorative Justice that can function as a programme within Correctional Service and Religious communities. Yes, the implementation is influenced by the religious factors for example, beliefs and values and that are accounted within the FBPT conceptual framework.

The transformational theory and theological dimension is necessary to capture the religious beliefs and values that influenced the programme. These dimensions consist of one component namely the spiritual transformation theory. The transformational theory and theology consists of spiritual activities (Bible study programmes, religious services, prayer meetings and catechism classes), that describe the outcomes that consist of observable spiritual indicators and elements.

Spiritual transformational theory is formulated in relationship to programme theory. Harden (2006:488), defines spiritual transformational theory as “a sequence or series of explicit spiritual activities and /or events that are designed to facilitate spiritual and/or social transformation.”

Restorative Justice can be conceptualized within this spiritual transformation theory because of its explicit spiritual activity and because the outcome thereof is change. This theory refers to the action that leads to the spiritual and /or social transformation character of the programme that has a theological connotation. It becomes important to realize that the acceptance and development of one's faith can also contribute to social change or transformation.

Harden also reflects on functionality and how it is related to the FBPT model. Functionality focuses on the how and why question within the faith-based programme theory that constituted the FBPT model. In essence it refers to the programme activity and how it supports the purpose of the FBPT dimension.

The functionality model includes the theoretical modes as interfunctionality and intrafunctionality. Harden describes interfunctionality, as “cases in which a faith-based programme component of one dimension serves a supportive or non-supportive function as a strategy in a FBPT.” (2006:493) On the other hand, a supportive function is visible when an FBPT emphasises the role the spiritual activities play in relation to social service interventions. The spiritual activity contributes to the support of social change. I agree with Harden when he says that religious teachings used as spiritual activities may function to shape behavior and establish standards of conduct during a social intervention.

Harden refers to intrafunctionality as when spiritual activities are integrated with social service activities with the purpose of opening the door for spiritual nurturing and to facilitate social transformation. In my view the social service component is not less important than the spiritual beliefs and values. Both of them are necessary in order to reach a successful outcome.

Both of these dimensions of functionalities are used to determine the social justice need within the activity of Restorative Justice. Therefore it is imperative to note that the church as a faith-based community is in a position to assist the Department of Correctional Services from a FBPT framework to reach its outcomes and to address the social justice issues within communities. Harden is of the opinion that interfunctionality is part of a FBPT, when spiritual activities are described as the primary strategy to ensure social change. Although in some programmes spiritual change that took place through spiritual activities is taken for granted, according to Harden (as cited in Unruh and Sider, 1999:20), spiritual intervention plays a dominant role in social change. Unruh and Siders are both scholars that place a lot of emphasis on the integration of the faith factors and Christian witness in getting a broader understanding of the congregational social services. In their opinion one cannot understand faith-based social services without getting an understanding of its faith factors / dimensions. In their book, *Saving Souls, Serving Society* (2005), they explore and map out a new social ministry landscape. In this book Unruh and Siders steer the debates over faith-based initiatives to a growing body where churches commit themselves to both saving souls and serving society. What is unique about this initiative is the fact that a distinction is made between faith-based and secular services. Unruh and Sider give answers to the following critical questions: “How did the religious organization express its religious / spiritual identity within the context of the social services?” How do faith-based service providers interpret the connection between spiritual methodologies and socioeconomic outcomes? How does faith motivate and give meaning to social ministry? Unruh and Sider (1999:20) seek to answer these questions surrounding the religious dynamics within social ministry. These questions are helpful to the researcher as these questions are linked to the original research questions and the desired outcomes.

2.5 Conclusion

In conclusion, the researcher is of the opinion that a balance needs to be struck between the linkages of the social-religious factors of Restorative Justice. Both these factors are important in the correct understanding and implementation of the Restorative Justice Logic model. Both sets of factors give the researcher a better understanding within the cultural belief system of Restorative Justice as a programme and as a process. In a certain sense the belief system needs to inform a Restorative theory that influences human behavioral change. The researcher is now in a position to say that the Department of Correctional Services' main objectives for the programme of Restorative Justice are to orientate offenders in respect to what Restorative Justice is and to prepare them for future restorative interventions such as face-to-face dialogue sessions, Victim Offender mediation and Victim Offender Reconciliation sessions. In Chapter 3 the researcher will explain how Restorative Justice contributes to a religious change in the participants. This will be done within the transformation programme theory model.

Chapter 3 Transformational Programme Theory

(Theories and Theologies of Restorative Justice - Forgiveness and Reconciliation)

3.1 Introduction

In this chapter, the researcher will critically debate the different theories and theologies of reconciliation and Restorative Justice, from an empirical theological hermeneutical and evaluative perspective, within the discipline of practical theology and missiology. These theories and theologies are informed by scholars such as Marshall (2001), de Gruchy (2002) and Caley (1998). The researcher will re-emphasise that there is a constant debate between empirical theological research methods and social science. Due to the empirical theological nature of this research, the researcher has to emphasise that this research has to do with the experiences of human beings and people that are affected by crime. The researcher acknowledges that human behavior and changing awareness and attitudes are complex issues. Therefore the researcher has designed his questionnaire in order to address these aspects of awareness, attitude and behavioral change. (See the Annexure IV of the research.)

In this chapter the researcher discusses the following themes in detail, namely the theological hermeneutical perspective of Restorative Justice; reconciliation theory and praxis; forgiveness theory and praxis; South African Restorative Justice Model; Restorative Justice within the transformational programme theory model and religious and transformational praxis of faith based and other Non-governmental organizations (NGO's).

3.2 Theological Hermeneutical Perspective

The theological hermeneutical perspective puts the transformation programme theory in a religious perspective for the researcher. The faith or religious elements of Restorative Justice come to the forefront because of the principals involved. These principles of Restorative Justice inform the beliefs of those offenders that participated in the programme, in the context of the Department of Correctional Services. Therefore, in order for the researcher to reflect critically from a theological hermeneutical perspective, he must be aware of FBPT integrated model, and the discourse/debate of the different theories and theologies of reconciliation, forgiveness and Restorative Justice. The researcher draws on the work of Chris Marshall (2001) in his book, *Beyond Retribution, A New Testament Vision for Justice, Crime and Punishment*, to analyse, interpret and integrate the theological-hermeneutical perspective.

Marshall (2001) acknowledges that the work of Howard Zehr (1990), *Changing Lenses: a New Focus of Crime and Justice*, made a deep impression on him. He mentions that it is well researched and an

authoritative and profoundly Christian analysis of the Western criminal justice system. Zehr discusses an alternative restorative approach, with the focus on dealing with the criminal offending behavior in a humane way that is compatible with Christian values and social needs. Marshall was motivated to use Zehr's work as the basis for his book, *Beyond Retribution*. Marshall and Zehr agree that there is limited reference to New Testament material, specifically to Biblical justice. Marshall (2001:4). Indeed the availability of Christian literature on Restorative Justice, crime and punishment in general is limited. Needless to say Marshall as a New Testament theologian writes in his book, "*Beyond Retribution*", from a New Testament perspective. Zehr on the other hand places emphasis on the Old Testament materials for his biblical understanding of restorative justice. He used biblical terms such as guilt, confession and forgiveness to express the level of implementation of restorative justice.

Marshall (2001) acknowledges that in recent decades, a growing number of Christians have become active in promoting the concept of Restorative Justice or Transformational Justice. Programmes, based on restorative justice have also been developed for the purpose of dealing with the criminal offenders. These programme developers insist that this approach must flow from the peace-making heart of the Christian gospel and that they must be consistent with the teachings in Scripture. Marshall is very critical towards this approach, because little has been done to compare these programmes with the teachings in the New Testament. He is of the opinion that the primary reference point must be Christian belief and practice. As it is deeply theological and empirical, the work of Marshall assists the researcher to gain a better perspective on the theological-hermeneutical foundation of his work on Restorative Justice. Therefore the researcher argues that the debate between empirical theology research methods and the social sciences is imperative to assist him to gain a broader perception of the RJP.

In *Beyond Retribution* Marshall discusses crime, punishment and the death penalty. He argues that crime is one of the most difficult areas of human behavior to deal with from a Christian perspective. Marshall, (2001:19). When human beings are confronted with crimes such as rape, murder, child abuse, and house breakings, the automatic and natural reaction is to seek retribution. Irrespective of if the person involved is religious or not. At that moment it is not about love or forgiveness, but retribution. Marshall carefully articulates his thoughts from a Christian position on the topic of crime and punishment from a Christian position and raises the questions of the extent to which the New Testament speaks of the abovementioned issues.

He continues to explore fully whether and in what capacity the New Testament text, contributes to the vision of restoration justice or transformational justice. Marshall continues to argue that several criminal justice experts advocate different models of Restorative Justice as an alternative model of doing justice to the dysfunctional Western system of the criminal justice that focuses on retribution.

While the retributive justice model focus on law breaking, inflicting guilt and punishment, Restorative Justice on the other hand focus on relationships, reconciliation and reparation of the harm done. Marshall (2001), (as cited in Northey 1994:6), suggests that we must think of Restorative Justice as a peacemaking response to crime and a critique of criminology as a military science. Emanating from this Marshall keeps bringing a fresh approach to the debate between theology and social science. This becomes the basis of Marshall's theory that there must be a constant debate on an interdisciplinary/trans-disciplinary level.

Restorative Justice does not counter the harm done with inflicting a new harm but instead gives an alternative solution in dealing with a healing response to victims, offenders and the affected communities. Moving from theology to theory and practice of Restorative Justice within the FBPT integrated model to create awareness of but also to impact attitudes and lives as part of the outcome theory.

David Cayley(1998:11) explain his thinking and adds to the debate that, such a peace-making justice insists on accountability, reparation and reform, but tries to avoid ostracization, stigmatization, and the compounding of old violence with new. Cayley is one of the two great Canadian thinkers who contribute to the academic learning around Restorative Theology. In *The Expanding Prison* he extensively argues and moves towards a vision of justice as peacemaking rather than the idea of vengeance.

Marshall (2001:2) took the debate on the existing theories and theologies on a deeper level, with his argument that Restorative Justice is “an alternative model, a third way between the retributive and rehabilitative models that have dominated penal philosophy, a destructive way of talking about crime and punishment, a different paradigm, to use.”⁴ Marshall (2001:2) based his argument on one of the founders of Restorative Justice, namely Howard Zehr and his conceptualizations theory of Restorative Justice within the criminal justice system. Restorative paradigm is not a modern innovation towards the current Western justice system problems. Instead advocates an argumentative approach that links Restorative Justice with traditional societies like the Maori society in New Zealand. Marshall develops his arguments on the basis of his theological and hermeneutical understanding of Restorative Justice. Both Marshall and Zehr link their theory on the praxis and the outcome of their theory of restorative justice, when they refer to the Maori / New Zealand model of Restorative Justice. Within this restorative justice model the focus of effectively dealing with the conflict becomes important. This process becomes a combination of practices, whether religious, cultural, social and traditional. The

⁴ With reverence to deeper level: he goes into debate with other disciplines. Again the researcher emphasises the nature of this research is interdisciplinary. Marshall debates with other scholar within the justice sector, social science sector, philosophy sector as well as with criminology.

victims and their needs becomes the central point within the process of restorative justice. All attempts are made to assist the victims on their path of healing the wounds of crime. Developing an atmosphere for forgiveness and reconciliation does always become the focus point of restorative justice but rather seeking a sense of accountability and taking responsibility for the harm caused. The process of reconciliation and forgiveness still remains part of the desirable outcomes of any restorative justice model.

Marshall (2001:3) admits that the implementation of the Restorative Justice approach forms part of the traditional communities in Africa and New Zealand (Maoris). For instance, one of the case studies done in New Zealand amongst youth offenders, showed that by following a Restorative Justice approach and process led to a reduction in the recidivism rate amongst the youth. Marshall acknowledges that the different Restorative Justice models shows similarities within the praxis. Marshall also make reference to the South African model of Restorative Justice that Archbishop Desmond Tutu and the Truth and Reconciliation Commission (TRC) developed and implemented when the Commission tried to bring a diverse, broken nation together. The TRC dealt with the unfair, racist and discriminative imbalances of the South African past. Although the political agenda was set out for the TRC, their theological and religious experience and understanding of Restorative Justice assist the TRC to look for other solutions and not only for a political solution. They followed a Restorative Justice approach in order to make sense of the injustices of the past and seek a healing approach. Suffice to say that this model also refers to the cultural use of Restorative Justice within the African Justice traditions. Whatever the immediate motivation was then, the understanding and implementation of forgiveness, reconciliation and Restorative Justice give credence to the African expression of *Ubuntu*.⁵

Tutu specifically refers to the use of Restorative Justice within the spirit of *Ubuntu*. It is within the spirit of *Ubuntu*, that Restorative Justice tried to redress the imbalances and restores the broken relationship. Given the fact that both the victim and the perpetrator form part of a community, both parties are assisted through Restorative Justice to be reintegrated into their community. This can be seen as one of the outcomes of Restorative Justice. Community participation within this restorative model is imperative, because the community was also hurt through the crime of the perpetrator. Rightfully the community was also injured through the offence. Tutu argues that this approach to justice is personal, because the offence was against people. People were injured, they got hurt. The offence had an impact on the relationship between the people in the community. The best way to deal

⁵Ubuntu is an African Philosophy that refers to people as incomplete to the extent they are alienated from one another. It is an African spirituality that that can be linked to the Western theological traditions. It is within this religiously and theological understanding that concept like love, remorse, forgiveness, reconciliation and justice, grace and restoration are used to resolve conflict. With reference to the South African model, the researcher tried to contextualise Restorative Justice in South Africa.

with the healing and restoring of this relationship is through Restorative Justice, where forgiveness and reconciliation becomes the center. These processes can only start when people are willing to work towards healing, forgiveness and reconciliation. It becomes therefore important for the researcher to mention the Maori model of Restorative Justice with the Ubuntu model of Restorative Justice, but for the purpose of this research I will not discuss it further. Tutu (1999:50)

Both these models of Restorative Justice become relevant to this research, because it assists the researcher to develop his Theology and Theories on his Restorative Justice model within an integrated Faith Based Programme Theory.

Marshall (2001:3) is of the opinion that Christian advocates of Restorative Justice argue that the legal system of the ancient Biblical Israel was also based on Restorative Justice Principles. Zehr, Milard and Yoder argued that within the Old Testament context crime did occur, but the laws of the Israelites mostly focused on the restoration of the broken relationship, through peacemaking processes, and notes punishment per se.

According to Marshall (2001:5), Christian ethics rest on five pillars namely; Scripture, Tradition, Moral Philosophy, Empirical Data, Spiritual Community. These pillars need each other to function properly. It became clear that within Marshall theological hermeneutical understanding that these pillars are important to ensure that Restorative Justice must focus on righteous and the restoring of relationships and this will lead to a process of forgiveness and reconciliation. Suffice to say that this empirical theological approach draws from all these pillars. Therefore the researcher has to acknowledge that the last two pillars are the primary focus areas within this evaluative study.

Suffice to say that Marshall (2001) as a New Testament scholar used the New Testament as reference point when describing his Christian perspective of Restorative Justice and its connection to crime and punishment within the criminal justice system. He also refers to the Old Testament implementation of Restorative Justice. This character of the Biblical justice system seems to move more in the direction of a retributive justice model. But when wrong doing did occur, Israel's laws concentrates on restoration of shalom, rather than the punishment of the offender. Therefore it is clear from the above theory that Marshall acknowledges that crime does have an impact on the victims and the victim's family and the community and that these affected parties find it difficult to deal with the crime from a religious perspective. He based his theory and New Testament theological understanding of Restorative Justice on the following: Restorative Justice has to do with relationships, reconciliation and the healing of the pain. It is more of a peace making process than a response to the crime. This emphasizes Marshall's opinion that the developers of the RJ programme focus on the peace-making

heart of the Christian gospel. It has to do with responsible acceptable response to restore and transform and the end objective is to bring forth change.

Therefore it becomes appropriate to say that this book of Marshall served as a supplement or an extension of the work of Zehr (1990), *Changing Lenses: A New Focus for Crime and Justice*. Zehr (1990:56) gives an authoritative and a profound Christian analysis of the Western criminal justice system. He continues by proposing an alternative restorative approach to deal with criminal offending behavior in a more humane way that's more compatible with both Christian values and the social needs of the day. While Zahra focused on the Old Testament Marshall focused on the New Testament. Marshall uses the New Testament as primary reference point, because he believes that the Christian belief and practice can influence the restorative / transformational approach positively.

The researcher has done a literature review on Christopher D. Marshall. Although different scholar has promoted Restorative Justice as an attempt to develop programmes on the basis of Restorative Justice Principles, Marshall approve the topic under review from a theological, biblical and Scriptural approach. He develops his theory base on the New Testament teaching on the concept of criminal justice within the paradigm of Paul and Jesus. He intensively examined the topic of punishment, justice and reviewed as well as introduces a new debate in the social paradigm over the ethics and the purpose of punishment. Through this biblical based understanding he exposes the readers to the way of how Christ deals with both the victims and offenders of crime. This hermeneutical theological reflection forms the basis of the argument of the researcher when he argues that the different disciplines such as theology and social science must continue to debate their role in the rehabilitations of offenders.

3.3 Reconciliation Theory and Praxis

If we should ask people what is reconciliation, I believe that a vast difference of opinions can be recorded. In the article of Charles Villa-Vicencio (1992:41), *Reconciliation as Metaphor*, he mentions the responds of Archbishop Desmond Tutu (1999:5-8), when he was ask about reconciliation and then replied; "It is a miracle". Reconciliation allows people to start over; it ensures and promise new beginnings. It creates something that we cannot hold nor are able to control. It is indeed something that goes beyond our imagination and also extends our knowledge of one another. It has social and political consequences, but engaging in such a process it becomes deeply interpersonal. The core of a reconciliation process is to bring people together. This in itself is a process of transformation and restoration. De Grunchy (2002:2) argues that this process becomes a process of justice when you bring justice to the equation. Therefore looking for the justice factor outside a Court of Law, introduce the concept of Restorative Justice and this has essentially has to do with healing of relationships,

irrespective if it's political and personal driver. Restorative Justice does not necessarily mean that reconciliation will take place between effected parties. The researcher draws upon his experience in dealing with victim offender mediation within his work context. Therefore he comes to the assumption this process that unfolds within restorative justice takes place within a deep interpersonal context. Schreiter also refers to the reconciliation process, as a personal process, Schreiter, (1992:45). Victims that search their deeply hurtful experience of the impact of the crime that changes their lives move totally within an opposite direction than before. They don't seek reconciliation, instead answer to their questions. Sometimes the offenders are also too afraid to meet his/her victims because they don't want to be confronted with the reality of their bad choices of the past.

This interpersonal involvement within a reconciliative process between the victims and offenders really needs a strong sense of commitment and responsible driven personality. And to reach this level within one self, asks to look deeper into one self. A responsible self-consciousness is needed. Niebuhr talks of a moral theory in terms of human existence. In order to become involved in such deeply personal process such as reconciliation requires an ethical responsibility: firstly, on how victim and offender engage in the dialogue of Restorative Justice and secondly, how both parties respond within the dialogue process.

Villa-Vicencio (1992:41) states we have to acknowledge that the praxis of reconciliation has taught us the concept has a religious side and meaning as well as a secular side and meaning. At times it can be a simple process, but also very complex. Reconciliation wants to ensure that the wounded individual moves forward. "The goal of reconciliation is the transcendence of an impasse that has capacity to destroy". Villa-Vicencio (1992:41) struggle with what he calls a confine definition and theory of reconciliation. The researcher agrees with him when he says that reconciliation is more than a theory. There is no simple manual how to do reconciliation. What we do know is that such a process requires imagination and there is risk in exploring, in what it means to start again. This process requires a lot of Godly grace, because what seems to have been impossible becomes possible. This complex process is about real people engaging with one another with the hope to find new and afresh purpose in their lives and restoration of their human dignity.

Villa-Vicencio (1992:41) argues within this complex debate, that reconciliation have strong theological dimension. It is biblical invitation to reconcile. Indeed it affirms the theological conjunction with the biblical instruction to forgive one another. Villa-Vicencio highlights the following aspects of reconciliation: it does not necessarily involve forgiveness; it interrupts events; it is a process; it asks for a great deal of understanding; it requires acknowledgement; it does not means forgetting; it takes time and require patience.

When we speak of reconciliation, we have to clarify whether it is on a personal level or social-political level. Reconciliation means different things to different people. Therefore the researcher makes the distinction between the theological and political meaning of reconciliation.

This basically defines in a way what reconciliation means and from a theological hermeneutical perspective it requires a lot of grace. How does this influence the developing of an integrated Faith-Based Programme Theory within the context of reference?

3.4 Theory of Forgiveness

Marshall writes extensively on the Meta-theory of forgiveness. Suffice to say, that researcher are able to link the theological and hermeneutical dimension on the theory of forgiveness within the work of Marshall (2001), De Gruchy (2002) and Tutu (1999).

Through forgiveness both parties unlock the mutual bondage. This is also the argument of de Gruchy. Both the victims and perpetrators need each other to experience liberation and healing from the offence. The offenders need to hear the painful experience of the victims, their questions and the victim's needs to hear the confession and guilt of the offender. Each one holds the key to each other's liberations. Both parties need to talk to each other. The objective is to restore both party's human and self-dignity. Within such an interdisciplinary research the theological hermeneutical factors connects with the social and human rights. From this the victim rises from a powerless person to a powerful person. By engaging into the act of forgiveness it brings forth liberation of power. Zehr explains,

Forgiveness is letting go of the power the offence and the offender have over a person. It means no longer letting that offence and offender dominates you as the victim. Without this experience of forgiveness, without this closure, the wound festers; the violation takes over their consciousness and their lives. The circumstances control your life and the offender, is still in control. Real forgiveness, then, is an act of empowerment and healing. It allows one to move from victim to survivor. (1990:47)

Doing his own research on the work of the TRC, de Gruchy asks the critical question: What is the implication of forgiveness for the perpetrator as well for the victims? Christians based their understanding of reconciliation on their biblical understanding of God save action for the world through the Crucifixion of Jesus Christ. de Gruchy (2002:45) placed a lot of emphasis on Paul's doctrines of forgiveness. For Christian reconciliation is a lifestyle whereby they are able to showcase what the gospel require from us what to do and how to live in the world. Paul's Biblical understanding of reconciliation touches the heart of justice with the primary objective to restore relationships whether it is social justice or political justice. Reconciliation from a theological perspective tries to change the

world we living in and it is always liberating. It tells the world something about God's character. The Christian doctrine on forgiveness tries to narrow the gap between God's way of forgiveness and doing justice. (See the diagram on an Integrated Faith-Based Programme Theory, chapter 2 page 38)

It is through the act of forgiveness that the victims are releasing him-/her from the prison of pain, fear and negative feelings. This release is a powerful experience of breaking the bond of crime that bound the relationship between the victims and offenders. "Victims shout out I want to be free from these chains of crime." Zehr (1990:47) It is human for the victims and victim's family to have a payback instinct when they are hurt and it manifest daily when the victim tries to find answer for their questions. This instinct also manifest further through the victims experience of their pain.

Suffice to say, that forgiveness does not happen automatically. Both Marshall and Zehr agree that forgiveness is a discipline to be mastered. Therefore the researcher argues that it is imperative to develop an Integrated Faith-Based Programme Theory for Restorative Justice within its context of the Department of Correctional Service. Within each situation forgiveness will operate uniquely. This starts with the voluntary decision to choose the road of healing and reconciliation. Arriving at this point is not an easy process. You cannot rush such a process. It is clear that forgiveness deals with these distortions and clears the way for the recovery and repair of relationship. This process culminates and gives raise to the opportunity for forgiveness and reconciliation. It is also true to say that in some cases it won't be possible for victims and offenders to reconcile. Reconciliation can only occur where both parties accept each other and commit them to create new relationship. Both parties have become different people through their experience of injury, guilt, shame, repentance and forgiveness.

Theoretically forgiveness becomes a very painful process within a Restorative Justice process. The desire to forgive is motivated by our theological/ religious and faith perception of God. Forgiveness is a free act. Its objective is healing the pain and the negative emotions. It's a genuine process. Repentance becomes imperative within such a process especially when victim offer forgiveness toward their offenders. This affirms the new identity of the victim to become a survivor, of his / her circumstances. The unhealthy relationship between the victims and perpetrators becomes a new relationship that is based on truth, trust and respect etc. The negative emotions like shame, guilt, bitterness change to emotions like trust, respect etc. Through forgiveness both parties unlock the chains of the mutual bondage that the crime forced on them. This brings forth an experience of liberation and healing from the offence. Marshall (2001:277)

The offenders need the victims to hear their confession, admit guilt and affirm to start a fresh with their own life. The victims need the offenders to hear their stories of suffering and pain, their questions that made it difficult for them to seek healing. Each of the parties holds the liberation in their hands and this can only be given to one another through proper mediation. Through a Restorative Justice process both parties as well as the community will be given the opportunity to seek healing and restore dignity. Therefore, the researcher needs to confirm that forgiveness has a social as well as theological dimension. Reinhold Niebuhr argues that religion also has an impact on the social struggles. (1991:381). Those people who are in power influence the morality of the society. This notion enhances the consciousness of them as they themselves are in relationship to other people within a society. Religion places the virtue of love at the highest peak and also makes it the norm and ideal of the moral life. Through love we meet the need of the neighbor. Our religion becomes the instrument and inspiration of social justice. Our religions understanding will always bring to the front the hope that love, justice will meet each other. Without the hope and passion of religions and faith, no society must attempt to become involved in a process of Restorative Justice. Niebuhr (1991)

The impact of religion and faith where injustices through crime has occurred has a negative impact upon the lives of South African societies. Religion and faith will naturally lead the parties involve to take a moment of introspection, seeking the good that can comes from the bad situation. How we position ourselves in such circumstances is important. Justice, love, respects and morality becomes objectives to strive for. We do not and cannot master moral insight for ourselves and by ourselves apart from the context we live in. We cannot be human beings apart from others (Ubuntu), and therefore within the context of Restorative Justice, victims, perpetrators and communities needs each other to restore dignity, love, justice, respect, honesty and morality amongst each other.

3.5 The South African Restorative Justice Model

Marshall also refers to the South African model of Restorative Justice, developed by the South Africa's Truth and Reconciliation Commission and the work of Desmond Tutu and other theologians like John De Gruchy. Marshall asserts that there are shortcomings within the Restorative Justice model, but tends focus and highlights the successes of the model. Definite limitations existed such as terms of reference and mode of operation (2001:281). Critics claimed that it seems that the TRC favored offenders more than the victims.

Both Marshall (2001) and Tutu (1999) agree that reconciliation does not and cannot replace the pain, but it offers a healing process to the victims versus perpetrators as well as the community. He also agrees with Tutu that this peace making process place a lot of weight on aspects like responsibility,

acceptance, restoring and change/transformation. Tutu for instance based his theories of reconciliation and Restorative Justice on a more personal level and on real life experiences of South Africans.

Tutu emphasise when looking back to South Africa and experiences of black South Africans prior 27 April 1994, no one would have thought that Restorative Justice, reconciliation and forgiveness was possible.

The South African model of restorative justice forms the bases forms the work of the Truth and Reconciliation Commission. And although there are critiques towards the work of the TRC, the success stories are more. "Howard Zehr suggests that from a Restorative Justice perspective the South African TRC is flawed, opportunities have been missed, but the importance of this understanding of justice not only in South Africa, but for the world, must not be underestimated." Zehr (1997:20)

Marshall (2001:280) also argues that although the TRC was not a perfect model, it can be best described as a catalyst for social change and it opens the path towards reconciliation. Suffice to say, that the TRC played a vital role in ensuring the outcome for social change within our respective communities. Hence, therefore it becomes important to develop models that can interface our context in our communities. This restorative model shows practically that it is here that forgiveness intersects with the criminal justice concerns. Therefore I can certainly argue that forgiveness within a restorative approach has social as well as individual elements/ dimensions. Desmond Tutu based his theories of reconciliation and Restorative Justice on a personal level. His experience of first democratic elections in South Africa, on the 27 April 1994 showed that Restorative Justice is possible in a country like South Africa. People can change. Tutu strongly felt that the white people of South Africa would never be free if the black people of South Africa is not free. What we have in common is our humanity. He mentions that the first democratic elections in South Africa set the tone for justice more especially Restorative Justice. Tutu (1999)

Marshall mentions that this is not always the case and that the state will respond in such a way to address the serious criminal influence of the past, such as in South Africa prior 1994. This shows how open the state was to the occurrence of forgiveness and healing. de Gruchy (2002:46) argues that for him the theory and theology on reconciliation and Restorative Justice, focus on the core of their existence as Christians and their understanding of their faith within the world, as communities and societies. This approach connects to the social factors that contribute to people's lives. You cannot just look at the faith aspects without the social factors, when it comes to the practical implementation of R.J. He also states that reconciliation and restorative Justice have political and social. He says that we cannot only think and debate about this issue from a Christian dogmatic and theology perspective. If we talk about reconciliation, forgiveness and hope it will lead to Restorative Justice, whether it is

interpersonal or political. It is clear for the researcher that De Gruchy, Tutu and Marshall agrees upon the important role forgiveness plays within a restorative / transformational approach.

de Gruchy (2002:13) places the emphasis on the practical level of implementation and critically asks the questions, “How dare we talk about justice and reconciliation”? The researcher becomes aware of the fact that de Gruchy deliberately asks this question, keeping in mind that there are still victims that suffer under crime such as housebreaking and theft, rape and murder and still they did not find any reconciliation. What contributes to factors that allow us to talk about Restorative Justice? Such a type of justice has to do with healing. It restores broken relationships, irrespective if it is political of nature or personnel. Forgiveness and Restorative Justice are inseparable. Therefore we have to acknowledge that we cannot talk about forgiveness without the restoring/ restoration of justice.

Therefore, it becomes clearer to the researcher that we have to look deeper into the constant debate between forgiveness and Restorative Justice in an interdisciplinary approach for example, theology versus social science. We also need to ask the question; how do we speak of Restorative Justice in our unique context? This was also the question that the Truth and Reconciliation Commission ask themselves during the period of transformation of South Africa, from a pre- to a post democratic country. Within this period de Gruchy (2002) placed the focus on the relationship between politics and reconciliation and how does it fit within the debates of Christian ethics. Through the work of the TRC, it allows Tutu (1999) to express his thoughts of Restorative Justice versus retributive justice freely. The TRC’s modus operandi was to seek justice. For, Tutu, forgiveness has to do with liberating and transformation of people. This transformation is like a metamorphosis. In his book, *No future without forgiveness*, he mentions that retribution is not the only form of justice. Retributive justice is very impersonal. It shows little consideration and compassion to the victims and only focus on the punishment element on the perpetrator. That’s why he is of the opinion that there is also another way / form of justice and that it is Restorative Justice. “Here the central concern is not retribution or punishment but, in the spirit of Ubuntu, the healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be, reintegrated into the community he or she has injured by his or her offence.” Tutu (1999:51-52)

De Gruchy highlights the different debates between theologians and other activist upon the relevancy of the work of the TRC, during the transitional period in South Africa. These debates took place over both spectrums of blacks and whites. Even then there was different opinions and believes. In the words of Antjie Krog: “reconciliation does not seem to be the right word in a country where there is nothing to go back to, no previous state or relationship one would wish to restore.” (As cited in Maluleke1998:5-16).

de Gruchy critically oppose this line of thinking and argue that, "reconciliation is clearly an ambiguous and contested term, one heavily laden with theological and political meaning and historical legacy" Jakes Gerwel (quoted in de Gruchy 2002), who was a senior advisor to former president Mandela says the following: "seemingly unworried crossing of genre boundaries in the debate about reconciliation in South Africa". His concern was whether the very same concept, of Holy Grail, would lead to discourse of division. His reason was: "it focus in a theoretically deficient and empirically unsubstantiated manner on racial group as the primary subject of reconciliation and encourage abiding deficiency assumption in the national self-consciousness. For this reason Gerwel suggests that a critically refined elaboration of the notion of national unity may prove more purposeful in defining and practically advancing the major post-apartheid national project." De Gruchy, (2002:14)

This debate took place against the background, whether the church is the 'holy grail of reconciliation.' (Both these scholar took a different approach to motivate their argument. Basically this was a healthy debate within the context of the early stages of South Africa's young democracy. It also emphasised the different discourse that does exist around reconciliation.

3.6 Restorative Justice within the transformational programme theory

From this literary review of Marshall (2001), De Gruchy (2002), Villa-Vicencio (1992) and Tutu (1999), it becomes therefore clear to the researcher that these theories and theological perceptions of Restorative Justice have strong biblical bases. Therefore the researcher pursued with these scholars different arguments impacting upon Restorative Justice. In fact the researcher is of the opinion that this approach opens a new way of thinking about the missiological and practical theological involvement of the Church within the Department of Correctional Services.

Marshall (2001) refers to the Restorative Justice Model used in the Old Testament, and that the perpetrators were indeed punished for their crimes, but the focus of restoration forms an integral part of it. He is of the opinion that Biblical justice has the power to transform /change and to heal and restore. Therefore the researcher critically, asks the question: Why? Is it because of the type of justice that has its origin in God? Marshall also develops his theory of biblical Restorative Justice around the New Testament teaching of Paul and this informs his model. One the objectives of this study is also to examine the religious factors of Restorative Justice and Marshall's theological hermeneutical approach adds value on how the researcher develops his thinking and arguments of Restorative Justice.

The researcher discovered that there is a link between Marshall (2001) and de Gruchy's (2002) theories of Restorative Justice, reconciliation and forgiveness. de Gruchy mentioned in his theory that Restorative Justice and reconciliation has to do with developing mutual trust and building it around the

concept of covenant theology. For De Gruchy, the aspect of building trust and relationship between victims and perpetrators develops a shared commitment to restore justice. This shows that he is also concerned about developing the empirical contribution within the interdisciplinary approach. de Gruchy strongly feels that “the doctrine of reconciliation is located within the framework of God’s covenant with creation, a covenant made new in Jesus Christ. God’s covenant means a gracious commitment on the part of God to heal and restore God’s relationship with the world so that it might be brought to perfection.” de Gruchy (2002:185) This covenant concept has a deep theological connection. By using the terminology like trust and hope, de Gruchy is bringing in a theological ethical dimension to the forgiveness process.

The New Testament continues as an extension of the Old Testament, namely through the Gospel, a person will experience liberation and forgiveness through the Crucified Jesus. Marshall writes extensively in the second chapter of his book, about Paul’s interpretation of the Christ-events and how the Gospel writers presents the life and teaching of Jesus and how he understood God’s justice as a redemptive power that breaks oppressive situations, puts right what is wrong and restore relationships into anew condition. Yes, the New Testament can be used as a guide / compass when one wants to look at the criminal justice system from a Biblical perspective. Marshall (2001:35) argues in the second chapter of his book that the New Testament contains major components of the criminal justice system, because the New Testament has much to say about the concept of justice in general and more especially God’s justice and this justice as he calls it forms an indispensable framework for a Christian understanding and paradigm on crime and punishment. To support these arguments, Marshall reflects on Paul’s theology on the meaning of justice and on the ministry of Jesus. Marshall considers Paul’s theology of justice as the Heart of the New Testament. Divine Justice and Justification by Faith as Restorative Justice and the work of Christ as Redemptive Solidarity, and not Penal Substitution.

de Gruchy (2002) also, likewise Marshall, develops his theory and theology of Restorative Justice on the basis of Paul’s theology and the ministry of Jesus. Both emphasize the theological hermeneutics of Restorative Justice. He highlight that Christians must claim with “St Paul that God was in Christ reconciling the world to Himself and that this is the point of departure for understanding its meaning.” De Gruchy, (2002:17).

Both the theories and theologies of Marshall (2001) and De Gruchy (2002) form a strong basis for the New Testament as reference. The researcher is of the opinion that theology, faith and religion has a role to play when it comes to the rehabilitation of offender’s mindset and behavior in order to return to the community as a law abiding citizen. However we need to look at, what is the implication of forgiveness for the perpetrator as well as the victims? The outcome of this question has different answers in the different disciplines. Within the criminal justice system it means that the victim’s gets

acknowledged. The courts have listened to them making a contribution to the overall sentence of the perpetrators. And for the perpetrators it might mean getting paroled before his or her sentence expired. For the psychologist it might mean that both parties deal with their unresolved emotions and healing has taken place. De Gruchy highlighted the TRC model of Restorative Justice. It is within this model that the TRC made room for both the victims and secondary victim to talk to the perpetrators. One of the goals of the TRC was that personal healing can take place, whether you're the victim or the perpetrator. It is within this space that the TRC allowed the victims and perpetrators to meet face to face. Both parties had to listen to each other's experience. The truth was a crucial factor in order to move to reconciliation. Through admission of guilt of some of the perpetrators it allowed some of the victims to move into a process of forgiveness. By offering forgiveness the victims allowed themselves to be set free from their victim hood and the perpetrator to regain his /her humanity. "Forgiven from the perspective of the gospel only makes sense against the background of God's demand that we change, and begin to seek God's justice in society. The forgiveness of God proclaimed in the gospel makes no sense at all unless understood in the light of God's judgment on sin and oppression, and God's costly gift of reconciliation." de Gruchy (2002:174)

By arguing in this way de Gruchy has developed a strong theological hermeneutical perspective which goes beyond that of the social sciences. This is a clear contribution of religion/ theology towards the whole debate. Therefore there is a link between the theories of Marshall, Tutu and de Gruchy. These approaches of Restorative Justice can be seen as mutual attempt not only to heal and to overcome enmities but also to build trust, respect towards each other as human beings, and develop a shared commitment to restore the relationship within our communities. The theological rehabilitative theory focuses on changing the mind and changing the character of the offender, by targeting the mind and the soul of the criminal not just his body. These rehabilitative theories focus on virtues, values, character building, care, hope and creating and compassionate human being. From a Christian perspective a lot of emphasis is placed on repentance and redemption because God's primary purpose in punishment has always been the restoration of people that has gone astray. The offender is treated as an infant that needs to be socialized and not as an animal that needs to contain. It is important to say that within such a treatment the focus is on self-directing, life skills and morality. If we are able to reform the offenders we will improve him. The rehabilitative approach is to work with the offender and not upon the offender. I quote the words of de Gruchy: for the church and the individual believer there can only be a complete breach with guilt and a new beginning which is granted through the forgiveness of sin, but in the historical life of nations there can always be only the gradual process of healing." de Gruchy (2002:174)

He argues that the doctrine of reconciliation is located in the framework of Gods covenant theology within His creation theology. This covenant that took on a new form on the teaching and the life of

Jesus Christ and His Crucifixion. The Biblical covenant focused primarily on building trust, respect, love one another, and when people committed themselves to this, it can lead to healing the broken relationships within one another and with God. Therefore taken this mandate the Church has an important task to for full in assisting offenders on their rehabilitation path while in custody and assisting the offender with his or her reintegration into their communities. This is on a more practical theological level of operation of doing restorative justice.

The offender is always connected to the society and community. Therefore the community has interests in the social reintegration process of the offender. It is suffice to quote; “the obvious strength of the rehabilitative approach is the way it recognizes that an offender does not stop being a member of the community while under correction. The offender’s interest is part of society’s interests, and it is in everyone’s interest that the lawbreaker is rid of the behavior that injures the community to which he or she belongs.” Marshall (2001:100)

3.7 Religious and transformational praxes of faith based and other NGO’s and other agents

This particular part of the research focuses on the praxis forgiveness, reconciliation, justice, restoration and healing, within the Integrated Faith-based Programme Theory of the Restorative Justice. The researcher already referred to this process within his diagram, in chapter 2.

The Church, nor NGO’s, Government organizations dare not to be quite and silent in our societies where woman and children get raped, people get hijacked and murdered. Within a process of Restorative Justice reconciliation will always be the center. de Gruchy also refers to the Kairos document that kept the Church and its people on path of reconciliation and justice. de Gruchy strongly feels that “the doctrine of reconciliation is located within the framework of God’s covenant with creation, a covenant made new in Jesus Christ. God’s covenant means a gracious commitment on the part of God to heal and restore God’s relationship with the world so that it might be brought to perfection.” de Gruchy (2002:185)

The Church dares not to be silent when women and young children get raped and abuse, when people gets hijacked and murdered. The Church has a duty towards the people who are injured and traumatize through crime, to offer healing, counseling, praying and feeding them with the Word of God in order to see Restorative Justice to take place. The Church has a Biblical authority to proclaim this message inside the prison as well to the outside community. Yes, Marshall also critically looked at the question whether Restorative Justice deals effectively with the perpetrators, that served their sentence, and how can the victims be restored as beings of society, and how can we promote healing towards both parties that’s involved. Is it really possible or not?

A Restorative Justice process tries to restore the moral balance within lives of the people that were affected by crime. It is clear that Restorative Justice cannot restore the life of a murder victim, but can certainly bring closure for the victim's family to hear the perpetrator ask for their forgiveness. Marshall is of the opinion that Restorative Justice can however try to bring as much good from evil. "It can seek to bind the broken-hearted and work for redemption of those who broke their hearts." By doing this it seeks to overcome the evil with as much good. He also argues that the New Testament empower itself in giving a long suffering, redemptive love that seeks with everything in its power to overcome evil with good, and to repair and heal the damage that has been done through crime in order to restore the relationship and brings forth peace. Within Marshall's theory and theological perspective of Restorative Justice, he focuses a lot on forgiveness. He defines forgiveness as follows; "forgiveness happens when the victims of crimes freely choose to release the perpetrator of that action from bondage of guilt, gives up his/her own feelings of ill will and surrenders any attempt to hurt the perpetrator in return, this clearing the way for reconciliation and restoration of the relationship." Marshall (2001:264) For this lies on a more ethical level and therefore it becomes an ethical issue.

Forgiveness is clearly the response of the victims. It is something freely given to the perpetrators. It is a gift for someone else, the guilty party, and a gift to release him/her from the burden. The power of forgiveness comes from its gracious nature. There is no benefit in it because the victims perform an act of release. For the victims there is some benefit because the suffering of being a victim of some conscious malice or violation by another person can have a profound impact on the person's sense of, self-worth and psychological wellbeing. The more extensive these injuries, the more violent the transgression the greater the impact of crime. The act of forgiveness become a personal act when the victim freely chose to release the perpetrator of that action of guilt and bondage, due to the impact of the crime, and gives up her/his own feelings of ill will in an attempt to hurt the perpetrator by offering forgiveness. Offenders/ perpetrators sometimes find it difficult to ask for forgiveness because it requires from them to face the truth of the hurt they caused their victims. Marshall emphasize that it is only the victims that can release the offenders from the effects of his/her actions. Marshall also identifies secondary victims and also need to confront the issue of forgiveness. Marshall (2001:263)

To forgive is a creative act of love. It is a responds to pain that does not merely re-act, but acts anew. It acts unexpectedly and unconditionally. Through the act of forgiveness the victims offers the perpetrators a chance to be free and to start again, to make amends to escape the bondage of guilt. Through forgiveness communication is establish and it brings people together. It seeks the desire to heal the broken relationship. The crime created a relationship with a distorted character. Therefore it needs to be addressed. It is correct to say that forgiveness deals with such relationships and tries to repair it. This reconciliation process culminates a spirit of forgiveness. In some cases reconciliation

won't be possible, especially where the victim's does not acknowledge their pain and the offenders refuse to admit their harm. This process can only occur where both parties accept each other and commit them to a new relationship. For victims that have a strong believe system in their faith and religion, the will to forgive may be motivated by a desire to obey God. God forgives therefore I must forgive. This type of forgiveness requires a healing of the emotions and the releasing of pent up negative energies. Offenders must express a genuine remorse and repentance. Marshall (2001:277)

Through the process of forgiveness the relationship between victim and perpetrator change. Feelings and emotions like guilt, shame, bitterness and pain are natural within such a process, but as both parties commit themselves to the restorative process, new feelings emerge such as forgiveness, reconciliation, understanding took present above all. This is on a more practical level where those who are involved experience these phases.

Our faith identity plays an important role in how we make our decisions. There is always the consciousness of our moral resources. The church guides people in societies to understand this. The religious factors of Restorative Justice help the church to become more effectively in her message of morality. Humans are morally responsible before God. Through this our religion addresses the character of humans and their decisions. Our religion helps us to understand our ethical compass in life. The Bible becomes the character resource in a Restorative Justice process.

The religious society has a spiritual and a moral obligation as well as a Biblical instruction to restore justice within the societies we live in. The researcher strongly believes that the Church can actively contribute to the implementation of Restorative Justice, whether inside of the prison walls or in the communities, given the unique nature and position the Church hold's in the local communities. The church is send into the world as agent of God to proclaim hope and reconciliation through Restorative Justice to the victims and the offenders.

3.8 Restorative Justice as religious change

The unfolding of the different theories and theologies contributes to Restorative Justice with the identified principles and creates a link between religion or faith and religious change. The researcher is of the opinion that this link can only be identified through a process of evaluation in accordance with an integrated faith-based programme theory. This theory indeed in the case of this research contributed to a more comprehensive understanding of the nature of the religious change.

These researcher beliefs that religious change emerge in the life's of offenders through activities such as bible study, catechism, worship and spiritual counseling programmes. This has been tested within

the questionnaire. Research participants who did participate in the R.J.P. answered the questionnaire as follows: the programme impacted positively upon their religion and spirituality. The direct question (3, 7 and 9) from the questionnaire: How did RJP helped you to forgive yourself and asking forgiveness from your victims? How did the RJP impacted upon your religion and spirituality? And how did the RJP help you too interact with God? They (programme participants) are now asking and seeking God's forgiveness and help. The researcher discovered that 91% (20/23) of group 1 answered convincingly, that they want to ask forgiveness, irrespective the responds of the victims. Programme participants (91% = 20/23) from this group acknowledge that religion and spiritual side of restorative justice. They (research subjects) started to experience the true meaning of prayer. 91% (20/23) responded that are thinking about confessing their sins and guilt of their crimes. 65% (14/23) abandon the life the prison gangs and commits their life's to Jesus. The description and analysis of the impact on these behavior changes will be further discussed in chapter 4 and 5.

3.9 Conclusion

The different debates on the theories and theologies of R.J. are important for the contextualization of the programme into today's life. It helps us understand the different paradigm on R.J. and to acknowledge that R.J. has a strong religious and faith based origin. The debate assists the researcher to deal with the double hermeneutical aspects of R.J. We have to look deeper into the debate between theology versus social science, when it comes to forgiveness and Restorative Justice. We also need to ask the question, how do we speak of Restorative Justice in our unique context? Rehabilitations do not only lie within the discipline of the social science, the criminology, justice, psychology and social service, but the discipline of theology also has an important role to play.

Chapter 4 Social Change and Restorative Justice Programme

4.1 Introduction

In Chapter 3, the researcher has discussed the religious factors of Restorative Justice and the impact it had upon the religious change of the programme participants. The researcher also linked Restorative Justice as religious change to the one dimension within the Faith-Based Programme Theory, namely transformation programme theory. In this chapter, focus on the social factors of restorative justice and how it contributes, if any, to the social change on the lives of the participants. This chapter will also link the social change within the Faith-Based Programme Theory, with other social phenomena namely, social integration and the social cohesion of programme participants. Furthermore, this chapter outline is based upon the following subthemes e.g. Restorative Justice and social change social-cultural change through social-religious activities and has the social-cultural habits of programme participants changed or changed? The researcher uses Harden (2006), Weiss (1998) and Rossi (2004) and integrates their theories in the analysis and discussions.

4.2 Restorative Justice as Social Change Programme Theory Dimension

Restorative Justice includes all parties with a stake in a particular crime to come together in order to resolve collectively how to deal with aftermath of the particular crime. Restorative Justice seeks to involve victims/ complainants and community stakeholders. One can say that Restorative Justice has a dual purpose, namely acknowledging the harm course through crime and establishing a process of healing, with the objective of restoring relationships. Within this process all affected parties' deals with the impact of the crime upon their lives and strife to seek solutions to restore the relationship that is bounded by crime. To build a new relationship for the future that is bound with forgiveness, reconciliation, peace and hope. Interestingly is that Restorative Justice practices are implemented differently by different communities, although the principle applied, is the same. Despite the differences, there is a common emphasis that the victims, offenders and communities are the center focus point. Therefore this process becomes a deeply interpersonal interaction between the affected parties. (Those on the receiving end of the crime and those who implement the crime)

In order to give the Restorative Justice its rightful place, the Victim Offender Mediation process must start and be mediated. This is in fact a deep interpersonal and emotional process. The contact between victims and offenders becomes the central point of focus within a mediation process. Both victims and

offenders need to be thoroughly prepared through counseling, before entering in to a process of Victim-Offender Mediation. This mediation can only take part if there are full consent between the victims and the offenders to meet and to enter into a meditation session. In such meditative pace both parties have consensus that through the process of Restorative Justice, they are invited to seek healing, seek accountability, and seek forgiveness and reconciliation. Dialogues and negotiations form the norm for this mediation process. The primary focus of such mediation is to keep the offenders directly accountable for their crime. It might be that not all these four objectives are reaching with such a mediation process, but some of these aspects are tough upon.

It is also important to acknowledge the fact that victims have rights. The Victim Charter⁶ (2004) provides a framework of what those rights are of victims. The Victim Charter strongly advocates the following rights:

- I. Elevation of secondary victimization,
- II. Ensuring that the process is victim centered,
- III. Clarifying service standards,
- IV. The right to information,
- V. The right to be treated fairly,
- VI. The right to give their inputs into the process of Restorative Justice.

The Victim Charter furthermore highlights that the complainants has the right to request information in terms of the transfer and possible parole of offenders.

More than just one individual's social functioning is affected by the crime. Crime affects the victims and their families, the offender and his/her family. The incarceration of one perpetrator touched his/her whole family. The perpetrator could have been the breadwinner of his household and the incarceration impoverished the family. The process that brings light to this particular situation is call family group conferencing.

The family becomes dependent upon state grants and other members within the communities. Crime continues to play a major effect/ impact upon dysfunctional families and societies. It further puts the families of both the victims and the offenders in a more dysfunctional position. Restorative Justice recognises the personal harm and negative influence crime have upon people lives. One can say that

⁶ Victim Charter: a policy document that governs the rights of victims in South Africa. Family Group Conferencing: a meeting of families and communities of people who are affected by crime. All parties have the opportunity to dialogue with one another. Victim Offender Mediation process: were all parties effected by crime come together through a process of mediation. Offenders are subjected to attend a Restorative Justice programme before they can meet with their victims.

Restorative Justice puts a face and a personal dimension to crime. This basically implies that Restorative Justice acknowledges all affective parties of crime.

Again we must acknowledge the linkage between the programme activities and the results in terms of the desired outcomes. Rossi explains programme theory as the detail of the programme and the rationale in terms of the structure and the programme activities. In his understanding it basically means that the programme theory explains what a programme does and how it will achieve its expectations and desired outcomes, Rossi (2004:134). He is of the opinion that many social programmes were designed poorly because it fails to conceptualize the desired social benefits it wants to achieve.

As the researcher integrated the programme theory, he discovered that Correctional Programmes and Development and Care Programmes are some of the endeavors which the Department has embarked upon in reaching their rehabilitation objectives towards offenders and to assist them with a social reintegration phase back to their communities of origin as law-abiding citizens. Therefore, the linkage between the programme activities, programme outcomes and programme desires can firstly only be manifested through programme attendance. Programme attendance forms a key instrument in reaching programme desires.

This desired change includes behavioral changes, attitude changes, acknowledgment of the harm caused to the affected parties, the gaining of new morals and values that are acceptable to the society and the improvement of skills. Right through these programmes whether it is Correctional or Developmental programmes, Restorative Justice principles are eminent. Themes like taking responsibility for your offences, acknowledging the harm caused and accepting accountability are basic Restorative Justice principles. These themes form part of the structural outline of the questionnaires. (In reference to Annexure 1)

What also becomes interesting is that these programme theories also focus upon the need to raise awareness to change behavior in order to reduce re-offending in the future.

Evidence from the data analysis indicates that 80% (18/23) of the programme participants from observational group 1, start to attend Church services, inside the Correctional Centre. 70% (16/23) express the need to attend counseling sessions with the Chaplain, 60% (14/23) express the desire to attend catechism classes. This is a Spiritual and Religious Care programme rendered by the reverend of the Uniting Reform Church of Porterville. The programme is conducted over a year and during very October month these offenders confirmation took place, during a church service. 60% (14/23) join the Prison Choir. Through the catechism classes offenders become members of churches they prefer.

These Churches become extremely important stakeholders in the process of reintegration of offender's release from a Correctional Centre. 70% (16/23) of them express the need to improve their prayer time, while others express the need to bring thanks to God the Creator, irrespective of their religion.

In more direct words of research participants on the question of "How did the RJP impact on your religion and spirituality", they answered, "through my prayer, I can ask God to change my mindset and life".

95% (22/23) of the respondents express desire to re-affirm their social needs, such as improving their family responsibility, rebuilding a healthy family relationship with their love ones; continue with a school programme, finding employment, staying away from drugs and bad influences such as bad friends and restore their relationship with their communities.

Therefore, the programme theory of Restorative Justice has a spiritual and social significance in its nature. This becomes eminent from the data that was collected and analysed. The researcher now is in a position to say that the programme theory of Restorative Justice definitely poses a dual side, because the programme consists of religious and a social structure. Both these religious and social structure is logistically linked with one another. The emerging of both these religious and social factors within the Restorative Justice programme and the analysis is further discussed in chapter 5.

4.3 Social-cultural Change through Social-religious Activities and Events

Restorative justice, restore the dysfunctional relationship through a process of reconciliation and forgiveness, after crime has been committed. Crime is a societal responsibility. Many of these social problems are a result of the abuse of drugs and alcohol, poverty, low education level, dysfunctional families which leads to criminal behavior. Zehr (1990) defines crime in relation to Restorative Justice as: "a violation of laws of a specific community or country. It contravenes the laws and disturbs the peace and harmony of individuals, communities and society which need to be restored" (Zehr 1990 as cited in the Orientation Manual of restorative justice 2008:16). Crime creates a context where victims' rights are violated. Furthermore it creates obligation and an opportunity for Restorative Justice, in order to restore the dysfunctional relationship through a process of reconciliation and forgiveness. Therefore we can assume that crime is more than just a violation of the law.

Within the Restorative Justice programme, there is a link between the social-religious activities and events. These activities are structured and delivered according to the implementation theory and this theory refers to the response from the research respondents (Weiss 1998). In the case of the Restorative Justice programme it may appear as a faith-based social services programme, because at the one Correctional Facility, namely Medium A (Male Centre) at Voorberg Correctional Services, the

programme is presented by Correctional officials as a Correctional programme. In nature it appears to be a nonreligious programme. At the other Correctional Facility, namely Medium B (Male Centre) at Voorberg Correctional Services, the programme is presented by the Spiritual Care personnel/staff. One such facilitator is a spiritual worker within the Correctional Facility and he is also a Reverend in a Congregation. Currently the programme of restorative justice is rendered by the Spiritual Care division, within the Department of Correctional Services. Therefore this programme can be accounted for within the FBPT conceptual framework. The implementation theory and the programme theory dimension needs to be linked to other theory dimensions such as transformational and outcome theory in order to give account of the correct impact of both the religious and social factors of Restorative Justice.

The fact that Restorative Justice has its roots in many religions / faiths basically strengthens the indigenous social-religious cultures of the programme. This basically informs the historical social-religious context of Restorative Justice. Within those social cultures both the victims' families and the community would come together and discuss the impact of the crime upon their lives. All affected parties will then seek an amicable solution towards the misconduct through mediation, reparation, restoration, healing and peace.

In the traditional African societies, the communities the primary function in which they addressed the legal proceeding where through the chief of the tribe who has the responsibility to settle the disputes amongst all affective parties through achieving appoint of reconciliation (Orientation Manual on Restorative Justice 2008, 18). In some tribes all powers was vested to the chief or a council of elders to find a solution for the problem. These social cultural practices differ from tribe to tribe depending upon their social cultural traditions. Amongst these African societies this process of dealing with the conflict amongst communities members, within these community gatherings, is known as Lekgotla's.

These indigenous ways of dealing with community Restorative Justice had a deep social responsibility attached to it. In the end peace and harmony is restored amongst victims and offenders and communities. Through the philosophy of Ubuntu a culture of generosity, caring, reconciling, compassion and forgiveness was established. Tutu (1999) This created a belief amongst the people in terms of how to deal with one another in the midst of conflict that arose through crime. Plaatjies (2009, 68-78) in her doctoral research, "A Model for Restorative Justice for South African Correctional Services", describes a philosophy as a way of thinking that are based upon a number of assumptions, which guide the practices and the practical implementation of such a philosophy.

These beliefs become the norms and values that are implanted in the daily lives of communities as part of their social structure, that promote a lifestyle of peace, respect and harmony. Crime disrupts these

values and norms, and it cannot be ignored. It affects the lives offenders, victims and communities. All these affected parties are hurt by the crime. Communities must accept a shared responsibility to restore these norms and values. Communities become responsible to uphold the good value system. All the stakeholders that exists in a particular community must take the responsibility to restore a good value system where people respect each other and their properties; where people uphold a social justice system that will benefit all who live in the community. Restorative Justice enables communities to restore the dignity of both the victims and offenders through a process of dialogue in order to reconcile and seek forgiveness. Further on it attempts to restore the balance that was disturbed by the crime.

These beliefs become the norms and values that are implanted in the daily lives of communities as part of their social structure, that promote a lifestyle of peace, respect and harmony. Therefore the Department of Correctional Services is trying to link to the paradigm of restoring these values and norms, through creating programmes that are in line to reactivate and making aware those who are instructed in their care to change and become law abiding citizens. In attempting to change/ correct these criminal behavior patterns at offenders, the Department of Correctional Services acknowledges the role and social responsibility that other stakeholders can play within its strategy of correcting offending behavior. The Department adopted and promoting the notion that correction as a social responsibility. The White Paper on Corrections, Chapter 3 outlined the Departments strategies to get all segments of societies to accept their responsibility. Within this chapter the Department acknowledges that correcting offender behavior is fundamentally a societal responsibility. The Department is mind full of the fact that most of offenders in their care come from dysfunctional families. Families that are face with social ills such as poverty, drug and alcohol abuse, lack of employment, single parent families where the father figure was absent. If one takes all these consideration into account, one can easily argues that it certainly contributes to the negative influence upon the countries crime figures. Therefore, it becomes important for all stakeholders to create a correcting environment, within their societies. Through adopting this strategy, the Department makes a meaningful contribution to maintain and protect a just and peaceful society. (White Paper on Corrections in South Africa, 2005, 68-74)

With this in mind, the Department of Correctional Services recognizes the importance of the family as a smaller unit within the society. With all these negative influence such as poverty, drug and alcohol abuse, employment etc., families become the primary level where corrections need to take place.

The communities, school, churches and other community development organizations such as NGO's are seen as the secondary level of responsibility within this correctional strategy. The state is seen as the driver of the renewal for social cohesion and corrections. The Department of Correctional Services is the last level of corrections and rehabilitation (White Paper on Corrections in South Africa 2005:71).

Correcting offending behavior is therefore not just the duty of one particular state department, but becomes the responsibility of all segments of the society. Communities with all segments needs too collectively discuss and address the impact of crime in order to minimize re-offending. Crime becomes a societal responsibility. All stakeholders' needs to start with proactive steps to deal with the social cohesion and promoting a social justice that uphold a good value system.

Therefore the discourse of Restorative Justice pose a new way of thinking for the Criminal Justice system and all the states departments' that forms part of the Criminal Justice Cluster and also community structures. Often to Restorative Justice has been referred to as the old way of dealing with the conflict amongst people and yet it poses thinking of how to deal with the aftermath of the crime for a modern society. "In societies where Western legal systems have replaced and /or suppressed traditional justice and conflict resolution processes, Restorative Justice is providing a framework to re-examine and sometimes reactivate these traditions."(Zehr 2002:5) needless to say, Restorative Justice attempts to strike a balance where crime disturbed the values and norms of the community. It is within understanding the conceptualization of the Restorative Justice programme, that we discovered that through the engagement of the programme that all affected parties were move from punishment to reconciliation, from vengeance to healing, from alienation to a sense of belonging and destructiveness to forgiveness and compassion.

Critics of Restorative Justice oppose this philosophy, because they think that Restorative Justice is saying, no punishment. Instead punishment is still the prerogative of the Courts, but even the Courts have to look at Restorative Justice or Restorative Justice principles as a solution to the crime problem. One of the core elements of Restorative Justice is to create the opportunities for offenders to take full responsibility for their negative criminal behavior and to make and descend apology towards the victims. The programme recognizes the potential that offenders can change and start to rebuild the harm they caused the victims, communities and their families.

The Department of Correctional Services through the awareness programme of Restorative Justice gives the programme participants the information and the interpersonal support that enhance the probability to change. Programme facilitators rendered the programme over two weeks on a daily basis. Groups consist of 12-15 offenders. Through the observation session an interactive approach were followed. Programme facilitators allow group members to ask questions and shear their understanding of the topic under review. Story telling approach is followed and is effective.

The assumption of change through programme involvement becomes a real factor, because the programme provides programme participants with the knowledge to change. The programme goals and objectives are reasonable of nature because it intended to improve social conditions of all affected parties. The researcher through the interviews and observation sessions reveal the social realities that face the participants if they are to be release from a Correctional Facility on parole, correctional supervision or medical parole.

4.4 Change in Social-cultural Habits of Participants

Within this segment, the researcher asks the question: how does the social-religious activity create awareness, knowledge and perceptions in changing their social cultural habits. This question is informed by the outcome theory within the faith-based programme theory. Harden (2008:488), specifically mentions that many spiritual and social transformational outcome based programmes covers the view of religious beliefs and values. These outcomes can be informed by the spiritual/religious transformational theory. Therefore one can assume that there is a relation between the two theories. This can become a very complex process especially when a number of faith perspectives influence the faith-based project. In the case of Restorative Justice there is an acknowledgement of the faith perceptions.

The researcher acknowledges that determining the social-religious change through the Restorative Justice programme, becomes indeed complex. Some of the complex aspects of religious change are the factor of guilt acknowledgement and a desire to become a member of a church, are seen within religious studies as confession and conversion. In most Faith and Religious Circles these factors contributes to social change and a renewed conscious awakening of human beings.

Therefore, the researcher deliberately made the shift to some of the responses he analyze through the data that was collected within the interview and questionnaire sessions. What also becomes important in having this personal sessions with the respondents, was to see how honest and openly they responded to the questions. This is one of the reasons why the researcher opted to do the observational and the interview session. The researcher developed a consent form, whereby the research participants give their consent to take part in this research, Annexure I. This annexure is both in Afrikaans and English.

The following religious and social indicators become important: openness to share their stories, what they have done wrong and how negatively their wrong choices impacted upon their own lives, the lives of their families and those of the victims and their families. Through analyzing the empirical data, 90% of the research respondents from observation group 1, responded through the questionnaire

that they were equipped with knowledge how they can control their own anger. 90% (20/23) acknowledged that they are obligated to make right the wrong they have done to their victims. This can be seen as a positive step and acknowledging the harm and the crime that was committed by themselves. In terms of the social challenge of employment, 30% indeed acknowledged that they were skilled in development, such as crafting, wood work, block man and other agricultural skills. For these respondents, it becomes easier to enter the job market and contribute financially to their families and their communities.

The researcher analyzed the religious indicators as follows: 80% (19/23) respondents acknowledged that the church is in a position to assist them to ask forgiveness from the victims. This informs the researcher that there is an acknowledgment of the role of the Church, whether through a pastor or a reverend. The Church becomes the agent to organize and to implement the mediation between the offenders and the victims. Whether the Church as an institution or the Chaplaincy must mediate this process, are still unknown. 90% (20/23) of the research respondents indicate at question number 9a, b and c, as well question number 11 (c), that they believe that the church can assist them with the process of mediation between themselves and the victims. This tells us something of the meditation roll of the church that does indeed exists in people's minds. The remaining 10% (3/23) of this group are not sure who or what institution will be in a position to assist them. 80% (20/23) research respondents mentioned that the programme of Restorative Justice indeed had an impact upon their religion and spirituality, in so far that they can openly confess their own guilt in prayer and in testimonials, irrespective of the faith domination. 60% (15/23) respondents were encouraged and started attending catechism classes to become members of Churches.

60% respondents did express the desire to meet with their victims, but are not sure how the process will unfold. Since this is a very emotional and sensitive process, it became clear that offenders must undergo a screening process and must be prepare to meet their victims. The Victim Offender Mediation process becomes the hard of a restorative justice process, irrespective of the objectives set but by both affected parties. Facilitators must be careful, because offenders can easily try to manipulate victims, especially if the victims were children and family members. The other side is also true; other respondents mentioned that they are not ready to meet the victims face to face, even after completing the Restorative Justice programme. The researcher is of the assumption that they don't want to be confronted with the reality of their crime. This data was analysed from observational group 1.

Members of the observational group 2 that did not take part within the intervention, were only able to give information that the other group 1 members shared with them, after attending the programme sessions. This informal sharing of the content of the programme also raises some awareness and

expectations to participate within the programme intervention of Restorative Justice. 90 % of the observational group 2 indicated in the interview and questionnaire sessions the desire to attend the programme of Restorative Justice. Here are some of the reasons from evidence collected: fellow offenders motivate them to start recognize the harm they caused towards victims and their families; personally want to meet their victims to ask for forgiveness, they want to learn more of the concept of Restorative Justice; they are positive that the programme attendance will enhance their social functioning within the Correctional Centre and establish insight towards how to change their own social functioning in the outside community.

4.5 Conclusion

The aspects of change, whether it is religious or social become a complex process in nature. The programme theory approach from Harden, that induced the researcher to develop a, FBPT for Restorative Justice, poses a few challenges for both the disciplines of theology and social science. From the evidence research it became clear that the understanding of faith and spirituality factors in developing a rationale for a Faith-Based Programme Theory upon Restorative Justice capture the complex nature of the religious programme phenomena. Faith-based programme theory approach becomes an important element in determining the role of religious and social factors of Restorative Justice Programme. In understanding the religious beliefs and values of Restorative Justice and the programme logic within it context of Correctional Services, enable the researcher to measure and understand how and when the faith /religious factors make a difference upon the social interventions within it context.

Chapter 5 Integrated Faith-Based Outcome Theory of Restorative Justice Programme

5.1 Introduction

The Faith-Based Programme Theory of Restorative Justice Programme can be described as a Meta-programme theory that consists of both religious- and social factors. Both these factors from the researcher's viewpoint, influence the belief of the Restorative Justice Programme within the context of the Department of Correctional Services.

Within this chapter, the researcher basically explains how both the religious- and social factors within this research design influence the programme theory and the desirable outcomes of Restorative Justice. The researcher made use of scholarly literature from authors such as Harden (2006), Myer (2003), Noyes (2009) and Rossi (2004) to inform and develop his own arguments regarding the topic under review. These arguments are also informed by the qualitative data that were collected through the observation and interview interventions.

Noyes wrote a discussion paper for the Institute for Research on Poverty, during April 2008 for a conference on the topic; "Measuring the Role of Faith in programme Outcomes", at the University of Wisconsin-Madison in the United States of America. This paper was supported by the U.S. Department of Health and Human Services. The key aspects of this paper focus on performance management that produces a new emphasis on measuring the programme outputs and the performance sufficiency? Within the context of the United States, policymakers had begun to focus on the role of faith-based organization and its impact upon reorganizing social policies. Noyes and other scholars, such as Allard, Gibelman, Gilman and Harden acknowledge that the FBOs have a long historical connection in providing social services, in the United States. The government of the United States has developed an Act, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This Act allowed the FBOs to compete with other nongovernmental organization for government funds to provide social services. This Act also refers to this process as the Charitable Choice provision⁷.

⁷ Charitable Choice: Religious social services programme activities, a section within the Personal Responsibility and Work opportunity Reconciliation Act of 1996 policy.

Two important questions have been raised by the Institute for Research on Poverty within the work session upon, Measuring the role of Faith in Programme Outcomes:

- I. “Does the provision of services by FBOs improve outcomes for participants to secular organizations?”
- II. Can any differences in outcomes be attributed to a leveraging of religiosity and spirituality, or what is often termed the faith factor that may be unique to FBOs?” Noyes (2009:2).

This research is designed to give answers to the above mentioned questions. Within this research, the researcher attempts to indeed prove that the faith-based factors within the Restorative Justice programme currently have a positive impact in improving the outcomes for programme participants in comparing it with other nonreligious/ social programmes. This will be thoroughly discussed in section 5.2 within this chapter.

In an attempt to give answers to the second question, the researcher discovered within this research that there is an interconnection between the religious and social factors of Restorative Justice. This interconnection or associations between the religious – and social factors has been informed by the programme theory activities and programme theory outcomes. Both these factors in the case of the Restorative Justice played a major influence in establishing social change and positive re integration of programme participants. It is at this stage of the research, that the researcher begins to refer to social faith factors as one aspect and not as two different aspects any more. Harden (2006:488) also refers to this discovery that may result in a social or spiritual transformation. This transformation is based upon strong religious beliefs and values. What further strengthens this argument is the extent the religious factors have been incorporated within the Restorative Justice programme, this makes the programme outcomes unique. Based upon research outcomes, it becomes clear that the religious factors and social factors are indeed interconnected and that religious change informs social change and vice versa.

5.2 Social-religious transformation through Restorative Justice

The critical question that the researcher asks is: What informs the social-religious transformation through Restorative Justice? Both the social factors and religious factor through analyzing the collected contribute to the transformation at participants. Whether it occurs during the awareness-, gaining knowledge and perception change phase. These impacts must be divided into long – and short term objectives. These changes enable the researcher to no longer refer to social or religious factors separately but as transformative concept of social-religious factors.

In the attempt to answer the question the researcher places the current programme policies and the implementation theories of Restorative Justice under a magnifying glass. The qualitative research

method assists the researcher to come to a deeper understanding of the phenomenon under review. This phenomenon assists the researcher to identify certain patterns, themes and values that surfaced. Truth value in this qualitative research is obtained through credible and reliable data that was obtained and collected from the research respondents. The researcher refers to multiple strategies and methods used, to ensure that all aspects of the phenomenon under investigation are evaluated effectively. Different data collection methods were used, namely: in the group interview sessions, questionnaires, case notes, training manuals and observation notes. Multiple data resources were used and that included 44 respondents/ participants and literature sources.

The researcher was non directive, non-judgmental, and tried to create an atmosphere of tolerance and acceptance for the participants. The researcher read the questions on the questionnaires and allowed the participants to ask questions to clarify uncertainties. This enhances the credibility of the interviewing process. Although some of the data may be conflicting, given the uniqueness of the quasi-experimental research design, whereby the different groups were compared with one another, it did not impact negatively on the credibility of the data that has been collected through the interviewing process.

The researcher became aware that the credibility aspect is important within a qualitative research because of the ability of the respondents/ participants to share their personal experiences. Therefore researcher made it point to double check the data and strategically discuss it with the respondents. Due to the fact that the questionnaires were simplistic and empirical of nature, it assists the researcher to translate the viewpoint of the respondents/ participants accurately.

Keeping in mind the applicability aspect of this research, the researcher acknowledges the fact that within a qualitative research it becomes difficult to pre-empt and generalize the outcome and the findings of the research. Therefore it is sufficient to say that this research is unique, not only because of the natural context, but also because of its interdisciplinary nature.

The strategies used by the researcher allows the study to be applied outside the field being researched where a degree of resemblance between the contexts do occur. The researcher is of the opinion that given the framework of his research that his findings be applied to other research fields, related to Restorative Justice Interventions. These findings will be discussed in chapter 6.

The researcher used the following criteria to enhance the aspect of applicability: A thorough and holistic description of the experiences, knowledge and perceptions of the respondents/ participants are discussed. Sampling: The respondents/ participants that were identified to take part within this research were selected by the group facilitators. The selection criteria that the researcher used were; male

offenders; sentence period, crime committed, between 2 and 5 years; first incarceration or not; minimum detention period complete or not, and religion.

Following a qualitative research method and collecting the necessary data through observations and the interview session allowed the researcher to formulate ideas, objectively. The researcher also looked at aspect of validity. Measuring the validity of this research basically means to measure the extent to which the outcome can be measured. In the case of this research all the research participants are incarcerated and their length sentence is between 2-5 years. It also becomes imperative to validate the personal interest of the programme participants. It becomes clear that the programme participants definitely showed different reasons and interest for attending the programme of Restorative Justice. From the data collected from the questionnaire, the researcher can confirm that Restorative Justice means different things to different people. On a more empirical level, it demonstrates the aspect of validity sometimes depends upon other comparison studies. Furthermore the expected results form a key point within the desirable outcomes. In the case of the Restorative

Justice programme within the Department of Correctional Services the desirable outcomes are basically awareness raising, gaining more knowledge of Restorative Justice principles and process and acknowledging the harm cause to victims and communities through the committing of crime.

Nonetheless, the Department of Correctional Services admits the fact that rehabilitation of offenders took place within a multiple disciplinary context. This multi-disciplinary context can be describe as, safety and security, skill development, therapeutically interventions e.g. social worker programmes and psychological programmes, health care programmes, spiritual programmes and agricultural programmes. Furthermore what makes this context more interesting is the fact that offenders religious beliefs also differs e.g. Christianity, Moslem, Islamic, Rastafarian, Buddhist and African religion traditions. It is in connection with all these different disciplines that Restorative Justice as Integrated Faith-Based Programme Theory navigates the behavior change at its participants.

The former National Commissioner, Mr. V.P. Petersen describe the rehabilitation of offenders as a complex task. There are many external factors that influence the aspect of re-offending and it becomes beyond the control of the Department of Correctional Services. The Department needs other government departments, NGO's and communities to take responsibility in correcting offending behavior. The Offender Rehabilitation Path is a strategic document that outlines the objectives of the White Paper on Corrections (2005) on a practical level. These objectives also include some of the constitutional values such as treating humans fairly, with dignity and respect in order to build a safer society.

In attempt to continue answering the question in this section, the researcher discovered that the social and religious factors within the Restorative Justice programme are interconnected with one another. Both these factors constitute the programme theory that is linked with the programme activities, whether it is religious or nonreligious of nature. This can further on be linked with the desirable outcome of the programme at the end. Therefore the question of what and how does these factors influence or contributes to the transformation or change upon the awareness, knowledge and perceptions of those programme participants becomes important.

5.3 Transforming Social and Religious Habits and Behavior?

The social- religious factors made an impact upon the desirable outcome of the Restorative Justice programme. Within this Integrated Faith-Based Outcome Theory Model, the researcher discovered that the religious factors that constitute within the Restorative Justice programme are incorporated in the spiritual activities and events of the programme.

Through assessing and analyzing the questionnaire, the researcher also discovered that 70% (18/23) of the programme participants started prayer sessions, Bible studies groups and worship sessions, under the supervision of the spiritual workers, religious clerks and the Chaplain. The researcher discovered that although the Department of Correctional Services admit that Restorative Justice consist of a religious side, the Department never anticipated the influences of the religious factors in such a manner that the religious activities becomes part or incorporated in its rehabilitation strategies. The researcher was in a serious way challenge with this phenomena, whereby he discover that in performing this programme evaluation study that the Department does not take the role of faith factors towards achieving the desirable outcomes seriously. Furthermore the researcher also finds it difficult to refer to the current religious phenomena within the context as a social ministry. This will be discussed in Chapter 6 in more detail. Towards some of these faith-based outcomes that were discovered through this empirical research, it needs to be addressed in further research.

In comparison with the social factors, these factors within the Restorative Justice programme certainly have reach the following outcomes; almost 90% (20/23) of the group participants started to acknowledge that crime is a form of violating other people's rights.

The group participants refer to it as "crime does not pay". 90% (20/23) of the group participant's self-esteem, self-confidents and character were built within the Restorative Justice programme, in such a way that they become motivated to rebuild their relationships with their families, positive about adapting and re integration back to their communities and are positive to go out and look for

employment. (With reference to the questionnaire, Annexure IV). This is a self-awareness aspect and a good outcome.

In so far as analyzing the social- religious factors of the Restorative Justice programme, it becomes clear to the researcher that the social religious factors display unique interconnections. This unique character of social religious factors basically informs the programme theory, the programme activities and the programme outcomes. In the case of this research one factor have an influence upon the other, in such a way that they are interconnected to one another to perform in such a way that the programme outcomes can be reached. Therefore it was discovered from this particular group that transformation indeed occurred from negative perception and knowledge to a more positive growing of perceptions and gaining more knowledge of the programme under review. From the researcher's viewpoint, this transformation gives birth to the establishment of new and affirms new social religious habits.

In comparison with the other 23 group participants /offenders that did not partake in the Restorative Justice programme, the researcher discovered the following: 100% (21/21) of the group participants express the need or desire to partake in the Restorative Justice programme. They felt motivated by other offenders/ participants who did attend the programme. These causal interactions between programme participants and non-programme participants contributed to the need to attend the programme of Restorative Justice. This casual influence indeed becomes an important indicator. The researcher is also of the opinion that this need to attend the Restorative Justice programme can also be influence by other factors such as restorative principles that are part of other religious and non-religious programmes that are rendering within the Department of Correctional Services.

The researcher becomes aware of the complexity in discerning which programme factor matters for service delivery and determining the effectiveness of the programme. The Department of Correctional Services develop and design its Restorative Justice programme with the outcome desire to correct offending behavior through raising awareness of the impact crime have upon people's lives, whether is the offenders and his family or the victims and their families In their attempt to reach their desirable programme outcomes the Department over emphasize the social conditions that lead to criminal behavior, for e.g. poor education levels, poverty and the abuse of drugs and alcohol. These poor social conditions give raise and the culmination of crime in these societies.

5.4 Impact of social religious factors in a Faith-Based Restorative Justice Programme

The following two questions forms part of the compass, in order to critically assess the impact of the social religious factors, namely:

- i. What are the social religious factors? ,

- ii. How did these social religious factors impact upon those programme participants? ,
- iii. How can this newly formed information help the programme developers to design a more effective Restorative Justice programme?

The programme theory helped the researcher to plot the different levels of how the Restorative Justice programme functions. Within in this research the researcher decided to focus on the practical understanding and implementation method of the programme within the context of Correctional Services in South Africa. Therefore the impact focus has been directed by the research question in chapter 1 and the research design in chapter 2.

Within this empirical research, the researcher showed in section 5.2 and 5.3 that the social religious factors have a major impact in terms of behavioral change and raising awareness amongst those offenders that in deed participated within the Restorative Justice programme. Indeed the researcher is of the opinion that these social religious factors made a valuable contribution towards raising awareness and changing the perceptions of crime and the harm it course to those who are affected by it.

The answers to the first two questions have been answered in chapter 3 and 4, respectively. Therefore the researcher will place more emphasis upon answering question iii. In attempt to answer this question it becomes imperative to go back to the primary purpose of the research / study, namely to evaluate the social-religious factors of the Restorative Justice programme and the impact thereof upon the programme participants.

In this process the researcher also studied the Department of Correctional Services' current policies, implementation strategies and programme theories of the Restorative Justice programme and how they links with the corrective objectives of the department. What became eminent from this research is that the Spiritual Care / Religious Care component within the Department of Correctional Services, specifically in terms of the Restorative Justice Programme is currently rendering a social service programme and the faith-based elements of the programme under review are secular on the surface. On the surface there are no difference between nonreligious programmes and religious programmes, when it comes to the implementation phase, except that they have a religious name, in view of the researcher. Harden (2006:490) also argues that these faith-based programmes are treated just like any other programme by evaluators. Maybe the other side is true, that these nonreligious programmes are in some way also influenced by faith-based programmes. This was one of the first elements that the researcher discovered within this research, the interconnectivity between the Restorative Justice programme and the other programmes that are rendered within the Department of Correctional

Services. You will basically get some of the Restorative Justice principles within the other nonreligious programmes.

What makes this research relevant is that currently there is no conceptual framework to categorize these faith-based elements as a faith-based programme? The researcher did attempt to develop a conceptual framework for the Restorative Justice programme as part of the research design to show how faith-based characteristic exist within faith-based social programme within the Department of Correctional Services. Refer the reader to chapter 1. The primary purpose of this study in view of the researcher was to develop an Integrated Faith-Based Programme Theory of Restorative Justice, from current programme and implementation theory that exist within the Department of Correctional Services. Within this research the researcher also discovered that there was no proper programme theory that informs the programme implementation and activities that are linked to the desirable outcomes for the programme. Even though the programme participants responded positively towards the questionnaires, their still remains a question mark. The only reasonable answer towards this phenomenon, in view of the researcher is that the Department place more emphasis upon the social factors of the Restorative Justice programme. This also contributes to the need to develop a new programme theory approach, as was done within this research within the broader framework of an Integrated Faith-Based Programme Theory for Restorative Justice.

The researcher is of the opinion that it is only possible to develop an Integrated Faith Based Programme Theory for Restorative Justice, as a new programme theory approach within the theoretical concepts that he develop during this research. Yes, the researcher was challenge in a serious way with these concepts such as faith-based, social- religious factors, evaluation programme, programme activities, desirable outcomes and integrated faith-based programme theory. Harden (2006) also place a lot of emphasis upon these aspects, because these aspects motivate and inform any programme evaluator to do programme evaluation research. This will always leads to the development of a new programme approach.

Within this research it also became important for the researcher to use the new programme theory approach to evaluate and test the current programme theory of the Department of Correctional Services. The researcher in way exposed the programme planner and its desirable outcomes; in relation to the research questions. The new programme theory approach assists the researcher to develop theories of Restorative Justice within the framework of an Integrated Faith-Based Programme Theory of Restorative Justice. This programme approach also assists the researcher to identify the linkage and interconnectivity between the social- and religious factors that do exist within the current programme that is under review. Furthermore, this programme theory approach leads to the discovery of the contextual factors that are closely related to the research design. Another factor that came forth

was the religious beliefs and values that basically guide the evaluator through the process of evaluation. The nature of the faith and religious factors are so operationalized within this research, in so far that the researcher took it into account in the research design. This basically emphasizes the important character of the faith and religious factors of the Restorative Justice programme. These faith and religious factors are part of a complex religious belief and value system.

In order to gain more perspective into my research, I acknowledge that I need to be informed in terms of what constitute a faith-based programme theory. It is spiritual and social interventions activities that are based upon religious beliefs and values. These belief and values form an integral part of the spiritual traditions. Therefore its primary purpose is to perform transformation and change. With the terms transformation and change used in the context of this research, the researcher refers to the quality that is characteristic of a religious belief of change in relation to spiritual and social well-being. Harden, (2006:489)

The researcher discovered that the role the faith/ religious factors played within the Restorative Justice programme is critical to understand this faith-based programme theory. Furthermore, it becomes critical to understand the extent to which these religious factors form part of the faith-based programme theory. Through this research, the researcher discovered that the Department of Correctional Services must start to recognize the religious factors of Restorative Justice as an integral component of their social corrective programme that appeared to be nonreligious. It furthermore appears that the Department of Correctional Services is unaware of the role these religious factors play within the Restorative Justice programme that are also interrelated to the main social service programme objectives. In the case of my research, the researcher also discovered that the religious factors such as prayer, confession, guilt, thanksgiving, forgiveness and reconciliation also contributes to the primary programmes desirable outcomes. In so far that it encompasses the awareness, gaining a better perspective/knowledge and the reintegration of programme participants.

The researcher suspects that one of the reasons for the lack of unawareness of the important contributions religious factors play in creating a better understanding of the problem behavioral most of offenders within the care of the Department of Correctional Services, is none acknowledgment of creating the space to measure and determines the role of these religious factors. Secondly, there is a lack of understanding the normative logic model that is express within the Restorative Justice programme. The researcher is now more than ever convinced that the spirituality of Restorative Justice and the beliefs and values thereof, informs the religious factors in such a way it becomes religious activities.

These restorative religious factors that are part of the programme are actually guided by a certain standard of conduct. In the view of the researcher, he describes this as a faith phenomenon. What drives this restorative religious factors within this faith phenomenon, are not only determined within human effort alone, but also within the divine intervention and the discovery of the divine powers. That is why the researcher strongly believes that these elements/ factors within the Restorative Justice programme cannot be ignored, because it contributes to social or spiritual transformation that are based on deeply religious beliefs and values.

Another critically question that now immerge, is: How did the faith phenomenon develop into a faith-based programme theory? The researcher is of the opinion, that it is an attribute that has its origin as casual theories of Restorative Justice and it gets inspired by beliefs and values. These beliefs and values are now developed into a faith-based programme activity that emerge within a faith-based context, guided by spiritual actions perform by the implementers/ facilitators who becomes the faith agents on behalf of a faith community. Within the context of the programme implementation within the Department of Correctional Services, these faith agents fall within the Spiritual/ Religious Care Division and are managed under the supervision of the Chaplain. The other discovery that the researcher made, was the fact that the Restorative Justice programme is not only rendered by faith agents, but also Correctional Services Members as part of the Correctional programmes. The irony is that the same Orientation Manual on Restorative Justice is used within both divisions. This aspect will also be discussed in chapter 6.

Faith-based programme activities that are guided by a faith-based programme theory, also desire to contribute towards social and spiritual transformation. This can also be related to religious and social programme activities that intend to perform a positive social and spiritual change, as part of the programme outcome. The researcher, further more discovered that there is a unique interrelationship between the social- religious factors within the programmer of Restorative Justice. This unique interrelationship between both the social and religious factors sincerely has an impact upon the programme outcomes. This aspect has been discussed in chapter 4 and further on in chapter 5.

The interrelationship between the social-religious factors also becomes clear within the implementation theory of the Restorative Justice programme. "Implementation theory refers to the activities that are delivered to elicit a response from the participants." Weiss (1998) It is also clear that the implementation theory have a spiritual character as in the case of the Restorative Justice programme.

The spiritual character also reflects upon the religious beliefs and value. Given this discovery the researcher believes that it will be in the best interest and given validity of the empirical research to

introduce the concept of faith-based social service programme, due to the interrelationship of the religious and social factors. This notion is also further more informed by the Department of Correctional Services programme implementation theory, e.g. the same orientation manual for both Spiritual Care and Corrections divisions. Maybe in mind of the programme planners they assume that activities, irrespective if it is religious/ spiritual in nature or corrective in nature, the responses will be ultimately what they anticipated within the desirable outcome. In my own view this notion raises some confusion between the programme facilitators.

The researcher came to the conclusion that there is a lack in understanding the relationship between the implementation theory and the social religious transformation programme theory. Both these theories within the Restorative Justice programme are basically in relationship with the programme theory of Restorative Justice. Even though the spiritual and religious transformation or change can be define in the spiritual activities, the researcher discovered that the programme planner did not design the current Restorative Justice programme to facilitate spiritual transformation, but rather social transformation and change. The result however in terms of how the programme participants reacted to the implementation theory and programme activities, brings a whole new discourse to the programme theory of Restorative Justice, within the context of the Department of Correctional Services. Therefore the result of the outcomes can also be understood as a process for accepting spiritual change that can also contribute to social transformation in the lives of the programme participants. In other words the spiritual / religious transformation also leads to social transformation. The researcher strongly believes that these outcomes can become a reality within a multidiscipline environment.

There are different scholarly views on the outcome/ impact theory of faith-based programmes. Harden is of the opinion that: “many spiritual and social transformation outcomes may simply converge as outcomes in view of religious beliefs and values.” Harden (2006:489) Like in the case of my research, the set beliefs and values that in deed exist in Restorative Justice and the implementation thereof, within the spiritual and social transformation theory becomes somewhat complex. Noyes reminds the researcher of the challenges that face evaluators in determining the outcomes of religious factors within social services programmes. Noyes (2009) To a great extent these challenges are common in evaluating social service programmes.

As discovered within this research is the liberating characteristic impact that the religious factor has within the programme of Restorative Justice. This factor certainly opens another discourse within this research, in terms of the desirable outcomes. It also made a huge influence on the outcomes that were not part of the programme theory of the Department of Correctional Services. Interestingly there is a belief that faith-based social service programmes may be more successful, due to the religious or faith elements / factors, Monsma, (2004:45). Monsma has done important work on the aspect of faith based

character of social services programmes. Within his book, “Putting faith in Partnership”, 2004, he addresses some of the major conceptual change in the American domestic policy, that begun in the presidency of Reagan and finally realize in the administration of Bush. He challenges the Government Administration with the responsibility for shifting the social services from the federal government to states and communities. Monsma focus in-depth upon the study of social service programme (welfare-to-work programmes) and examine the relationship between the public –private partnerships and the government and nonprofit organizations. His seeks to understand how these partnerships affect the balance between the government’s social programmes, in dealing with social problems and how individual citizens control their basic right to life. Monsma prefer to use the term “religiously based” instead of faith-based. He also played a role in developing the Charitable Choice Act during 1996, during the Bush Administration area.

Harden on the other hand beliefs that faith-based programmes: “facilitates a form of divine intervention or discovery that may result in social or spiritual transformation based on deeply held religious beliefs and values”, Harden, (2006:485). The researcher however, is of the opinion that the success of the impact and outcomes, like in the case of this research, can be attributed to a holistic approach towards the Restorative Justice programme.

The second characteristic within the outcome and impact theory is the intensity and strength in which the religious factors came to the fore front within the programme. The researcher is of the opinion that this characteristic has to do with how the faith or religious factors are incorporated into the Restorative Justice programme on a day to day basis, and that it becomes a deep personal journey for the programme participant in discovering their own accountability towards themselves, their families, the victims and their families and the communities where they come from. The communities’ perceptions and influence upon the negative experience of crime per se, certainly contributes to this profoundly deep personal moment of change, within the lives of most of the programme participants.

A third characteristic of the outcome/ impact theory is the unknown outcomes that were never anticipated as part of the programme planners theory and outcomes, becomes important for future rectifications and adjustment to the Restorative Justice programme. The outcomes/ impact are certainly comparable to other secular programme outcomes. The quasi-experimental research design basically enhances this notion.

The last characteristic that were discovered, was the dimension of starting to take personal accountability and to meet their victims and go into dialogue with them and expressing the beginning point to ask for forgiveness, not just to be forgiven, but also to express real remorse. The researcher

found it difficult to observe this dimension within the observational scheduled sessions, but more requests were received from the Chaplains office to assist in the tracing of victims of the programme participants. This certainly becomes a positive factor, given the fact that more than 60% (15/23) of offenders are not willing to be confronted by their victims. The reasons for this is not been explore upon, but will be done in further research.

The researcher concludes this section with a common assumption that might contribute to the different outcomes between the two focus groups under review. The researcher is of the opinion that one of the positive outcomes can be attributed to the covenantal approach that the programme facilitators engage with the programme participants. This covenantal approach has it origin in the covenantal approach of the theologian John De Gruchy. This showed something about the commitment of the programme facilitators in comparison with their secular counterparts. The researcher is also of the viewpoint that outcomes of future research in the programme evaluation of Restorative Justice will differ from these identified outcomes.

5.5 Conclusion

The interdisciplinary nature of this research within its multi-disciplinary context actually allowed the theology to go into dialogue with the non-theological disciplines of today. This gave the space to the researcher to study the faith-based theory on /off Restorative Justice within an empirical theological framework method. This notice will be further discussed in chapter 6.

Chapter 6 Summary, conclusion, limitations and recommendations

6.1 Summary

Generally there is an expectation that all rehabilitation programme interventions have a positive impact upon the rehabilitations of offenders. If that should be the case, why are so many offenders (that are placed out on parole or who finish their sentence) and that just a small percentage stay crime free? This is a concern for the researcher who works on a daily basis with the placement of offenders on parole and re-incarceration of the same offenders the Parole Boards placed out into the communities.

Since the transformation from a retributive incarcerating prison system to a rehabilitative Correctional Facilities (prison) system in South Africa, a therapeutic approach has been developed to support the correcting (the) criminal behavior of offenders. Whether the current approach works and impacted positively upon the Departments objectives, set out in the White Paper of the Department of Correctional Services, should still be answered through continues future research.

This research however, was to explore, investigate and evaluate the short-term and long-term impact of the social and religious dimensions of a Restorative Justice programme (on the awareness, perceptions, attitudes and) behavioral change of offenders at Voorberg Correctional Facilities, Medium A and B, within the Department of Correctional Services. The researcher asked the following two research questions:

- i. What are the social-religious factors of restorative justice programme?
- ii. How have these social-religious factors, when included in the restorative justice programme, created awareness, increased understanding, changed perceptions, attitudes and behaviors of offenders towards victims and thus contributed to forgiveness, reconciliation and healing of offenders?

The researcher discovered during this research that there is proper understanding of where to place the Restorative Justice Programme in the Development and Care component. Some programme facilitators see the programme as a religious programme, while others see it as a corrections programme. This seems to create confusion amongst the divisions that need to implement the programme. The DCs thus has no clear cut policy on where this programme should be placed. The question always arises: who needs to render the programme towards the offenders? This is part of the

problem that needs to be clarified in order to reach the full objectives of the Restorative Justice programme.

Throughout this research the researcher relates the research questions with the research design. The research methodology builds the arguments within this research.

The researcher gave an overview of the research and the rationale for the study. This research gave an oversight of the judicial systems, community organizations and interdisciplinary studies which have proposed and developed Restorative Justice and its short-term and intermediate and long-term quantitative (reducing re-offence) and qualitative (reconciliation, healing, restoration, forgiveness and integration as defined from the Restorative Justice perspective outcomes as an integral dimension of Correctional Service. This has basically constructed the theoretical, methodological and programmatic framework to include and expand Restorative Justice interventions, within the Department of Correctional Service as well as other department's e.g. Justice, Social Services, SAPS and Education.

The primary objective of this research was to conduct a phenomenological, empirical contextual evaluative of the short-term and long-term impact of the social and religious factors of the Restorative Justice programme.

Further on, the researcher extensively explored the Faith-Based Programme Theory, based upon current (exciting) research methodologies and method of Restorative Justice. Sound theories and theologies of Restorative Justice form a firm foundation of broadening the researcher understanding of the topic under review. Literature studies of scholars such as Marshall, de Crunchy, Tutu and Zehr informs this foundation. The researcher furthermore examined the current policies of Restorative Justice and what drives the programme within the Department of Correctional Services. (The following) Documents such as the White Paper, Corrections as a Societal Responsibility, Social Reintegration and Orientation Manual on Restorative Justice, assisted the researcher to get a better understanding of the current programme theory, programme activities and programme outcomes/ desires.

Literature of well-known social research scholars (evaluators) such as, Rossi, Babbie and Mouton, assist the researcher to develop a unique research methodology for this research. The researcher (uniquely) integrates the arguments of Rossi, Barbie and Mouton with the theory of Harden, another well-known faith-based programme theory scholar (evaluator). These different theories assisted the researcher in developing an Integrated Faith-Based Programme Theory for Restorative Justice.

As early as Chapter 2, the social – religious factors of Restorative Justice came to the surface. In this chapter the researcher (is already) started to formulate (his) arguments that the religious factors are not less important than the social factors, and that both factors have important roles to play in anticipating the desirable outcomes of the programme.

The researcher critically debated the different theories and theologies of reconciliation, forgiveness, healing, restoration and justice from an empirical theological hermeneutical (evaluate) perspective. The different theological hermeneutical perspectives of scholars such as Harden, Marshall, de Crunchy, Zehr, Tutu and Villa-Vicencio institute the basis for developing a Faith-Based Programme Theory for Restorative Justice and stimulate the debate between theology and social science. The researcher became aware to acknowledge the key restorative biblical principles such as forgiveness, reconciliation, and peace, (extra.) These principles introduce a deep interpersonal involvement of all affected parties. The researcher also placed emphasis on this interpersonal level of engaging into a process of Restorative Justice.

These (exciting) paradigms on Restorative Justice assist the researcher to understand and acknowledge the strong religious origin of Restorative Justice. Although the social science also claims the social origin of terms such as reconciliation, forgiveness, peace and justice, it is important to acknowledge both sides of these terms. The researcher gave an overview of the social factors of Restorative Justice and how these social factors contribute to social change. The researcher integrated the data collected within the observation and interview sessions with the literature of Harden, Weiss, Meyers, Noyes, Rogers and Rossi in order to develop a logic programme theory of Restorative Justice. The qualitative data that were collected are indeed integrated, interpersonal and communal of nature. The deeply interpersonal and emotional process of Victim Offender Mediation and dialogue has been defined within this chapter.

Furthermore, the researcher explains how the programme theory approach build a chain of the objectives of the Restorative Justice programme as currently been implemented within the Department of Correctional Service. He furthermore shows the links between the programme activities and programme outcomes. This research logically shows how the programme theory mediates and establishes a link between the programme activities and the desirable programme outcomes. The researcher analysis the data collected and how the research respondents responded statistically. These stats are evidence based. This research furthermore gave an overview of the social-cultural change that is establish in the behavior patterns of case respondents after they have completed the programme of Restorative Justice. The implementation theory is linked with programme activities and the impact thereof. Determining the social change aspect is indeed a complex process.

Lastly, the researcher introduced the concept of Integrated Faith-Based Outcome Theory of Restorative Justice. Measuring the role of the faith / religious factors, and the contribution towards social change, became key aspects in terms of measuring the performance outputs and sufficiency. The critical question of what informs the social –religious transformation through Restorative Justice? , becomes one of the key elements in providing answers to the research questions.

6.2 Conclusion

The definition of Restorative Justice within the Department of Correctional Services is: “A way to do justice so that healing can take place includes taking account of one’s action reparation, dealing with feelings and issues around it, dealing with the harm of the crime and the harm of the justice system.” Berzins (1996).

The Department of Correctional Services is of the opinion that Restorative Justice emphasizes the importance of elevating the role of victims and community members through a more active involvement in the justice process, holding the offenders directly accountable to the people they have violated and providing a range of opportunities for dialogue, negotiation and problem solving, which can lead to greater sense of community safety, social harmony and peace for all involved.” White Paper on Corrections (2005)

The researcher investigates whether some of the factors from the above mentioned definitions are part of the understanding and experiences of the respondents/participants. The analysis explored the relationship between the one group that participated within the Restorative Justice programme in comparison with the other group that did not participate in the programme. In doing so the researcher was able to explore and made a distinction between the group that participated in the programme and the other group that did not participate. It became clear that the group participants that did participate in the Restorative Justice Programme intervention showed positive perception, experiences and knowledge of the programme. The researcher found within the questionnaires that the group participants indeed participated in the RJP, tends to acknowledge the harm that they have caused towards the victims and they were able to respond freely about their understanding of reconciliation and forgiveness. This group even responded positively to the questions about the RJP impact on their religion and spirituality. This group of participants even mentioned that their interaction and their relationship with God improved, because they are able to pray to God, confessing to God, and giving thanks to God. In other words this group was able to relate to the religious factors of RJP.

In comparison with the other group that did not participate in the RJP, they did shown awareness of forgiveness, reconciliation and only a few of them expressed the need to attend religious activities in a

Correction Centre and in the communities. Most of them were giving a positive indication that if they were given the privilege to attend the RJP, they will do so.

The analysis showed a clear comparable difference of the respondents/participants, in their experiences, knowledge and understanding of the RJP. This is a few of the categories that emerged from the analysis data. What is interesting from the participants that did not participate in the RJP is that they showed positive interest to attend the programme.

Given the information collected from the data, the researcher is now able to link the experiences of participants within their specific context of a Correctional Centre with the theological hermeneutical understanding of the Restorative Justice. The researcher wants to bring his experience into comparison with what Marshall is saying in his book, *Beyond Retribution*. Marshall mentioned that crime is one of the most difficult areas of the human behavior to deal with from a Christian perspective, but it is in the nature of human beings that are confronted with crime and the effect of crime such as rape, murder, theft, child abuse and domestic violence that the natural feelings of remorse, restoration, forgiveness, reconciliation, and love comes to the fore front, irrespective of whether you are Christian, Muslim, or Rastafarian.

The researcher argues that Restorative Justice does consist of religious factors and this is the key of a double hermeneutics for the theological side of Restorative Justice. Therefore it makes it easier for the researcher to develop a Faith Based Programme Theory of Restorative Justice that can be used by the Spiritual Care division within the Department of Correctional Services. Within the Faith Based Programme Theory, the researcher strongly believes that from this research, Restorative Justice already showed its religious side and therefore set the path to develop a religious programme on Restorative Justice that will consist of the factors that have been outlined within this research. It is through a thorough developed Faith-Based Programme Theory Model, that the social and spiritual transformation of offenders can be effectively addressed. (By receiving the gift of faith and growing awareness of faith). Although the researcher proved that there is a interconnectivity between the social religious factors of Restorative Justice as presented in the case of programme within the Department of Correctional Service, the question still remains: How would the religious factors become part of the programme theory of the programme within the department? This research has shown that the religious factors indeed contributed to a renewed social understanding of the research participants, and that it certainly forms an essential contribution to the desire outcome achieved.

The qualitative research methods have enabled the researcher to engage in a process complexification within the context of Correctional Services and the interdisciplinary research world that allowed the researcher to reveal his understanding of the effectiveness or not of Restorative Justice. It also assisted

the researcher to get a deeper theological understanding and the challenges of Restorative Justice within the reflective context of Correctional Services.

The RJP had certainly different impacted upon the participants. For some of the participants the programme helped them to start acknowledging their own wrong destructive criminal behavior. Therefore, these participants need some ongoing consoling interims of what the RJ process expects. Some of these participants are ready to meet with their victims face to face to request forgiveness. But the question is, *Are victims ready to meet their perpetrators?*

6.3 Limitations:

The interview sessions could not be used effectively due to the impact of the low scholastic level of some of the participants. Therefore the researcher had to read the questionnaires and also helped the participants to write their responds on the questionnaire paper. The difficulty finding respondents at Medium B can be described to the fact that it is a much bigger prison than Medium A. The accessibility getting all the respondents together in one venue, also posed a challenge. The researcher however found that it was not possible to include the interviewing of parolees on the current system of Community Corrections.

This research also has proven that defining the role of the religious factors within the Restorative Justice programme within this organization such as the Department of Correctional Services, received far less attention. Further on this research has proven that there is a need to develop and to measure these religious factors, so that it can become priorities that certainly influence the outcome of the current Restorative Justice theory within the Department of Correctional Services.

6.4 Recommendations:

This research has outlined some of the key aspects/ areas of challenges for the policy makers, programme planner of Restorative Justice within the Department of Correctional Services. Furthermore, this qualitative research builds a common understanding that the programme under review indeed consists of both social- as well religious factors, and that both these factors play a vital role in reaching the programme outcomes. The researcher successfully developed broad parameters for the current key factors and that these parameters form the basis for future discussion on the topic.

It became eminent given the information that is provided to the offenders within the programme of Restorative Justice, that these participants only formalize their experience upon the given information. This can be described as limited information to understand the full circle of Restorative Justice.

Therefore, this research shows that the programme of Restorative Justice does add value to the rehabilitation objectives of the Department of Correctional Services.

Therefore the researcher would like to recommend that:

- 1) programme facilitators need to be trained on a regular basis, regarding the different Restorative Justice practices;
- 2) programme facilitators and programme participants need to understand that this programme poses certain challenges, e.g. acknowledgement of crime towards the victims, and the need for face to face dialogue with victims and mediation;
- 3) community conferencing upon Restorative Justice is imperative, in order to improve victim participation;
- 4) interdepartmental dialogue regarding Restorative Justice needs to take place in order to establish a common understanding of Restorative Justice.

6.5 Ending remarks

This research endeavored to explore and evaluate the short-term and long-term socio-religious factors of the Restorative Justice programme and the effectiveness upon the life experiences, awareness and behavioral change of offenders at Voorberg Correctional Centre/Facility, within the Department of Correctional Services.

The researchers tried to answer the research question, through the analyzing of the empirical data that were gathered. Through the collected data, it became eminent that those participants that attended the Restorative Justice programme are better prepared to face the challenges of reintegration back to the community.

This research will form the basis for further doctorate research that will focus on expanding and developing: Restorative Justice as a mission of ministry of Chaplains, within the Department of Correctional Services in South Africa.

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Glossary

CSPB:	Correctional Supervision and Parole Board
COMCOR:	Community Corrections
DCS:	Department of Correctional Services
FBPT:	Faith Based Programme Theory
IFBPT:	Integrated Faith-Based Programme Theory
RJP:	Restorative Justice Programme
TRC	Truth and Reconciliation Commission

Annexure

- Annexure 1
- Annexure 2
- Annexure 3
- Annexure 4

Annexure 1



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STELLENBOSCH UNIVERSITY
CONSENT TO PARTICIPATE IN RESEARCH:

You are requested to participate in a research study conducted by Joseph Jonkers, a Theology master's student at Stellenbosch University. The title of the study is: "*Socio-religious factors in a Restorative Justice programme: An evaluative study of the impact on (ex-) offenders at Voorberg Correctional Centre*".

The results of the research will contribute to my final research thesis. You were selected as a possible participant in this study because you participated in the Restorative Justice Programme (RJP) as well as other rehabilitation programmes of the Department of Correctional Services at Voorberg Correctional Centre.

1. PURPOSE OF THE STUDY

The study seeks to explore and evaluate the short-term and long-term impact of the social-religious dimensions of the RJP on the awareness, perceptions, attitudes and behavioral change of offenders.

2. PROCEDURES

If you volunteer to participate in this study, the following procedure will follow:

Phase 1

1. You will sign a consent form that will allow me as the researcher to observe your participation, in the RJP.
2. I will ask your permission to allow me access to basic information in your case file such as the type of crime committed, the length of your sentence, completions of a minimum sentence period, whether it was a first offence or not and your religious orientation.
3. As a participant observer, I will make field notes on how you as programme participant react to the programme information.
4. I will have discussions with the programme facilitators after the daily programme.
5. I will be an observer of the RJP for a period of five days, from Monday to Friday, for the duration of the daily programme.
6. The information gained through the actions described in points 2 to 5 will be used to draw up a questionnaire and an interview schedule.
7. I will make field notes that will influence the construction of the questionnaire that will be used in Phase 2 of the research.
8. I commit myself to not taking part in the group discussions because it might influence the thinking of group members participating in the questionnaire sessions.

Phase 2:

9. I will request you to complete the questionnaire.
10. I will read through the questions, in order to assist you if you struggle to read.
11. The questionnaire will be completed within a group context. (The groups will consist of eight to ten participants).
12. Completion of the questionnaires will take place inside Voorberg Correctional Centre.
13. The session will not last longer than an hour and a half.
14. None of these sessions will be taped.
15. You will be allowed to ask questions pertaining to the subject under review. I will make use of this method in order to accommodate and assist those participants who struggle to read and write.

16. You will be allowed to respond in the language of your choice e.g. English, Afrikaans or IsiXhosa.

3. POTENTIAL RISKS AND DISCOMFORTS

You, as a participant, must understand that being part of this research may cause discomfort to you as you may recall painful memories of your crime and past experiences.

I commit myself to referring participants that might experience such discomfort to the chief social worker (Ms. R. Adams, Voorberg Medium B, 022 931 8040) and the chaplain (Rev. M. Frantz, Voorberg Management Area, 022 931 8019) for counseling. I will introduce both the social worker and the chaplain to the group members at the beginning of the interviews.

An official of the Department of Correctional Service will be appointed to ensure that all the participants comply with the safety and security regulations of the Department, during the research sessions.

I, will inform all participants that I am also the chairperson of the Correctional Supervision and Parole Board (CSPB). For the purpose of this research, I will not act in my capacity of the chairperson of the CSPB and the policies and the directives that regulate the work of the chairperson are not applicable during this research. I commit myself to not being prejudiced or to favoring any of the participants in the future should they appear before the CSPB for consideration for possible placement on parole. Such decisions are not taken by one person, but by a committee. The chairperson does not have a veto decision-making vote and must abide by the decision of the CSPB.

4. POTENTIAL BENEFITS TO PARTICIPANTS AND/OR TO SOCIETY

You, as participants, must understand that your participation can neither hold any benefit (in the form of compensation) to you, nor will your participation have an effect on future parole decision, which will be taken by the CSPB and not the researcher.

5. PAYMENT FOR PARTICIPATION

None

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified will remain confidential and will be disclosed only with your permission or as required by law. Confidentiality will be maintained. You will not disclose your names or dates of birth.

The results of this research will be provided to Stellenbosch University and the Research Division of the Department of Correctional Services in the form of a thesis.

If the results of this research are published, the personal details of the participants will be withheld.

All the data that will be collected through this research will be kept in a lockable cabinet in my office. No one else will have access to the data.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether you want to participate in this study or not. If you volunteer to participate you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you do not want to answer and may still remain in the study. I may withdraw you from this research if circumstances arise that warrant doing so.

8. IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact, Joseph Jonkers (principle researcher) at Voorberg Correctional Centre, Private Bag X 2, Porterville 6810 at the following contact details: landline, 022 931 8147, or e-mail Joseph.Jonkers@dcs.gov.za.

Alternatively, you may contact my supervisor, Dr. D.X. Simon at 021 8083575/021 8083636, 171 Dorp Street, Stellenbosch, 7600 and e-mail dsimon@sun.ac.za.

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a participant, contact Ms Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) at the Division for Research Development, Stellenbosch University.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me.....[name of participant]..... by Joseph Jonkers in English and in Afrikaans and [I am /the participant is] in command of this language or it was satisfactorily interpreted to [me/him/her]. I, the participant, was given the opportunity to ask questions and these questions were answered to [my/his/her] satisfaction. [I hereby consent voluntarily to participate in this study/I hereby consent that the subject/participant may participate in this study]. I have been given a copy of this form.

Name of Participant

Name of Legal Representative (if applicable)

Signature of Participant or legal representative

Date

DECLARATION BY RESEARCHER

I, Joseph Jonkers, declare that I explained the information given in this document to _____ [name of the participant]. [He/she] was encouraged and given ample time to ask me any questions. This conversation was conducted in English and no interpreter was used.

Bylaag 1



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INWILLIGING OM DEEL TE NEEM AAN NAVORSING

U word versoek om deel te neem aan 'n navorsingstudie uitgevoer deur Joseph Jonkers, 'n meestersgraadstudent in Teologie aan die Universiteit Stellenbosch. Die titel van die studie is: *“Sosiaal-godsdienstige faktore in 'n herstellende geregtighedsprogramme: 'n Evalueerende studie van die impak op (gewese) gevangenes by Voorberg Korrektiewe Sentrum”*.

Die doel van die navorsing is om die korttermyn en langtermyn impak van die sosiale en godsdienstige dimensies van 'n Herstellende Geregtighedsprogramme, op die bewustheid, persepsie, houdings en gedragsverandering van by oortreders by Voorberg Korrektiewe Sentrum te verken en te evalueer. Ek, die navorser, gaan ook fokus op aspekte van menswaardigheid, vergifnis en versoening tussen oortreders, slagoffers en gemeenskappe. Ek sal ook die oortreders se ervaring rakende die aspek van vertrouwe teenoor die gemeenskap asook die herstel van geregtigheid vir die slagoffers en diegene wat deur misdaad geraak is, (bv. families en gemeenskappe), uitlig.

Die resultaat van die navorsing sal bydra tot my finale navorsingstesis. U is as moontlike deelnemer aan die studie gekies omdat u aan die Herstellende Geregtighedsprogramme (HGP) asook ander rehabilitasieprogramme van die Departement Korrektiewe Dienste by Voorberg Korrektiewe Sentrum deelgeneem het.

1. DOEL VAN DIE STUDIE

Die doel van die studie is om die korttermyn en langtermyn impak van die sosiaal-godsdienstige dimensies van die Herstellende Geregtighedsprogramme (HGP) op die bewustheid, persepsies, houdings en gedragsverandering van oortreders te verken en te evalueer.

2. PROSEDURES

Indien u inwillig om aan die studie deel te neem, sal die volgende prosedure gevolg word:

Fase 1

1. U sal 'n inwilligingsvorm onderteken wat my as die navorser sal toelaat om u deelname aan die HGP waar te neem.
2. Ek sal u toestemming vra om toegang te verkry tot basiese inligting in u geëvalueer, soos die soort misdaad gepleeg, die lengte van die vonnis, voltooiing van minimum gevangenisstraf, of dit 'n eerste oortreding was of nie en u geloofsoortuiging.
3. As waarnemer, sal ek, aantekeninge maak oor hoe u as programmedeelnemer op die programmeinhoud reageer.
4. Ek sal na afloop van die dagprogramme met die groepsfasiliteerders in gesprek tree.
5. Ek sal die Herstellende Geregtighedsprogramme (HGP) observeer vir 'n tydperk van vyf dae, vanaf Maandag tot Vrydag, vir die volle duur van die dagprogramme.
6. Die inligting wat verkry word deur die handeling in punte 2 tot 5 sal gebruik word om 'n vraelys en die onderhoudskedule op te stel.
7. Ek sal aantekeninge maak wat die saamstel van die vraelys wat in Fase 2 van die navorsing gebruik gaan word, sal beïnvloed.
8. Ek verbind my daartoe om nie deel te neem aan die groepsbesprekings nie, omdat dit moontlik die denke van die groepslede wat aan die vraelys sessies deelneem kan beïnvloed.
9. Ek sal die groepsfasiliteerders versoek om moontlike deelnemers te identifiseer om die vraelys in te vul. Die deelnemers sal twee dae gegun word om aan die groepsfasiliteerder aan te dui of hulle vrywilliglik aan die vraelys sessie sal deelneem.

Fase 2

10. Ek sal u vra om die vraelys te voltooi.
11. Ek sal deur die vraelys lees om u te help indien u sukkel om te lees.
12. Die vraelys sal in groepsverband voltooi word. Die groepe sal uit agt tot tien lede bestaan.

13. Die voltooiing van die vraelyste sal in Voorberg Korrektiewe Sentrum plaasvind.
14. Die sessies sal nie langer as 'n uur en 'n half duur nie.
15. Die sessies sal nie op band opgeneem word nie.
16. U sal 'n geleentheid kry om vrae te vra oor die onderwerp wat bestudeer word. Ek sal van hierdie metode gebruik maak om diegene wat sukkel om te lees en skryf, te help.
17. U sal toegelaat word om in die taal te reageer waarin u die gemaklikste is, bv. Engels, Afrikaans of Isi-Xhosa.

3. MOONTLIKE RISIKO'S EN ONGEMAKLIKHEID

U, as 'n deelnemer, moet verstaan dat deelname aan hierdie navorsing moontlik 'n mate van ongemak vir u kan veroorsaak, aangesien dit moontlike pynlike herinneringe aan u misdaad en vorige ervarings kan oproep.

Ek verbind myself daartoe om deelnemers wat sodanige ongemak ervaar na die hoof maatskaplike werker (Mev. R. Adams, Voorberg Medium B, 022 931 8040) en die kapelaan (ds. M. Frantz, Voorberg Bestuursarea, 022 931 8019), vir beradering te verwys. Ek, sal met aanvang van die onderhoude sowel die hoof-maatskaplike werker as die kapelaan aan die groepslede voorstel.

'n Beampte van die Departement Korrektiewe Dienste sal aangestel word om te verseker dat alle deelnemers gedurende die sessies aan die veiligheids en sekuriteit regulasies van die Departement voldoen.

Ek sal alle deelnemers inlig dat ek ook die voorsitter is van die Korrektiewe Toesig en Parool Raad (KTPR). Vir die doel van hierdie navorsing sal ek egter nie in my hoedanigheid as voorsitter van die KTPR optree nie, en die beleid en direktiewe wat die werk van die voorsitter reguleer, sal nie tydens hierdie studie van toepassing wees nie. Ek verbind my daartoe om geensins bevooroordeeld te wees nie en geen voorkeur te verleen aan enige van die deelnemers wat in die toekoms voor die Korrektiewe Toesig en Parool Raad (KTPR) verskyn vir moontlike oorweging vir parool nie. Sodanige besluite word nie deur een persoon geneem nie, maar deur 'n komitee. Die voorsitter het geen veto-besluitnemings reg nie en moet hom by die besluit van die KTPR berus.

5. MOONTLIKE VOORDELE VIR PROEFPERSONE EN/OF VIR DIE SAMELEWING

U moet verstaan dat u deelname geen voordele vir u inhou (in die vorm van vergoeding) nie, en dat deelname geen effek sal hê op toekomstige paroolbesluite, wat deur die KTPR en nie deur die navorsers gemaak word nie.

6. VERGOEDING VIR DEELNAME

Geen

7. VERTROULIKHEID

Enige inligting wat deur die navorsing ingewin word en wat geïdentifiseer kan word, sal vertroulik gehou word en slegs met u toestemming of soos deur die wet vereis bekend gemaak word. Vertroulikheid sal gehandhaaf word deur geen name of geboorte datums aan my bekend te maak nie.

Die resultate van hierdie navorsing sal deur die Universiteit Stellenbosch en aan die Navorsing-afdeling van die Departement Korrektiewe Dienste in vorm van 'n tesis bekend gemaak word.

Indien die resultate van die navorsing gepubliseer word, sal die persoonlike besonderhede van die deelnemers nie bekend gemaak word nie.

Alle data wat deur hierdie navorsing ingewin word, sal in 'n sluitbare kabinet in my kantoor toegesluit word. Niemand anders sal toegang tot die inligting hê nie.

8. DEELNAME EN ONTTREKING

U kan self besluit of u aan die studie wil deelneem of nie. Indien u inwillig om aan die studie deel te neem, kan u enige tyd u daaraan onttrek sonder enige nadelige gevolge. U kan ook weier om op bepaalde vrae te beantwoord, maar steeds aan die studie deelneem. Ek kan u van hierdie studie onttrek indien omstandighede dit noodsaak.

9. IDENTIFIKASIE VAN ONDERSOEKERS

Indien u enige vrae of besorgdheid omtrent die navorsing het, staan dit u vry om in verbinding te tree met Joseph Jonkers by Voorberg Korrektiewe Dienste, Privaatsak X2, Porterville, 6810, by die volgende kontakbesonderhede: landlyn 022 931 8147 of e-pos Joseph.Jonkers@dcs.gov.za.

U kan ook met my studieleier, dr. D.X. Simon, by 021 – 8083575/ 021 8083636, Dorpsstraat 171, Stellenbosch, 7600 of e-pos dsimon@sun.ac.za in verbinding tree.

10. REGTE VAN DEELNEMERS

U kan te eniger tyd u inwilliging terugtrek en u deelname beëindig, sonder enige nadelige gevolge. Deur deel te neem aan die navorsing doen u geensins afstand van enige wetlike regte, eise of regsmittele nie. Indien u vrae het oor u regte as deelnemer, skakel met Me.Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) van die Afdeling Navorsingsontwikkeling, by die Universiteit van Stellenbosch.

VERKLARING DEUR DEELNEMER OF SY/HAAR REGSVERTENWOORDIGER

Die bostaande inligting is aan my,[naam van deelnemer], deur Joseph Jonkers [naam van die betrokke persoon] in [Afrikaans/Engels/Xhosa/ander] gegee verduidelik [ek is/die deelnemer is] dié taal magtig of dit is bevredigend vir [my/hom/haar] getolk. [Ek/die deelnemer] is die geleentheid gebied om vrae te stel en hierdie vrae is tot [my/sy/haar] bevrediging beantwoord. [Ek willig hiermee vrywillig in om deel te neem aan die studie/Ek gee hiermee my toestemming dat die deelnemer aan die studie deelneem.] 'n Afskrif van hierdie vorm is aan my gegee.

Naam van deelnemer

Naam van regsverteenvoordiger (indien van toepassing)

Handtekening van deelnemer of regsverteenvoordiger

Datum

VERKLARING DEUR NAVORSER

Ek, Joseph Jonkers, verklaar dat ek die inligting in hierdie dokument aan[naam van die deelnemer] en/of [sy/haar] regsverteenvoordiger.....[naam van die regsverteenvoordiger], verduidelik het. [Hy/sy] is aangemoedig en oorgenoeg tyd gegee om vrae aan my te stel. Dié gesprek is in [Afrikaans/Engels/Xhosa/ander] gevoer en [geen tolk is gebruik nie/die gesprek is in _____ getolk deur _____].

Handtekening van navorser

Datum

Goedgekeur Subkomitee A 25 Oktober 2004

Annexure 2



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STELLENBOSCH UNIVERSITY

CONSENT TO PARTICIPATE IN RESEARCH

(AS GROUP FACILITATOR: OBSERVATION SESSION)

You are requested to participate in a research study conducted by Joseph Jonkers, a Theology master's student at Stellenbosch University. The title of the study is: " *Socio-religious factors in a Restorative Justice programme: An evaluative study of the impact on (ex-) offenders at Voorberg Correctional Centre*".

The purpose of this study is to explore and evaluate the short-term and long-term impact of the social and religious dimensions of a Restorative Justice programme on the awareness, perceptions, attitudes and behavioral change of offenders at Voorberg Correctional Centre. I, the researcher will also focus on aspects of human dignity, forgiveness and reconciliation between offenders, victims and communities. I, the researcher will also highlight the offender's experiences regarding the aspect of trust towards the community, as well as restoring justice for the victims and those who are affected by the crimes (e.g. families and communities).

The results of the research will contribute to my research thesis. You were selected as a possible participant in this study because you participated in the Restorative Justice Programme (RJP) as well as other rehabilitation programmes of the Department of Correctional Services at Voorberg Correctional Centre.

6. PURPOSE OF THE STUDY

The study seeks to explore and evaluate the short-term and long-term impact of the social-religious dimensions of the RJP on the awareness, perceptions, attitudes and behavioral change of offenders.

7. PROCEDURES

If you volunteer to participate in this study, the following procedure will follow:

Phase 1

1. You, as group facilitator, will sign a consent form that will allow me as the researcher to observe the participations, in the RJP.
2. I will have discussions with the programme facilitators after the daily programme.
3. I will be an observer of the RJP for a period of five days, from Monday to Friday, for the duration of the daily programme.
4. I commit myself to not taking part in the group discussions because it might influence the thinking of group members participating in the questionnaire sessions.
5. I will request the facilitators to identify possible participants for the questionnaire session. These participants will be given two days to respond to the facilitators to indicate whether they are willing to participate in the questionnaire session.

8. POTENTIAL RISKS AND DISCOMFORTS

None

9. POTENTIAL BENEFITS TO PARTICIPANTS AND/OR TO SOCIETY

None

5. PAYMENT FOR PARTICIPATION

None

6. CONFIDENTIALITY

I, will request of you to keep the information provided by you to the researcher as confidential.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether you want to participate in this study or not. If you volunteer to participate you may withdraw at any time without consequences of any kind. You may also

refuse to answer any questions you do not want to answer and may still remain in the study. I may withdraw you from this research if circumstances arise that warrant doing so.

8. IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact, Joseph Jonkers (principle researcher) at Voorberg Correctional Centre, Private Bag X 2, Porterville 6810 at the following contact details: landline, 022 931 8147 or e-mail [Joseph Jonkers@dcs.gov.za](mailto:Joseph.Jonkers@dcs.gov.za).

Alternatively, you may contact my supervisor, Dr. D.X. Simon at 021 8083636, 171 Dorp Street, Stellenbosch, 7600 and e-mail dxsimon@sun.ac.za.

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a participant, contact Ms Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) at the Division for Research Development, Stellenbosch University.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me.....[name of participant]..... by Joseph Jonkers in English and in Afrikaans and [I am /the participant is] in command of this language or it was satisfactorily interpreted to [me/him/her]. [I, the participant] was given the opportunity to ask questions and these questions were answered to [my/his/her] satisfaction.

[I hereby consent voluntarily to participate in this study/I hereby consent that the subject/participant may participate in this study]. I have been given a copy of this form.

Name of Participant

Name of Legal Representative (if applicable)

Signature of Participant or legal representative **Date** _____

DECLARATION BY RESEARCHER

I, Joseph Jonkers, declare that I explained the information given in this document to _____ [name of the participant]. [He/she] was encouraged and given ample time to ask me any questions. This conversation was conducted in English and no interpreter was used.

Signature of researcher **Date** _____

Bylaag 2



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UNIVERSITEIT STELLENBOSCH

INWILLIGING OM DEEL TE NEEM AAN NAVORSING (GROEP FASILITEERDER: OBSERVASIE SESSIES)

U word versoek om deel te neem aan 'n navorsingstudie uitgevoer deur Joseph Jonkers, 'n meestersgraadstudent in Teologie aan die Universiteit Stellenbosch. Die titel van die studie is: *“Sosiaal-godsdienstige faktore in 'n herstellende geregtighedsprogramme: 'n Evaluerende studie van die impak op (gewese) gevangenes by Voorberg Korrektiewe Sentrum”*.

Die doel van die navorsing is om die korttermyn impak en langtermyn impak van die sosiale en godsdienstige dimensies van 'n Herstellende Geregtighedsprogramme, op die bewustheid, persepsie, houdings en gedragsverandering van by oortreders by Voorberg Korrektiewe Sentrum te verken en te evalueer. Ek, die navorser, gaan ook fokus op aspekte van menswaardigheid, vergifnis en versoening tussen oortreders, slagoffers en gemeenskappe. Ek sal ook die oortreders se ervaring rakende die aspek van vertrouwe teenoor die gemeenskap asook die herstel van geregtigheid vir die slagoffers en diegene wat deur misdaad geraak is, (bv. families en gemeenskappe), uitlig.

Die resultaat van die navorsing sal bydra tot my finale navorsingstesis. U is as moontlike deelnemer aan die studie gekies omdat u aan die Herstellende Geregtighedsprogramme (HGP) asook ander rehabilitasieprogramme van die Departement Korrektiewe Dienste by Voorberg Korrektiewe Sentrum deelgeneem het.

1. DOEL VAN DIE STUDIE

Die doel van die studie is om die korttermyn impak en langtermyn impak van die sosiaal-godsdienstige dimensies van die Herstellende Geregtighedsprogramme (HGP) op die bewustheid, persepsies, houdings en gedragsverandering van oortreders te verken en te evalueer.

2. PROSEDURES

Indien u inwillig om aan die studie deel te neem, sal die volgende prosedure gevolg word:

Fase 1

1. Om as groeppasiliteerder, 'n inwilligingsvorm te onderteken wat my, die navorser, sal toelaat om die HGP waar te neem.
2. Ek sal na afloop van die dagprogramme met u in gesprek tree.
3. Ek sal die HGP observeer vir 'n tydperk van vyf dae, vanaf Maandag tot Vrydag, vir die volle duur van die dagprogramme.
4. Ek verbind my daartoe om nie deel te neem aan die groepsbesprekings nie, omdat dit moontlik die denke van die groepslede wat aan die vraelys sessies deelneem kan beïnvloed.
5. U sal gevra word om moontlike deelnemers aan die vraelys sessie te identifiseer en u sal hulle die geleentheid bied om sonder enige druk of dwang te besluit oor hulle deelname aan die navorsing. Hierdie deelnemers sal twee dae gegee word om u in te lig of hulle wil deelneem aan die vraelys sessie.

3. MOONTLIKE RISIKO'S EN ONGEMAKLIKHEID

U, as 'n deelnemer, moet verstaan dat deelname aan hierdie navorsing moontlik 'n mate van ongemak vir u kan veroorsaak, aangesien dit moontlike pynlike herinneringe aan u misdaad en vorige ervarings kan oproep.

Ek verbind myself daartoe om deelnemers wat sodanige ongemak ervaar na die hoof maatskaplike werker (Mev. R. Adams, Voorberg Medium B, 022 931 8040) en die kapelaan (ds. M. Frantz, Voorberg Bestuursarea, 022 931 8019), vir beradering te verwys. Ek sal met aanvang van die onderhoude sowel die hoof-maatskaplike werker as die kapelaan aan die groepslede voorstel.

'n Beampte van die Departement Korrektiewe Dienste sal aangestel word om te verseker dat alle deelnemers gedurende die sessies aan die veiligheids en sekuriteit regulasies van die Departement voldoen.

Ek sal alle deelnemers inlig dat ek ook die voorsitter is van die Korrektiewe Toesig en Parool Raad (KTPR). Vir die doel van hierdie navorsing sal ek egter nie in my hoedanigheid as voorsitter van die KTPR optree nie, en die beleid en direktiewe wat die werk van die voorsitter reguleer, sal nie tydens hierdie studie van toepassing wees nie. Ek verbind my daartoe om geensins bevooroordeel te wees nie en geen voorkeur te verleen aan enige van die deelnemers wat in die toekoms voor die Korrektiewe Toesig en Parool Raad (KTPR) sal verskyn vir moontlike oorweging vir parool nie. Sodanige besluite word nie deur een persoon geneem nie, maar deur 'n komitee. Die voorsitter het geen veto-besluitnemings reg nie en moet hom by die besluit van die KTPR berus.

4. MOONTLIKE VOORDELE VIR PROEFPERSONE EN/OF VIR DIE SAMELEWING

U, moet verstaan dat u deelname geen voordele vir u inhou (in die vorm van vergoeding) nie, en dat deelname geen effek sal hê op toekomstige paroolbesluite, wat deur die KTPR en nie deur die navorser gemaak word nie.

5. VERGOEDING VIR DEELNAME

Geen

6. VERTROULIKHEID

Enige inligting wat deur die navorsing ingewin word en wat geïdentifiseer kan word, sal vertroulik gehou word en slegs met u toestemming of soos deur die wet vereis bekend gemaak word. Vertroulikheid sal gehandhaaf word deur geen name of geboorte datums aan my bekend te maak nie.

Die resultate van hierdie navorsing sal deur die Universiteit Stellenbosch en aan die Navorsing - afdeling van die Departement Korrektiewe Dienste in vorm van 'n tesis bekend gemaak word.

Indien die resultate van die navorsing gepubliseer word, sal die persoonlike besonderhede van die deelnemers nie bekend gemaak word nie.

Alle data wat deur hierdie navorsing ingewin word, sal in 'n sluitbare kabinet in my kantoor toegesluit word. Niemand anders sal toegang tot die inligting hê nie.

7. DEELNAME EN ONTTREKKING

U kan self besluit of u aan die studie wil deelneem of nie. Indien u inwillig om aan die studie deel te neem, kan u enige tyd u daaraan onttrek sonder enige nadelige gevolge. U kan ook weier om op bepaalde vrae te beantwoord, maar steeds aan die studie deelneem. Ek kan u van hierdie studie onttrek indien omstandighede dit noodsaak.

8. IDENTIFIKASIE VAN ONDERSOEKERS

Indien u enige vrae of besorgdheid omtrent die navorsing het, staan dit u vry om in verbinding te tree met Joseph Jonkers by Voorberg Korrektiewe Dienste, Privaatsak X2, Porterville, 6810, by die volgende kontakbesonderhede: landlyn 022 931 8147 of e-pos Joseph.Jonkers@dcs.gov.za.

U kan ook met my studieleier, dr. D.X. Simon, by 021 8083575/021 8083636, Dorpsstraat 171, Stellenbosch, 7600 of e-pos dsimon@sun.ac.za in verbinding tree.

9. REGTE VAN DEELNEMERS

U kan te eniger tyd u inwilliging terugtrek en u deelname beëindig, sonder enige nadelige gevolge. Deur deel te neem aan die navorsing doen u geensins afstand van enige wetlike regte, eise of regsmeddele nie. Indien u vrae het oor u regte as deelnemer, skakel met Me. Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) van die Afdeling Navorsingsontwikkeling, by die Universiteit van Stellenbosch.

VERKLARING DEUR DEELNEMER OF SY/HAAR REGSVERTREENWOORDIGER

Die bostaande inligting is aan my,[naam van deelnemer], deur Joseph Jonkers [naam van die betrokke persoon] in [Afrikaans/Engels/Xhosa/ander] gegee en verduidelik [ek is/die deelnemer is] dié taal magtig of dit is bevredigend vir [my/hom/haar] getolk. [Ek/die deelnemer] is die geleentheid gebied om vrae te stel en hierdie vrae is tot [my/sy/haar] bevredigend beantwoord.

[*Ek willig hiermee vrywillig in om deel te neem aan die studie/Ek gee hiermee my toestemming dat die deelnemer aan die studie deelneem.*] 'n Afskrif van hierdie vorm is aan my gegee.

Naam van deelnemer

Naam van regsverteenvoordiger (indien van toepassing)

Handtekening van deelnemer of regsverteenvoordiger

Datum

VERKLARING DEUR NAVORSER

Ek, Joseph Jonkers, verklaar dat ek die inligting in hierdie dokument aan[naam van die deelnemer] en/of [sy/haar] regsverteenvoordiger.....[naam van die regsverteenvoordiger], verduidelik het. [Hy/sy] is aangemoedig en oorgenoeg tyd gegee om vrae aan my te stel. Dié gesprek is in [Afrikaans/Engels/Xhosa/ander] gevoer en [geen tolk is gebruik nie/die gesprek is in _____ getolk deur _____].

Handtekening van navorser

Datum

Annexure 3



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STELLENBOSCH UNIVERSITY

CONSENT TO PARTICIPATE IN RESEARCH

(PARTICIPANTS TO PARTICIPATE IN THE OBSERVATION SESSION)

You are requested to participate in a research study conducted by **Joseph Jonkers, a Theology master's student at Stellenbosch University**. The title of the study is: "*Socio-religious factors in a Restorative Justice programme: An evaluative study of the impact on (ex-) offenders at Voorberg Correctional Centre*".

The purpose of this study is to explore and evaluate the short-term and long-term impact of the social and religious dimensions of a Restorative Justice programme on the awareness, perceptions, attitudes and behavioral change of offenders at Voorberg Correctional Centre. I, the researcher will also focus on aspects of human dignity, forgiveness and reconciliation between offenders, victims and communities. I, the researcher also will highlight the offender's experiences regarding the aspect of trust towards the community, as well as restoring justice for the victims and those who are affected by the crimes (e.g. families and communities).

The results of the research will contribute to my research thesis. You were selected as a possible participant in this study because you participated in the Restorative Justice Programme (RJP) as well as other rehabilitation programmes of the Department of Correctional Services at Voorberg Correctional Centre.

10. PURPOSE OF THE STUDY

The study seeks to explore and evaluate the short-term and long-term impact of the social-religious dimensions of the RJP on the awareness, perceptions, attitudes and behavioral change of offenders.

11. PROCEDURES

If you volunteer to participate in this study, the following procedure will follow:

Phase 1

1. You will sign a consent form that will allow me as the researcher to observe your participation, in the RJP.
2. I will ask your permission to allow me access to basic information in your case file such as the type of crime committed, the length of your sentence, completions of a minimum sentence period, whether it was a first offence or not and your religious orientation.
3. As a participant observer, I will make field notes on how you as programme participant react to the programme information.
4. I will have discussions with the programme facilitators after the daily programme.
5. I will be an observer of the RJP for a period of five days, from Monday to Friday, for the duration of the daily programme.
6. The information gained through the actions described in points 2 to 5 will be used to draw up a questionnaire and an interview schedule.
7. I will make field notes that will influence the construction of the questionnaire that will be used in Phase 2 of the research.
8. I commit myself to not taking part in the group discussions because it might influence the thinking of group members participating in the questionnaire sessions.

3. POTENTIAL RISKS AND DISCOMFORTS

You, as a participant, must understand that being part of this research may cause discomfort to you as you may recall painful memories of your crime and past experiences.

I commit myself to referring participants that might experience such discomfort to the chief social worker (Ms R. Adams, Voorberg Medium B, 022 931 8040) and the chaplain (Rev. M. Frantz, Voorberg Management Area, 022 931 8019) for counseling. I will introduce both the social worker and the chaplain to the group members at the beginning of the interviews.

An official of the Department of Correctional Service will be appointed to ensure that all the participants comply with the safety and security regulations of the Department, during the research sessions.

I will inform all participants that I am also the chairperson of the Correctional Supervision and Parole Board (CSPB). For the purpose of this research, I will not act in my capacity of the chairperson of the CSPB and the policies and the directives that regulate the work of the chairperson are not applicable during this research. I commit myself to not being prejudiced or to favouring any of the participants in the future, should they appear before the CSPB for consideration for possible placement on parole. Such decisions are not taken by one person, but by a committee. The chairperson does not have a veto decision-making vote and must abide by the decision of the CSPB.

4. POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

You, as participants, must understand that your participation can neither hold any benefit (in the form of compensation) to you, nor will your participation have an effect on future parole decision, which will be taken by the CSPB and not the researcher.

5. PAYMENT FOR PARTICIPATION

None

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified will remain confidential and will be disclosed only with your permission or as required by law. Confidentiality will be maintained. You will not disclose your names or dates of birth.

The results of this research will be provided to Stellenbosch University and the Research Division of the Department of Correctional Services in the form of a thesis.

If the results of this research are published, the personal details of the participants will be withheld.

All the data that will be collected through this research will be kept in a lockable cabinet in my office. No one else will have access to the data.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether you want to participate in this study or not. If you volunteer to participate you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you do not want to answer and may still remain in the study. I may withdraw you from this research if circumstances arise that warrant doing so.

8. IDENTIFICATION OF INVESTIGATORS

If you have any questions or concerns about the research, please feel free to contact, Joseph Jonkers (principle researcher) at Voorberg Correctional Centre, Private Bag X 2, Porterville 6810 at the following contact details: landline, 022 931 8147 or e-mail Joseph.Jonkers@dcs.gov.za.

Alternatively, you may contact my supervisor, Dr. D.X. Simon at 021 8083575/021 8083636, 171 Dorp Street, Stellenbosch, 7600 and e-mail dsimon@sun.ac.za.

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a participant, contact Ms Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) at the Division for Research Development, Stellenbosch University.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me.....[name of participant]..... by Joseph Jonkers in English and in Afrikaans and [I am /the participant is] in command of this language or it was satisfactorily interpreted to [me/him/her]. I, the participant was given the opportunity to ask questions and these questions were answered to [my/his/her] satisfaction.

[I hereby consent voluntarily to participate in this study/I hereby consent that the subject/participant may participate in this study]. I have been given a copy of this form.

Name of Participant

Name of Legal Representative (if applicable)

Signature of Participant or legal representative

Date

DECLARATION BY RESEARCHER

I, Joseph Jonkers, declare that I explained the information given in this document to _____ [name of the participant]. [He/she] was encouraged and given ample time to ask me any questions. This conversation was conducted in English and no interpreter was used.

Signature of researcher

Date

Bylaag 3



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INWILLIGING OM DEEL TE NEEM AAN NAVORSING (DEELNEMERS AAN DIE OBSERVASIE SESSIE)

U word versoek om deel te neem aan 'n navorsingstudie uitgevoer deur Joseph Jonkers, 'n meestersgraadstudent in Teologie aan die Universiteit Stellenbosch. Die titel van die studie is: *“Sosiaal-godsdienstige faktore in 'n herstellende geregtighedsprogramme: 'n Evalueerende studie van die impak op (gewese) gevangenes by Voorberg Korrektiewe Sentrum”*.

Die doel van die navorsing is om die korttermyn en langtermyn impak van die sosiale en godsdienstige dimensies van 'n Herstellende Geregtighedsprogramme, op die bewustheid, persepsie, houdings en gedragverandering van by oortreders by Voorberg Korrektiewe Sentrum te verken en te evalueer. Ek, die navorser, gaan ook fokus op aspekte van menswaardigheid, vergifnis en versoening tussen oortreders, slagoffers en gemeenskappe. Ek sal ook die oortreders se ervaring rakende die aspek van vertroue teenoor die gemeenskap asook die herstel van geregtigheid vir die slagoffers en diegene wat deur misdaad geraak is, (bv. families en gemeenskappe), uitlig.

Die resultaat van die navorsing sal bydra tot my finale navorsingstesis. U is as moontlike deelnemer aan die studie gekies omdat u aan die Herstellende Geregtighedsprogramme (HGP) asook ander rehabilitasieprogramme van die Departement Korrektiewe Dienste by Voorberg Korrektiewe Sentrum deelgeneem het.

1. DOEL VAN DIE STUDIE

Die doel van die studie is om die korttermyn en langtermyn impak van die sosiaal-godsdienstige dimensies van die Herstellende Geregtighedsprogramme (HGP) op die bewustheid, persepsies, houdings en gedragverandering van oortreders te verken en te evalueer.

2. PROSEDURES

Indien u inwillig om aan die studie deel te neem, sal die volgende prosedure gevolg word:

Fase 1

1. U sal 'n inwilligingsvorm onderteken wat my as die navorser sal toelaat om u deelname aan die HGP waar te neem.

2. Ek sal u toestemming vra om toegang te verkry tot basiese inligting in u geëvalueer, soos die soort misdaad gepleeg, die lengte van die vonnis, voltooiing van minimum gevangenesstraf, of dit 'n eerste oortreding was of nie en u geloofsoortuiging.

3. As waarnemer, sal ek, aantekeninge maak oor hoe u as programmeelneemer op die programmeinhoud reageer.

4. Ek sal na afloop van die dagprogramme met die groepsfasiliteerders in gesprek tree.

5. Ek sal die Herstellende Geregtighedsprogramme (HGP) observeer vir 'n tydperk van vyf dae, vanaf Maandag tot Vrydag, vir die volle duur van die dagprogramme.

6. Die inligting wat verkry word deur die handelinge in punte 2 tot 5 sal gebruik word om 'n vraelys en onderhoudskedule op te stel.

7. Ek sal aantekeninge maak wat die saamstel van die vraelys sal beïnvloed wat in Fase 2 van die navorsing gebruik gaan word.

8. Ek verbind my daartoe om nie deel te neem aan die groepsbesprekings nie, omdat dit moontlik die denke van die groepslede wat aan die vraelys sessies deelneem kan beïnvloed.

3. MOONTLIKE RISIKO'S EN ONGEMAKLIKHEID

U, as 'n deelnemer, moet verstaan dat om deelname aan hierdie navorsing moontlik 'n mate van ongemak vir u kan veroorsaak, aangesien dit moontlike pynlike herinneringe aan u misdaad en vorige ervarings kan oproep.

Ek verbind myself daartoe om deelnemers wat sodanige ongemak ervaar na die hoof maatskaplike werker (Mev. R. Adams, Voorberg Medium B, 022 931 8040) en die kapelaan (ds. M. Frantz, Voorberg Bestuursarea, 022 931 8019), vir beradering te verwys. Ek, sal met aanvang van die onderhoude sowel die hoof-maatskaplike werker as die kapelaan aan die groepslede voorstel.

'n Beampte van die Departement Korrektiewe Dienste sal aangestel word om te verseker dat alle deelnemers gedurende die sessies aan die veiligheids en sekuriteit regulasies van die Departement voldoen.

Ek sal alle deelnemers inlig dat ek ook die voorsitter is van die Korrektiewe Toesig en Parool Raad (KTPR). Vir die doel van hierdie navorsing sal ek egter nie in my hoedanigheid as voorsitter van die KTPR optree nie, en die beleid en direktiewe wat die werk van die voorsitter reguleer, sal nie tydens hierdie studie van toepassing wees nie. Ek verbind my daartoe om geensins bevooroordeel te wees nie en geen voorkeur te verleen aan enige van die deelnemers wat in die toekoms voor die Korrektiewe Toesig en Parool Raad (KTPR) sal verskyn vir moontlike oorweging vir parool nie. Sodanige besluite word nie deur een persoon geneem nie, maar deur 'n komitee. Die voorsitter het geen veto-besluitnemings reg nie en moet hom by die besluit van die KTPR berus.

4. MOONTLIKE VOORDELE VIR PROEFPERSONE EN/OF VIR DIE SAMELEWING

U, moet verstaan dat u deelname geen voordele vir u inhou (in die vorm van vergoeding) nie, en dat deelname geen effek sal hê op toekomstige paroolbesluite, wat deur die KTPR en nie deur die navorser gemaak word nie.

5. VERGOEDING VIR DEELNAME

Geen

6. VERTROULIKHEID

Enige inligting wat deur die navorsing ingewin word en wat geïdentifiseer kan word, sal vertroulik gehou word en slegs met u toestemming of soos deur die wet vereis bekend gemaak word. Vertroulikheid sal gehandhaaf word deur geen name of geboorte datums aan my bekend te maak nie.

Die resultate van hierdie navorsing sal deur die Universiteit Stellenbosch en aan die Navorsing - afdeling van die Departement Korrektiewe Dienste in vorm van 'n tesis bekend gemaak word.

Indien die resultate van die navorsing gepubliseer word, sal die persoonlike besonderhede van die deelnemers nie bekend gemaak word nie.

Alle data wat deur hierdie navorsing ingewin word, sal in 'n sluitbare kabinet in my kantoor toegesluit word. Niemand anders sal toegang tot die inligting hê nie.

7. DEELNAME EN ONTTREKING

U kan self besluit of u aan die studie wil deelneem of nie. Indien u inwillig om aan die studie deel te neem, kan u enige tyd u daaraan onttrek sonder enige nadelige gevolge. U kan ook weier om op bepaalde vrae te beantwoord, maar steeds aan die studie deelneem. Ek kan u van hierdie studie onttrek indien omstandighede dit noodsaak.

8. IDENTIFIKASIE VAN ONDERSOEKERS

Indien u enige vrae of besorgdheid omtrent die navorsing het, staan dit u vry om in verbinding te tree met Joseph Jonkers by Voorberg Korrektiewe Dienste, Privaatsak X2, Porterville, 6810, by die volgende kontakbesonderhede: landlyn 022 931 8147 of e-pos Joseph.Jonkers@dcs.gov.za.

U kan ook met my studieleier, dr. D.X. Simon, by 021 8083557/021 8083636, Dorpstraat 171, Stellenbosch, 7600 of e-pos dsimon@sun.ac.za in verbinding tree.

9. REGTE VAN DEELNEMERS

U kan te eniger tyd u inwilliging terugtrek en u deelname beëindig, sonder enige nadelige gevolge. Deur deel te neem aan die navorsing doen u geensins afstand van enige wetlike regte, eise of regsmiddele nie. Indien u vrae het oor u regte as deelnemer, skakel met Me. Maléne Fouché (mfouche@sun.ac.za; 021 808 4622) van die Afdeling Navorsingsontwikkeling, by die Universiteit van Stellenbosch.

VERKLARING DEUR DEELNEMER OF SY/HAAR REGSVERTREENWOORDIGER

Die bostaande inligting is aan my,[naam van deelnemer], deur Joseph Jonkers [naam van die betrokke persoon] in [Afrikaans/Engels/Xhosa/ander] gegee en verduidelik[ek is/die deelnemer is] dié taal magtig of dit is bevredigend vir [my/hom/haar] getolk. [Ek/die deelnemer] is die geleentheid gebied om vrae te stel en hierdie vrae is tot [my/sy/haar] bevrediging beantwoord.

[*Ek willig hiermee vrywillig in om deel te neem aan die studie/Ek gee hiermee my toestemming dat die deelnemer aan die studie deelneem.*] 'n Afskrif van hierdie vorm is aan my gegee.

Naam van deelnemer

Naam van regsverteenvoordiger (indien van toepassing)

Handtekening van deelnemer of regsverteenvoordiger

Datum

VERKLARING DEUR NAVORSER

Ek verklaar dat ek die inligting in hierdie dokument aan[*naam van die deelnemer*] en/of [sy/haar] regsverteenvoordiger.....[*naam van die regsverteenvoordiger*], verduidelik het. [Hy/sy] is aangemoedig en oorgenoeg tyd gegee om vrae aan my te stel. Dié gesprek is in [*Afrikaans/Engels/Xhosa/ander*] gevoer en [*geen tolk is gebruik nie/die gesprek is in _____ getolk deur _____*].

Handtekening van navorser

Datum

Goedgekeur Subkomitee A 25 Oktober 2004

ANNEXURE 4

Semi-structured group interview schedule

Interviewing is a method of collecting information.

The primary purpose of semi-structured interviews in this study is to assist the researcher in getting a better understanding of the offenders' experience of the RJP (Restorative Justiceprogramme).

A questionnaire will be given to all the participants. The researcher will read the questions and will give you the opportunity to discuss the questions and allow you to share your opinions, after which you will complete the questionnaire.

Open questions will be used.

Personal information of offender:

(All information will be confidential)

Crime committed:

Sentence period:

First incarceration:

YES	NO
------------	-----------

Minimum detention period:

Religion:

(Completion of RJP)

YES	NO
------------	-----------

Questionnaire

Group 1:

(Offenders that did participated in the R.J. programme)

Testing your knowledge and understanding of the RJP

1. What do you think is the aim of the RJP in which you participated?

.....

2. What were the most important things that you have learnt from the RJP?

.....

3. Has the RJP helped you to forgive yourself and think about asking forgiveness from your victims?

If so, how would you do it?

.....

4. What do you understand by reconciliation?

.....

5. What do you think you can do to heal or restore your relationship with your:

a) your victims,

.....

b) your family, and

.....

c) your community?

.....

6. What will you do to ask forgiveness from your victims?

.....

7. How did the RJP impact on your religion and spirituality?

.....

8. Did the RJP assist you to acknowledge your guilt?

.....

9. How did the RJP help you to interact with God, in terms of the following:

a) prayer,

.....

b) confession, and

.....

c) thanksgiving?

.....

Testing the impact of the RJP:

10. If you look back after completing and participating in the RJP:

How did the programme influence your thinking about crime?

.....

11. How did the programme help you to begin thinking about your personal integration into the different sectors of the community, for example:

a) sports,

.....

b) employment,

.....

c) religious communities, and

.....

d) education?

.....

12. Did you attend other rehabilitation programmes during your incarceration?

.....

Group 2:

(Offenders that did not attend the RJP, but attend other rehabilitation programmes)

Questionnaires:

Testing knowledge and understanding of RJP

1. Are you aware of the RJP (Restorative Justice Programme)?

.....

2. What do you think is the aim of the RJP?

.....

Awareness raising:

3. How do you feel about the people that you have harmed through your crime?

.....

4. Do you think it is possible to ask forgiveness and how would you do it?

.....

5. What do you think about restoring your relationship with your:

a) victims,

.....

b) family, and

.....

c) community?

.....

6. What do you understand by reconciliation?

.....

7. What do you think you can do to heal or restore your relationship, with your;

a) victims,

.....

b) family, and

.....

c) community?

.....

Perception:

8. What was your experience of the rehabilitation programmes that you attended?

.....

9. How did the programmes that you attended help you to think about your personal integration into the different sectors of the community, for example:

a) sports,

.....

b) employment,

.....

c) religious community, and

.....

d) education?

.....

10. If you are given the privilege, would you attend the RJP?

.....

THANK YOU FOR YOUR PARTICIPATION

BYLAAG 4

Semi- gestrukteerde groepsonderhouds schedule:

Onderhoude is 'n metode om data te versamel. Die primêredoel van semi gestrukteerde onderhoude in hierdie studie is om die navorser te help om 'n beter begrip te kry van oortreders se ervaring van die Herstellende Geregtigheidsprogramme.

'n Vraelys sal aan al die deelnemers oorhandig word. Die navorser sal die vrae voorlees en u dan geleentheid gee om die vrae te bespreek en u mening te deel. Hierna sal u die vraelys in vul.

Oop vrae sal gebruik word.

PERSOONLIKE INLIGTING VAN OORTREDERS:

(Die inligting sal vertroulik gehanteer word)

Misdaadgepleeg:

Gevangenisstraf periode:.....

Eerste gevangenskap:

JA	NEE
----	-----

Minimum gevangenis-periode:

Geloof:

Voltooiing van die HGP?

JA	NEE
----	-----

VRAELYS:

Groep 1

(Oortreders wat aan die HGP deel geneem het.)

Toets u kennis en begrip van die HGP

1. Wat dink u is die doel van die HGP (Herstellende Geregtigheids programme), waaraan u deel geneem het?
.....
2. Wat was die belangrikste dinge wat u uit die HGP geleer het.?
.....
3. Het die HGP u gehelp om uself te vergewe en daaraan te dink om vergifnis van u slagoffers te vra? Indien wel, hoe sal u dit doen?
.....
4. Wat verstaan u onder versoening?
.....
5. Wat dink u kan u doen om u verhouding met die volgende partye te herstel:
 - a) U slagoffers,
.....
 - b) U familie, en
.....
 - c) U gemeenskap?
.....
6. Wat sal u doen om vergifnis van u slagoffers te vra?
.....
7. Wat was die impak van die HGP op u geloof en geestelikheid?
.....
8. Het die HGP u gehelp om u skuld te erken?
.....
9. Hoe het die HGP u gehelp met u persoonlike interaksie met God in terme van die volgende:
 - a) gebed,
.....
 - b) belydenis, en
.....
 - c) danksegging?
.....

Toets die impak van die HGP

10. As u terugkyk na u voltooiing en deelname aan die HGP: Hoe het die programme u denke oor misdaad beïnvloed?

.....
11 Hoe het die programme u help nadink oor u persoonlike integrasie in die verskillende sektore van die gemeenskap, byvoorbeeld:

(a) sport,
.....

b) werksgeleentheid,
.....

c) godsdienstige gemeenskappe, en
.....

d) opvoeding?
.....

12. Het u aan enige ander rehabilitasieprogramme gedurende u gevangenisstraf deelgeneem?
.....

Groep 2:

(Oortreders wat nie die HGP nie, maar wel anderprogramme bygewoon het)

Vraelys:

Toets u kennis en begrip van die HGP

1. Is u bewus van die HGP (Herstellende Geregtigheidsprogramme)?
.....

2. Wat dink u is die doel van die HGP?
.....

Bewusmaking

3. Hoe voel u oor die slagoffers wat u met u misdaad leed aangedoen het?
.....

4. Dink u u kan vergifnis vra en hoe beplan u om dit te doen?
.....

5. Wat dink u van die herstel van u verhouding met:

a) U slagoffers,
.....

b) U familie, en
.....

c) U gemeenskap?
.....

6. Wat verstaan u onder versoening?
.....

7. Wat dink u kan u doen om u verhouding met die volgende partye te herstel of te genees:

a) slagoffers,
.....

b) familie, en
.....

c) gemeenskap?
.....

Persepsie:

8. Wat was u ervaring van die rehabilitasieprogramme wat u bygewoon het?
.....

9. Hoe het die programme wat u bygewoon het, u laat nadink oor u persoonlike integrasie in die verskillende sektore van die gemeenskap, byvoorbeeld:

a) sport,
.....

b) werksgeleentheid,
.....

.....
c) godsdienste gemeenskappe, en

.....
d) opvoeding?

.....
10. Indien u die voorreg gegee word, sal u die HGP bywoon?

.....
BAIE DANKIE VIR U DEELNAME