

EDITORIAL

Theorising restorative justice: feminist kin-making

Joan Pennell*

‘Why, or under what conditions, would they care?’ (Norton, 2020a: 6)

Marieke Norton’s provocative question on safeguarding the mudprawn spurred my own rethinking of a restorative approach to family violence in communities along the coast of the Canadian province of Newfoundland and Labrador. Three decades ago, the primary concern of an early Canadian demonstration of conferencing was to bring family and their kin¹ and community together to nourish care within human-to-human relationships. At that time, our answer to Norton’s question would have been ‘widening the circle’ of supports and protections around all the family members whether they had abused, been abused or, as is so common, both (Pennell & Burford, 1994).

In my view, this theory of change continues to be a valuable contribution, yet not the one that I developed in looking back at the project and what I learned afterwards in different cultural milieus and national jurisdictions about conferencing to address gendered and intergenerational violation. Today, my response to Norton’s question is feminist kin-making. Her focus on caring for the mudprawn points me toward acknowledging the weight of context and imagery in theorising restorative justice.

As a social-environmental anthropologist, Norton presses the zones of caring beyond humans to encompass the mudprawn in the estuarial banks of South Africa. Norton (2020a: 2) asks: can people only see the mudprawn as ‘bait’ extracted live for catching fish, or can we be drawn ‘into acts of care taking’ for this mud burrower and the larger ecosystem? Transforming disregard into regard, Norton (2020a: 6) stresses, ‘What is key ... is the representation of the system as relationships and processes, not as objects that occupy the same space.’ Drawing upon the terminology of the Martinique colonisation critic Aimé Césaire (1972: 42, cited in Norton, 2020b: 177), she explains that ‘thing-ification’ recasts relations as objects whose worth is calculated according to economic and political interests.

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1 Kin refers to extended family and close, personal connections that feel like family.

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1 From objectification to kin-making

Norton (2020b: 174-175) identifies that the objectification of marine life as ‘commodities’ leads to fishery inspectors measuring success by their number of ‘evidence bags’ to fine poachers for their ‘catch’. These penalties fall heavily upon the indigent fishing for subsistence while eliciting only derision from those better-off fishing for sport. The result, she observed, did little for achieving the stated goals of marine law enforcement to protect marine life and promote the well-being of humans and the larger environment.

In a restorative move, Norton argues against championing well-being through reactive penalties and argues for involving all those who would be affected by a decision in its making. This engagement generates a sense of ‘responsibility to not only to self but importantly also to kin, however constituted’ (Norton, 2020b: 181). Such inclusive decision-making and reconstituting the mudprawn as ‘kin’ may appear elusive, although that very challenge has been taken up quite deftly by environmental/green restorative proponents as seen in a special issue of this journal (Pali & Aertsen, 2021).

Norton’s conclusions make eminent sense in the context of reversing family violence. As I explain, one major departure from Norton, though, is my qualifying the kin-making as feminist. Gendered and intergenerational harms are perpetuated against human children and adults and cherished animals and plants, who are all treated as objects from which to extract psychological, sexual and economic gain and leverage over those victimised (Longobardi & Badenes-Ribera, 2019; Stark & Hester, 2019). This is the moral degeneration that Césaire (1972: 35, 44) observed when ‘colonization works to *decivilize* the colonizer, to *brutalize* him’ and destroy ‘cooperative societies, fraternal societies’ built on kinship.

Patterns of domination and coercion within the home are fuelled by wider state, corporate, religious and civil sectors that instigate, inflict and escalate vicious cycles of local and global violence. One has only to think of how intimate partner violence in disparate settings rises during or after war (Guruge et al., 2017; Kwan et al., 2020; Le & My, 2022).

2 Context and imagery

Beyond the substance of Norton’s conclusion, what is equally apropos to family violence is her contextualisation and imagery. The mudprawn’s habitat, as Norton details, encompasses a nexus of biological, social, political and economic entanglements threatening its existence and that of those dependent on the fishery. The complex relationships among families and their cultural networks likewise are distorted by forces stunting the growth of children and adults and threatening the survival of their community.

The evocative image of the mudprawn as ‘live bait’ leads to confronting neoliberal messages that target certain populations. This ideology upholds self-interest and personal responsibility in a market economy and glosses over the domestic and affective production within the home, by an unpaid or underpaid

labour pool (Winter, 2020). The exploitation is heightened by anti-multiculturalism national populism offloading responsibility for caregiving on those with multiple disadvantages (Dietze & Roth, 2020; Putzel, 2020). This is evident in the expectations placed on mothers and daughters of little means in their homes (Featherstone, White & Morris, 2014) and the outsourcing of poorly compensated and ill-regarded caring work by wealthier women to those typed as ‘non-masculine’, such as people of colour (Waller & Wrenn, 2021: 72).

The responsabilisation of marginalised populations not only justifies removing public responsibility for caretaking but also dangling the impoverished as bait to lure further imposition of punitive policies for political advantage. A rampant example in the United States today are increasingly restrictive laws on those seeking an abortion, falling heavily on poor and racialised populations (Tanne, 2022). These groups are castigated as irresponsible in becoming pregnant and morally reprehensible in seeking to end the pregnancy without consideration given to ensuring adequate resources to support families in caring for their newest members.

In reaction, feminists mounted counternarratives of intersectional sisterhood as they mobilised transportation across state borders to clinics where abortion remained legal, funnelling of abortifacient pills into states banning the procedure (Kitchener, 2022), and galvanisation of voters, with notable successes in preserving abortion access in the 2022 midterm elections (Kitchener, Roubein & Bellware, 2022). This ‘feminism for the 99%’ (Emejulu, 2017: 63) reclaimed people seeking abortions as kin rather than as objects to be controlled or exploited. Feminist resistance to domination combined with caregiving to families and communities undergirds my theorising on restorative justice.

3 Responsive theorising

In a recent volume (Pennell, 2023), I proposed a theory of feminist kin-making to explicate why and under what conditions a restorative approach might overturn family violence and yield in return caring to all family members. To my surprise, I concluded that conferencing was remarkably suitable to achieving this aim. This was not my position three decades ago at the time of the Canadian trial demonstration of conferencing when I had expected family violence to be one of the most severe tests of this approach. My work as a child protection worker and then my activism in the battered-women’s movement had heightened my awareness of the prevalence of gendered and intergenerational violence as well as how wider societal conditions undermined families. Nevertheless, back in the 1990s, I moved forward with the project because I believed in people exerting autonomy over their lives and saw conferencing as furthering this aim, an aim that I continue to uphold.

This editorial delineates feminist kin-making as developed in the context of a restorative approach to family violence and, going beyond the book, explores how conceptualising feminist kin-making contributes to theorising restorative justice. The primary argument is that our theorising needs to respond to the context and imagery of specific applications of restorative justice. This argument for responsive

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theorising shares some commonalities with Brunilda Pali's (2017: 37) schema of 'context-dependent strategies' in an integrated approach to sexual violence. According to her schema, what strategies (e.g. criminalisation versus decriminalisation) are adopted should be contingent upon the legal, social and political context. My responsive theorising likewise is context-dependent while its origins differ from Pali's schema.

Feminist kin-making developed less out of criminal law focused on individual offenders and more out of child welfare focused on children and their families. Thus, the context of feminist kin-making is based in family and culture with their emotionally laden imagery pulling toward mutual attachment, identity and responsibility. A comparative study of US restorative programmes addressing gender violence, likewise, found different goals for programmes whose main referrals came from the criminal legal system versus those whose referrals came from child welfare (Pennell, Burford, Sasson, Packer & Smith, 2021). The priority of the former was changing gender norms and that of the latter was building support networks around families.

Whatever the programmes' origins, theorising must keep solidly connected to the results of a strategy implemented more or less with fidelity to its principles. The available outcome studies of a restorative approach in stopping family violence, while limited in number, are, for the most part, positive as summarised in my book. I recommend reviewing the excellent arguments set forth by Rossner and Forsyth (2021). The intent of my editorial is to articulate how the approach is theorised rather than summarising the research evidence. Nor do I here specify steps for good practice, organisation, and policy, all of which are crucial to ethical and effective programming.

4 Feminist kin-making

4.1 Substance

I start by encapsulating the three main substantive tenets of feminist kin-making and then turn to the context and imagery to which this theory responded.

- First, feminist kin-making is feminist. It is grounded on the historic and current struggles of women's movements in a wide range of national jurisdictions (Basu, 2017). Remaining true to principles of equity requires that feminist organisations align with diverse emancipatory movements including those for racial, Indigenous, (dis)ability, economic and environmental justice (Gruber, 2020; INCITE! Women of Color Against Violence, 2016). The result is an ongoing process of building and rebuilding foundations for liberatory action across groups to undo patterns of domination within the home, community and larger society.
- Second, the theory is about kin-making. This means reworking relationships based on caring for each other rather than taking from those reified as objects. Overcoming a sense of alienation from human and non-human alike means to extend a 'just and loving gaze directed upon an individual reality' (Murdoch, 1970: 34, cited in Caprioglio Panizza, 2022: 8). Relationships may then be

severed, strengthened or extended beyond standard family parameters set by blood, law or convention. The result is to instil and renew a sense of affinity across those who like each other without necessarily looking alike as is so often expected of kin (Haraway, 2016; TallBear, 2013).

- Third, the theory integrates feminist and kin-making. This means mobilising family, community, business and government to no longer take for granted that family violence is just a part of families. The result is to defamiliarise family violence – to destabilise assumptions and practices and to cascade through multiple channels’ narratives that family violence is strange, rather than familiar, normal or just (Jestrovic, 2018; Schalk, 2018). With this altered awareness, feminist praxis initiates, sustains and expands dialogue, reflection and action to overcome oppressive interpersonal relations and their societal causation (Potamias & Mandilara, 2022).

4.2 Context

Significantly, the context of theorising feminist kin-making are families and their cultural networks placed at the centre of the restorative approach to family violence. Other societal institutions are on the perimeter, available to offer support that families want. The pivotal role of family and culture makes it possible for the legal, child welfare, domestic violence, immigration, human services, health, educational and other systems to respond without taking over. The choice is not between involving or not involving external systems that regulate families; they are present to some degree if only to be called upon for resourcing family plans. Instead, the aim is to create with the family and their informal networks a setting in which all family members, whatever their age, gender, abilities or ethnicity, are safe enough to express their experiences and hopes and to make and carry out plans to safeguard everyone in the family.

The family context is one in which mothers are expected to take care of other family members. This becomes an untenable burden if mothers who are abused by their offspring or partners lack dignity and authority in the household. A restorative approach quite often supports mothers, daughters, grandmothers, aunts and others in setting directions that reduce family violence. I have found that mothers and the maternal side of the family predominate at restorative forums but with fathers and paternal relatives present (Pennell, 2006) and, especially in Indigenous circles, godmothers too (Basque, 2023). The presence of children, interpreters as needed, a venue outside of formal services and sharing a meal together all add to ensuring a family-friendly and culturally affirming setting (Roby, Pennell, Rotabi, Bunkers & de Uclés, 2015; Waites, Macgowan, Pennell, Carlton-LaNey & Weil, 2004). What is especially crucial is pacing that supports the family in sharing and reflecting with each other. One intercultural/intergenerational restorative programme fittingly referred to as CHAT (Collective Healing And Transformation) evocatively spoke of a ‘spaciousness of time’ in its sessions (Kim, 2022: 59).

4.3 Imagery

The imagery of kinship means that conference participants are considered in terms of their relationships in or to the family for whom the conference was held, such as

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grandfather, neighbour or worker. This draws the group toward renewal of family bonds. In contrast, the language of victim and offender could prove divisive at a family gathering and limit the group's capacity to share and collaborate. Moreover, casting someone as the abused or the abuser in a family breaks down when the violence is intergenerational and the source of the violence stems from historical oppression in the wider society.²

The 2013 inaugural issue of this journal's predecessor proposed several insightful designations for participants in restorative deliberations. Two of these terms stand out as useful in differentiating a kinship context: Nils Christie's (2013: 18) '*parties in a conflict*' (italics in original) or the Zwelethemba model's 'disputants' (Froestad & Shearing, 2013: 37). In my experience, families do not refer to their members as 'parties in a conflict' or 'disputants.' It is likely that these words would separate family participants into sides rather than bringing them together. And I agree with Kathleen Daly (2013) that these terms might mask the domination in families that suppress voicing of disagreements. Nevertheless, they do have merit in analysing conference dynamics. Naming the family's history of conflict and dispute at conferences can bring into the open the pain in families and promote healing and transformation of relationships.

To follow through on Christie's insights, unless the group is positioned to own and collectively act on their conflict, they are handicapped in reaching resolutions on how to move forward (Wood & Suzuki, 2020). The Zwelethemba model wisely selected the term *disputant* rather than *victim and offender* to circumvent becoming mired in highly combustible emotions in the aftermath of horrifying violence. Family violence is horrifying, and this emotional reaction spurs families and their informal networks to show up at conferences and plan how to stop it.

The fundamental imagery of the theory, however, is not kin but instead kin-making guided by feminist principles. Kin as a closed system can stultify and shut down opportunities for change. A recurring pattern of family violence is isolating those harmed from supportive ties and confining them to a tight network of demoralising contacts. In the Canadian project, we found that conferencing released women who had been abused from harshly critical relationships in their social networks while enlarging their positive supports. Among these supports were service providers who assisted mothers with what they saw as their needs, such as housing, counselling for children, and employment services. The effect was to strengthen their network, prevent relapse into abusive relationships, and cascade outward changes for the benefit of their families and communities.

5 'Why, or under what conditions, would they care?'

In response to her own question on why we would care for the South African mudprawn, Marieke Norton urges that we relate to the mudprawn as kin, not commodity. This kin-making, she admits, does not come readily but may occur

2 In certain contexts, the strategic application of terms such as victim may be beneficial in naming the power imbalances in gendered interactions (Julich, Molineaux & Green, 2020).

under certain conditions. The first is jolting us into the realisation of the over-exploitation of the mudprawn as live bait to the detriment of its and everyone else's survival. The strong imagery can shake up presuppositions and motivate us to undertake inclusive decision making with all affected. The restorative context then has the potential to strengthen bonds of mutual caring.

My lack of prior awareness of the mudprawn made Norton's case even more compelling and elicited my stepping back from and defamiliarising my own work on family violence. Juxtaposing what might appear as unrelated phenomena prompted my drawing parallels between the two. Both endangerment of the mudprawn and violence within the home result from what Aimé Césaire (1972) so aptly named 'thing-ification' that reifies others as objects, degenerates those who abuse and destroys ties of kinship. Thing-ification is inextricably linked to the legal, political and economic context out of which it takes shape. Today, we cannot ignore the impact of the dominant neoliberalism with its overlay of anti-multicultural nationalism that marginalises caregivers and their families and communities.

In my book and again in this editorial, I use defamiliarisation in the Russian Victor Shklovsky's sense of seeing better through literary devices that unsettle perceptions (Jestrovic, 2018). Imagery is one such device. Here, though, responsive theorising leads me toward defamiliarisation in the German playwright Bertolt Brecht's sense of distancing the audience from what they thought they knew so that they can see the world in its true state. Not stopping here is the demand for dialectical action that the Hungarian philosopher György Lukács premised not only on conflict but also upon forming bonds with others (Potamias & Mandilara, 2022). Reflective action does not remain constant as new generations respond to their own realities.

I concur with Césaire's (1972: 32) insistence that for decolonisation 'the essential thing here is to see clearly, to think clearly – that is, dangerously.' Opening ourselves to dangerous thinking awakens possibilities of resisting violation and alienation in the home, community and wider society. The goal of feminist kin-making in the context of family violence is unabashedly to enlarge caring bonds and nurture the safety, well-being and autonomy of everyone in families. This goal was less explicit in the earlier conceptualisation of conferencing as 'widening the circle' around child and adult family members.

The form that this goal assumes, however, does not hold still, with families in different places and times best positioned to determine its meaning for them. In conferencing, participants reach out to each other using their own imagery of kinship and jostle perceptions of what they see as possible. This is responsive theorising in action. Trusting families experiencing family violence is a dangerous vision and yet is the only way to create the conditions for carrying that work across so many different contexts.

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