

Restorative Justice, an Antidote For Insecurity and Underdevelopment in Nigeria: A Philosophical Approach

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Abstract

This paper explores how restorative justice can be used as antidote in regaining Nigeria's lost glory of being the giant of Africa. No nation can ever develop to meet up with United Nation's vision and target of sustainable development goals by 2030 without peace and sincere disposition of justice that is aimed at repairing harm, settling disputes in a community between two warring parties. The paper demonstrates beyond reasonable doubt that injustice, trivial sentiment of religion, ethnicity, social class and political affiliation has been the divisive agents among people in Nigeria thereby bringing about mistrust and animosity among citizens. The paper also argues that, if Nigeria will know peace and development, a holistic approach to handling justice between victim(s) and offender(s) by relevant stakeholders must be adopted. Exploratory research design was used and the paper concludes that restorative justice should be the preferred justice system in Nigeria since it geared towards repairing harm and genuine commitment toward building free and fair communities.

Key words: Restorative justice, Antidote, Insecurity, Underdevelopment, Victim(s), Offender(s)

Introduction

Nigeria, in the past years was considered the giant of Africa. But needless to say, today various indices ranging from corruption, bad leadership and governance, injustices, high mortality rate as a results of kidnapping for ransom, ethnic cleansing and incessant killings by Fulani Herdsmen Terrorists (FHT) Boko Haram Terrorist (BHT) attacks on citizens, diseases, hunger, killings for ritual purposes, structural violence (police brutality, gender base abuses, sexual assault, etc) trafficking in persons, has made her a sleeping giant. The country is the third among the five most security risk zones in the world (Travel Risk Map, 5). No doubt that the sad news of mass killings from these terrorist groups and other nefarious means has become a household phenomenon. The recent one in the country among others was the attack on the Abuja-Kaduna bound train on 28th March, 2022 where many people were killed and others kidnapped and others still missing as reported by Dirisu Yakubu of Vanguard News paper on March 31st 2022. Every day the national dailies are full of reports of such cases predisposing the country to negative consequences thereby losing its international reputation (Aliyu, Binta and Musa 149).

In fact, Joseph asserts that one may not be wrong if he attribute these myriad of challenges confronting the country to injustice most especially from the elites on the basis of either ethnic or religious affiliations. This is occasioned by the lopsidedness in the sighting of government projects and other basic social amenities, employment opportunities and the complicity of government at both the centre and state on the upsurge of terrorism (151).

Suffices it to say; is the Nigerian situation as Omoregbe rightly observes:

The immorality of citizens of a nation is the greatest hindrance to the development of that nation. A country where egoism rules; where public funds meant for developmental project are diverted into private and selfish goals; where the citizens are bereft of sense of duty, sense of moral responsibility and social accountability. A country where bribery and corruption have become the currency of its social exchange; where law enforcement agents can easily collect bribe from criminals and economic saboteur and set them free; where judges take bribe and acquit the criminal guiltless, while the innocent or victim is denied justice. A country where teachers collect gifts or demand sex from students to award them high grades, while the brilliant ones take second place. A

country where businessmen and women import and sell to fellow citizens adulterated and fake products just to make gain can hardly develop. This kind of society places premium on material achievement at the expense of the dignity of human person. It is a society that pursues development from purely a materialistic worldview jettisoning the ethical and spiritual aspect (148).

The above assertion from Omorgbe, purely defined the Nigerian situation. Therefore, this paper seek to proffer solution to these problems which largely hinges on injustice and a dimensional 'retributive' criminal justice system which to many is archaic today by introducing the 'restorative' justice system as antidote to these myriad of issues threatening the peaceful co-existence of the Nigerian state.

This is so because criminal justice system in Nigeria as in many other countries is 'retributive'. It is concerned with 'retribution' and punishing the offender, concentrating more on the crime itself than on the people involved, which is often not in the best interests of the victim, the offender, or society in general (Comfort 1). Furthermore, Comfort opines that in contrast to the retributive criminal justice system that is dimensional in nature and that it focuses on punishment, while restorative justice (RJ) is based on the principle that justice is best served when there is a balanced response to the needs of citizens, the offender and victims (1). Restorative justice is a much better system which is rapidly gaining recognition that deals with misconducts, offences and conflict. It is also a form of rediscovery of the victim in the criminal process. The victim, the community and the offender must be viewed as clients of the justice system, and must be involved meaningfully as co-participants in a holistic justice process.

Conceptual Frame Work

Restorative Justice

Restorative justice is a major development in human thought grounded in traditions of justice from ancient Arab, Greek, and Roman civilization (Van Ness, 1986 cited in Braithwaite 3). It involves a very different way of thinking about traditional notions of justice such as deterrence, rehabilitation, incapacitation and crime prevention. It also means transformed foundations of criminal jurisprudence and of the notions of freedom. Restorative justice views crime as an event that harms the victim, the offender, and the community; and it views the community's response to crime as an effort to address those harms through various means (Van Ness and Karen 1). Restorative justice is also the emergence of a new pattern of thinking about crime and how a society can best respond to it.

The restorative justice movement is also part of the recent rediscovery of the necessity and power of informal social processes within modern social life. Restorative justice reforms seek to reinvigorate the informal social control capacity of communities by engaging direct stakeholders in the justice process (Bazemore and Schiff, 68). That if crime is the result of a breakdown in community norms, in the long run, it is the rebuilding of those norms that will prevent future crime and contribute to public safety. Therefore; community policing, community-based schools, strength-based family services and community development are some of the ongoing strategy used by restorative justice agents to strengthen networks of relationships among citizens and encourage greater responsibility in addressing human need in partnership with formal systems (Braithwaite 6).

The idea of restorative justice as a method of bringing together all stakeholders in a free dialogue is because of the consequences of injustice and in what need to be done to put them right. And this idea is an alternative that has a very different value framing than punitive justice. A perfect restorative process is that in which all stakeholders have their say and that can result in a free and fair democratic decision of all concern without any punitive outcome. It should involve a mediation process between an offender and a victim on a face to face meeting that might result in a richer result of restorative values such as apology, repairing of harms, forgiveness, and reconciliation.

A key policy goal of restorative justice reform, therefore, is the redefinition of the respective roles of government and community and a significant devolution of authority to respond to crime through balanced partnerships between public systems and stakeholders within the community (Van Ness and Karen, 174).

The proposed definition of "restorative justice" is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders. And it uses four "cornerposts": "encounter," which identifies the harms caused by the crime; "amends," which develops means of addressing the harms; "reintegration," which marshals community resources for the benefit of victims and

offenders; and "inclusion," which includes victim input and participation in any formal criminal proceedings.

Peace

The concept 'peace' has been seen and defined differently at different times, at deferent scenario and by different people. It does not necessary connote the absence of war because there can be peace even when there is war, as in situations when there are peaceful interactions between countries that are engaged in active war. For example, the Palestinians and Israelis have been able to establish peaceful use of water resources, even as the war between them has raged (Ibeanu 3).

Nonetheless, peace is also interpreted from two common standpoints: the instrumentalist perspective and the functionalist perspective. The former argues that peace is a means to an end that is; the absence of war serves the end of social progress and development meaning without war, there will be no development while the later holds to the view that peace on its own means development as it serves as the institution of order and social structure in the society (Ibeanu 4).

It is nonetheless unfortunate to state that; the current breakdown of law and order experienced today in Nigeria can be attributed to the instrumentalist standpoints of view as the elite in the country have on different occasions from their utterances and actions portrays themselves as beneficiaries to this rising insecurity by their complicity to manage the situation from its inception thereby defending the acts and its perpetrators. Joseph in his views opined that the Nigerian elite mostly politicians are now merchants of war as many of them curves out public fund to private ventures in the name of security votes since no one can query it thereby sought to distort the facts by way of twisting and misrepresenting the account of the genesis of the problem so as not to attend to it (151-155).

Reports has it as covered by several dailies in the country on how government officials saddled by the constitution of protecting the citizens and their properties decides to stoop low thereby supporting and justifying the acts of terror committed against their citizens on the grounds of either political, ethnic or religious affiliations as in the case of incessant killings of Christians in Southern Kaduna by the Fulani Terrorist Groups as reported by This Day online News Paper of July 25th 2020 around 12:38pm by John Shiklam where the state Governor Mall. Nasir Ahmed El-rufia and the Presidents spokesperson Garba Shehu were heard justifying the killings.

Another good example to buttress to this point is the suspension and subsequent dismissal of a popular Imam of the Apo Assembly quarters mosque in the Federal Capital Territory Sheik Nuru Khalid on April 4th 2022 by the committee of the mosque through her Chairman Senator Saidu Dansadau because of a sermon made by the sheik on the state of insecurity in the country with particular reference to the attack on the Abuja-Kaduna bound train on the 28th March 2022 in Rijana Kaduna State suspected to be done by Boko Haram Terrorist Group and a splinter group of Islamic State of West Africa (ISWAP) and Ansaru group.

The renowned Sheik who is popularly known as "Imam of Peace" is also known with his style of sermon where he often call on government to live up to their constitutional responsibilities of protecting lives and properties of citizens since before the inception of this regime.

Sustainable Development

Ugo 2008 cited in Aliyu, Binta and Adamu (151) describe sustainable development as a construct which envision development as meeting the need of the present generation without compromising the needs of the future generation. A cursory look at this description implies that sustainable development is a situation whereby basic operational structures and processes that would ensure the continues development of a nation are established and are working efficiently. It is an organized principle for meeting human developmental needs within a set targeted period of time.

Obodoegbubulam 2011 cited in Grace (4) defines sustainable development as the balancing of the fulfillment of human needs with protection of natural environment so that these needs can be met, not only with the present but in the indefinite future.

The Sustainable Development Goals (SDGs) or Global Goals are a collection of 17 interlinked global goals designed to be a "blueprint to achieve a better and more [sustainable](#) future for all".

Though the goals are broad and interdependent, two years later (6 July 2017) the SDGs were made more "actionable" by a [UN](#) Resolution adopted by the General Assembly. The resolution identifies [specific targets](#) for each goal, along with indicators that are being used to measure progress

toward each target. The year by which the target is meant to be achieved is usually between 2020 and 2030.

This agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace, larger freedom to all and to realize the human rights of all as well as to achieve gender equality and the empowerment of all women and girls.

The three basic goals of economic sustainability are: to increase production of goods and services, satisfy the basic needs or reduce poverty and improve equality. And these can never be achieved in an atmosphere of animosity, hatred and disharmony. The social dimension of sustainable development is built on the twin principle of equity and justice.

Theoretical Frame Work

Re-integrative Shaming Theory

Crime, Shame and Reintegration (Braithwaite 1989) gives an account of why restorative justice processes ought to prevent crime more effectively than retributive practices. The core claims are: (1) tolerance of crime makes things worse; (2) stigmatization, or disrespectful, out casting shaming of crime makes crime worse still; while (3) reintegrative shaming, disapproval of the act within a continuum of respect for the offender, disapproval terminated by rituals of forgiveness, prevents crime (Braithwaite 1).

In developing the theory of reintegrative shaming, he was much influenced by the restorative nature of various Asian policing and educational practices, by what he saw as the effectiveness of restorative regulatory processes for dealing with corporate crime both in Asia and the West, and by the restorative nature of socialization in Western families that succeed in raising law abiding children. Essentially, what that child development literature shows is that both permissive parenting that fails to confront and disapprove of children's misconduct and punitively authoritarian parenting both produce a lot of delinquents; delinquency is less likely when parents confront wrongdoing with moral reasoning (Braithwaite 1989). One implication for restorative justice advocates of this substantial body of empirical evidence is that the justice system will do better when it facilitates moral reasoning by families over what to do about a crime as an alternative to punishment by the state. While,

Procedural Justice Theory

The idea of reintegrative shaming is that disapproval is communicated within a continuum of respect for the offender. A key way to show respect is to be fair, to listen, and to empower others with process control, to refrain from bias on the grounds of age, sex or race. More broadly, procedural justice communicates respect (Lind, Tyler and Huo, Y. J. 67).

The Theory of Unacknowledged Shame

Scholars working in the affect theory tradition of Sylvan Tomkins (1962) have a theoretical perspective on why restorative justice should reduce crime based more on the nature of shame as an effect than on shaming, reintegration and stigmatization as practices. According to this perspective shame can be a destructive emotion because it can lead one to attack others, attack self, avoid or withdraw (Nathanson's (1992) compass of shame (56). All of these are responses which can promote crime.

From this perspective, therefore, a process is needed that enables offenders to deal with the shame, and Retzinger (1991) finger by-passed shame as the culprit in the shame-rage spirals that characterize our worst violence domestically and internationally. Almost inevitably arises at some level when a serious criminal offence has occurred. Denial, for example being "ashamed to be ashamed", in Scheff's words, is not an adaptive response. Shame is a normal emotion that healthy humans must experience; it is as vital to motivating us to preserve social bonds essential to our flourishing as is fear to motivating us to flee danger (Moore D. 102).

The above theories explain how restorative justice proves to be the antidote to insecurity and underdevelopment in Nigeria, the researchers find these theories applicable to this paper which explains the philosophical approach in this perspective: philosophically, respect begets respect, so even when one is wrong and respect is employed while correcting the person, the offender will in turn respect the process and the people evolve that are trying to correct him, by so doing the desired goal will be achieved. Also forgiveness benefits both the offender and the offended, through

restorative justice, when forgiveness is offered, both parties benefits as peace and development is achieved.

More so, you cannot respect someone when you fail to listen, to empower others with process control, to refrain from bias on the grounds of age, sex or race. And this can only be obtained in the arena of restorative justice. And this can only be achieved when wisdom is applied, and such wisdom is gain through a philosophical approach.

Lastly, unattended shame is very dangerous, this implies that when an offender is publically dehumanize and digress before the public, the tendency to commit another crime on the offended is very possible, reason that he want to pay back for what he was make to go through. Such tendency is avoidable through restorative justice, when the offender is made to acknowledge his/her wrongs and take responsibility, by so doing crime rate will be reduced to the barest minimum and therefore warrant peace and development in the community.

How Restorative Justice is an Antidote for Insecurity and Underdevelopment in Nigeria

The recent decline in moral values and the increases in social vices associated with the incessant killings of innocent citizens mostly women, children and the aged in the country unabated have raise a concern to individuals and groups.

Groups like Human Right Watch (HRW) and Human Rights Writers Association of Nigeria (HURIWA) have attributed most of these problems to so many factors in the country. Some among such factors are corruption by the highly placed individuals in government, poor economic system, trivial sentiments, incompetency of some government officials, politicization of the military architecture, complicity as well as a political strategy by a few individuals who want to continually remain in the corridors of power etc (Siollun1).

The Boko Haram crisis as well as that of the Islamic State of West Africa Province (ISWAP), the Fulani Terrorist violence and killings in the Northwest and in the middle belt, the separatist agitations in the south east and in the south west, the falling standard of education in the country as a result of an abysmal educational policies which often results to an unending strikes actions by the Academic Unions in the country post a great concern that need the attention of all. If all the above mention will come out and discuss through the medium of "Restorative justice system" insecurity will be long achieved and development takes the lead.

The need for restorative justice as antidote for insecurity and underdevelopment in Nigeria amidst her numerous human and natural resources can never be overemphasis since it involves a holistic approach engaging the community, the victim and the offender. It is also a perfect process in which all stakeholders have their say and which can result in a free and fair democratic decision of all concern without any punitive outcome. It is a mediation process between an offender and a victim on a face to face meeting that might result in a richer result of restorative values such as apology, repairing of harms, forgiveness, and reconciliation. Akin to the above however, restorative justice process best suite our moral values as Africans since our values system hinges on our sense communality.

In Africa, the people don't live for themselves but for each other Mbiti (1969) cited in Friday and Stephen (93). This explains why Opoku (166) rightly observes that "the solidarity of the community is maintained by laws, customs, taboos and set forms of behavior which constitutes the moral code". Opoku's viewpoints stress the inalienable importance of ethics and moral codes in the maintenance of social order and stability in African societies. In other words, African societies were maintained in terms of social order, through the observance of traditional ethical principles and customs. Any violation or disregard of these principles resulted to disorder and social dislocation. In this regard, Tempels rightly observes that:

Africans have traditionally been very conscious of the social dimension of morality. Morality is always seen in the social context. Hence any serious violation of the moral order has a social aspect which involves serious social consequences. The whole society is affected, for every evil act is an anti-social act which has adverse effects on the whole community(45).

Substantiating above views, it is valid and necessary to recognizes and holds firmly to our value as a people for the correct functioning of the society and the welfare of the individuals and the society in general. To violate or go against these orders as religiously legitimated will always be the risk that will continually plunge us into anomaly as we are witnessing today. Therefore, as Africans and as

Nigerians, the only antidote to our myriad of challenges is to adopt “restorative justice” process as the best option for peace and sustainable development in Nigeria.

Conclusion

This paper focused on restorative justice, an antidote for insecurity and underdevelopment in Nigeria: a philosophical approach; as such restorative justice is seen as the preferred to justice if Nigeria must experience peace and sustainable development like other emerging nations of the world like Rwanda, Burkina Faso and South Africa. Justice delayed they said, is justice denied. Therefore, we must all resolve to be just to one another irrespective of creed, race or political affiliation. And the kind of justice we must exemplified should be a sincere one geared towards repairing harm and genuine commitment toward building a free and fair communities.

Recommendations

The following recommendations are proffered toward ensuring a peaceful and a sustainable developed Nigerian society:

- i. There should be more focus and attention on the younger generation so as to catch them young with right moral teachings at homes and in schools.
- ii. Moral education should be made compulsory for all from primary to tertiary levels of our educational sectors irrespective of one's discipline.
- iii. Families are critical social institutions for national development. Therefore; our families' social systems should be seen as such and be giving the desired attention by all.
- iv. Our criminal judicial system should be holistic looking into other judicial requirement such as restoration and not been punitive always.
- v. Our leaders must be sincere and just in the cost of discharging their lawful responsibilities.

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