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Jokinen, Heidi

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The limits of hospitality?

The role of restorative justice in domestic violence cases

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While restorative justice is seen as a valuable means for conflict resolution in many kinds of conflict, in the context of domestic violence cases it is still heavily debated. This article posits that the notion of hospitality makes a fruitful contribution to that debate. The urgency of domestic violence against women seems to challenge any hospitable approach between the victim and the offender. However, this article claims that in the light of radical hospitality, restorative justice even in domestic violence cases can become meaningful.

Introduction

Restorative justice is seen as a valuable means of conflict resolution in many kinds of conflict (Sullivan and Tifft 2008: 5). A typical definition presents it as a process to involve, to the extent that it is possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, to heal and put things as right as possible (Zehr 2002: 37). An encounter between the two who have a stake in the offence, usually at least the victim and the offender, is an essential part of restorative justice (Van Ness and Strong 2002: 68–9). My thesis is that restorative justice makes a poignant example of hospitality and a hospitable approach to another person. Hospitality can be defined as pertaining to a fundamental experience of a relationship between two or more people

(Dufourmantelle 2013: 13). Through restorative justice, the participants come face to face with each other. They get an opportunity to find new ways of dealing with this relationship. Interestingly, there is a sharp feminist critique against all use of restorative justice in cases involving violence against women (e.g. Daly 2016; Stubbs 2013; Regehr 1994). Interpreting restorative justice as hospitality, the critique would entail that hospitality has reached its limits.

This article gives an account of restorative justice in general and of restorative justice in domestic violence cases in particular, in the light of the notion of hospitality. The aim with such an approach is to contribute with new analytical tools to the debate regarding restorative justice in cases of domestic violence. The paper suggests that it is possible to appreciate restorative justice even in domestic violence cases without overruling some important elements in the feminist critique; and that in that endeavour the notion of hospitality is highly enlightening.

Restorative justice making a strong case for the reach of hospitality as a real-life practice, the article will equally offer some valuable perspectives on the notion of hospitality itself. As argued by Jonathan Darling (2014: 162), in many current uses,

hospitality is framed as a desirable attribute for all manner of social groups wanting to project an image of the gracious host. The potential limits of hospitality in the context of restorative justice in domestic violence cases challenge such an approach. The article starts with an overview of the notions of restorative justice and hospitality; then goes on to reflect how domestic violence challenges the notion of hospitality in the context of restorative justice; and finally offers a suggestion on how to revisit a critical standpoint to restorative justice in domestic violence cases in the light of hospitality.

A restorative approach to wrongdoing

Traditionally the western judicial system has relied on a retributive, punitive way of responding to wrongdoing (Cragg 1992: 2). The processes are adversarial in nature and sustain a separation between the two parties (Braithwaite 2002: 85). Increasingly, this mainstream approach is coming under criticism (see, e.g. Wringe 2013; Cragg 1992: 170). For example, Emily Gaarder and Lois Presser (2007: 484) argue that the law reduces power relations between victim and offender to those pertaining at the moment of the offence. These narrow definitions of crime and punishment fail to grasp the intersections of victimization and lead to a fracturing of people's lives, claim Joan Pennell and Mimi Kim (2010: 177). They go on to argue that differently approached, these fractures can create openings for conversations that engage people's needs and abilities to work together for peace and social justice. It is here that restorative justice comes in.

The modern field of restorative justice is a consequence of various almost simultaneous movements in the 1970s. Howard Zehr (2002: 11) combines the origins of the movement with Mennonites seeking to

apply their faith perspectives to the unforgiving world of criminal justice. And James Ptacek (2010: 7) refers to different social movements for civil rights and women's rights. Challenges were made to racist practices in policing, in the courts, and prison, and several anti-colonial movements mirrored these. The origins of restorative justice are also traced to developments in legal thinking in general. Legal scholars began writing about 'informal justice' and 'community justice' that would focus more on the needs of the two parties (Zehr 2002: 11; Ptacek 2010: 7). Whatever the original trigger for the changed approach, the practice suggested revised ways of working in conflict resolution. In restorative justice, it's not the law that is put into the centre, but the two parties and the way they relate to one another during the process.

Restorative justice upholds that crime is not merely about lawbreaking. Rather, it causes injury to the victim, the offender, and to the community, and that this harm needs mending (Van Ness and Strong 2002: 37). Through restorative justice, the two parties, and the community are offered time and space to build up their mutual relationships. Restorative justice is the umbrella definition for a multitude of different methods and processes for solving many kinds of conflict; everything from petty crimes (Zehr 2002: 4) to gross violations of human rights (Cunneen 2008: 355), from school bullying (Payne and Welch 2015: 540) to domestic violence cases (Pennell 2008: 286). Through restorative justice, it is possible to repair on a case-by-case basis anything meaningful to the victim, the perpetrator, and society.

The empowering of the two parties is a fundamental element in any restorative method. The meeting takes place in the presence of an external third party, the facilitator or mediator – depending on

the type of the practical method, the title varies – whose role is to monitor the meeting and mediate it for the parties involved (Zehr 2002: 45). The conflict resolution is left entirely to the two, and is not dependent on any public description of crimes and violence. It all comes down to the personal experiences of the two. That's why a relational aspect is always included in restorative justice. The encounter would, according to Daniel Van Ness and Karen Heetderks Strong (2002: 69), humanize the parties to each other and permit them a certain creativity in constructing a response to wrongdoing that deals not only with the injustice that occurred, but with the futures of both parties. Depending on the perspective, whether the offenders' or the victims', the encounter can entail very different things.

I have defined the aims of this article as relating to restorative justice in general and to restorative justice in domestic violence cases in particular. This entails that a certain positioning of the article must already be done at this point. The concerns pertaining to the use of restorative justice in domestic violence cases stem from the special characteristics of domestic violence that have to do with the fact that women are particularly affected by it. The female partner is usually the victim and the male partner is usually the offender in domestic violence (see below the section concerning the feminist critique). To mark this, I will throughout this article refer to the victim as a she and to the offender as a he.

For the offender, restorative justice makes it possible to empathize with the victim and to understand the consequences of his actions (Zehr 2002: 16). In the presence of the victim, it is hard to sustain a denial of either the victim or the injury, as would be the case in court (Braithwaite 2002: 85). Instead, a whole new perspective into the wrongdoing is opened for the

offender. The victim, for her part, is allegedly of particular concern in restorative justice (Ptacek 2010: 24; Hayden 2014: 218). Zehr argues that in the criminal justice system, victims' needs are often ignored, neglected, or even abused. He lists several potential needs of the victim (Zehr 2002: 14–15): she might need direct answers to questions about the offence, which usually requires access to the offender. Besides, Zehr sustains, victims often find it valuable to tell their stories to the ones who caused the harm. Finally, also restitution by offenders is usually crucial to victims, sometimes merely because of the symbolic recognition it implies. When an offender makes an effort to make things right, it is a way of saying: I am taking responsibility and you are not to blame, says Zehr.

The benefits of restorative justice can be identified on many levels. Studies have shown that the two parties have good chances of grasping the implications of what has been said when they have been able to direct the pace of dialogue during the restorative meeting by themselves (McMaster 2013: 104). Also, the process can enhance a sense of belonging. In the words of a pioneer of the restorative movement, the Norwegian criminologist Nils Christie (1977: 12) much of the contemporary trouble stems from broken neighbourhoods and local communities, where people have lost natural contact and become alienated from one another. It's here, I argue, that the connection to hospitality becomes relevant. Namely, in *Making Room: Recovering Hospitality as a Christian Tradition*, Christine D. Pohl (1999: 13) describes many contemporary values, lifestyles, and institutional arrangements which have helped to foster a sense of alienation, as sources for increased attention to hospitality: many disconnections from basic relationships, such as the state

of homeless people and refugees today, has brought to the fore a renewed need for hospitality. In the context of this article, domestic violence is characterised as the alienating practice between the two parties, and restorative justice as the chance to practise hospitality.

Restorative justice as hospitality towards the enemy

Henri Nouwen explains (2002: 61–2) that more often than not, hospitality sounds like get-togethers, enjoyable discourse, and a generally lovely atmosphere. But there is much more to hospitality than that. For Nouwen (*ibid.* p. 63) himself, hospitality can bear witness to the power of a healing human relationship, and what new connections can do for a world torn by alienation. Nouwen is not the only one to be pointing to the unique contribution hospitality can make in the contemporary world. Likewise, Christine D. Pohl (1999: 8), when talking about hospitality, refers to some serious societal problems in the USA and points out that people look for better ways to respond to homeless people, refugees, and people with disabilities. All these accounts emphasize today's world as ruthless and unforgiving, as something that could greatly benefit from hospitality – and from a restorative approach.

To make the preliminary connection between hospitality and restorative justice more apparent, in addition to Nils Christie's depiction of the benefits of the renewed approach to conflict resolution described here above, a reading of Miroslav Volf becomes useful. When describing the troubled age, Volf (2005: 224) not only refers to changed attitudes towards Christianity, he also makes some more general remarks about the typical characteristics of the contemporary world. Volf says that in these days, we shamelessly take

from our neighbours and 'pursue them with vengeance when they've dared to take anything from us' (*ibid.* p. 224). Without even mentioning restorative justice, Volf seems to find a clear connection between the new approach to conflict resolution and hospitality.

So, while hospitality at first glance might seem to be about hosting friends and family, or even opening one's doors to the homeless and needy, there is another level to it that pertains to profound attitudes to the other, to the stranger. This is what Pohl (1999: 4) brings to the light when she maintains that hospitality can be regarded as a highly valued moral practice and a pillar on which morality rests. Similarly, Judith Still (2010: 4), inspired by Jacques Derrida, argues that hospitality inevitably touches on the fundamental ethical question of the boundaries of the human, and how we set these up. Still (*ibid.* p. 11) posits further that hospitality is, by definition, a structure that regulates relations between inside and outside, and, in that sense, between private and public. Someone categorised as 'outside', as not necessarily, by right or legal contract, part of the 'inside', is temporarily brought within. Hospitality implies letting the other into oneself, to one's own space, Still argues.

This letting the other into one's own space is what happens in restorative justice as the two parties come together. Instead of using the conventional judicial methods, the parties are invited to a meeting where they interact not through lawyers but personally in their own words in their capacities. Restorative justice offering a space for the two parties to meet makes a particularly hospitable practice as it challenges our attitudes towards the other, the offender, and the enemy. In describing this relationship, the notion of space becomes enlightening. In 'Extending hospitality: giving space, taking time' Mustafa Dikeç, Nigel

Clark and Clive Barnett (2009: 4) claim that hospitality tends to be closely connected with spatial tropes of openness and closure, inclusion and exclusion, border patrolling, and boundary-crossing (see also Bendixsen and Wyller 2019). Space does not only refer to physical space, but even to a more intimate relationship between the parties, or as Dikeç, Clark and Barnett (2009: 13) explain, to a tracery of relations from which structures materialize.

This relationship can be explained in a more nuanced way with reference to the interaction between the host and the guest, which is often depicted as something central to hospitality. What gives the space and boundaries their meaning is their affective-relational structure: they constitute lines between feelings of belonging and non-belonging, comfort and discomfort, security and insecurity, ease, and awkwardness (Bulley 2015: 6–7). In the light of hospitality the relationship between the two, the host and the guest, is no longer a rigid, one-way giving and taking from the host to the guest, but brings to the fore a new kind of exchange (Vikström 2019: 130). This renewed exchange makes a helpful clarification of the nature of restorative justice.

The encounter allows the two parties to enter into completely new roles; no longer merely as a victim and the offender, but now as a host and the guest. Such an approach brings to the fore a fundamental core of hospitality, which in the context of restorative justice (in domestic violence cases) becomes even more illusive. The roles of the guest and the host are interchangeable. In the light of hospitality and space, entering into the restorative space would give the two parties participating in the restorative encounter an opportunity to re-define their relationship. Both contribute to the renewed relationship in a new way. It's not always possible to say which

one is the host and which one the guest. This can be an empowering experience for the victim, but also offers anew the value of the offender apology as a lens through which the offender may ponder the offence.

Hospitality can be regarded as putting a claim on the quality of the encounter. For example, Still (2010: 14) posits that a truly warm (ethical) hospitality should certainly be immediate rather than pondered. However, Still adds that the host and the guest may need time for reflection and analysis. To clarify this, she refers to Derrida's law of hospitality, which postulates the necessary and impossible welcoming of the other – with absolutely no conditions attached. Such a rule contains two opposite possibilities: that of reciprocity, on the one hand, and non-reciprocity, on the other. Both are equally possible and worthy. Again the idea of restorative justice can be fitted into the description, as both reciprocity and non-reciprocity are possible elements in it.

A truly warm restorative encounter should certainly be immediate rather than pondered. Ideally, both parties are equally keen on the conflict resolution to take place. But the other party, whether it be the offender or the victim, may be more determined than the other to make it happen. According to Julie Stubbs (2008: 18) this might make it look like 'cheap justice' is taking place – where she refers to Donna Coker (1999: 14–15) who defines cheap justice as a tendency in informal adjudication, such as restorative justice, to overemphasize the value of an offender apology. The offender apologizing should not be automatically regarded as the end of the process, as a resolving of the conflict. To better understand what is at stake when such a situation occurs, a reference to a point of Derrida's is helpful. It doesn't matter if the restorative encounter is reciprocal or more

one-sided, in the sense that it is mainly the other party that seems to be hospitable – to be able to characterize the encounter as hospitable. As long as both parties participate in the restorative meeting, it does not matter if the other party is more reluctant than the other about resolving the conflict. The host can be hospitable without the guest accepting the offer. In other words, the host, the victim in this case, does not need to get a moral response from the guest, the offender, for her offer for hospitality to be relevant. Her offer is morally relevant irrespective of the offender's reaction.

How we relate to our enemies is the ultimate quest for morality. This has been the case for centuries. In certain ancient-world contexts, the treatment of outsiders was a core measure of the society (Isayev 2018: 16; Friese 2010: 324). It's the case today, too. To exemplify the extensive characteristics of hospitality, Andrew Francis (2012: 48) points out, in *Hospitality and Community after Christendom*, that how we offer hospitality, as individuals, as families, as (Jesus) communities, says a lot about us. It also affects the people we are, socially and spiritually. Hospitality says what kind of community we live and believe in, as well as aspire to and want to share. Hospitality shapes not only the lives of those who accept an invitation. Hospitality reshapes the group that makes the invitation. The nature of shared hospitality shapes how we interrelate – how we become some form of community. Hospitality helps to create community. For Francis (2012: 84), this aspect is particularly important and is something typical of the current age, as a renewed interest in patterns of community marks the post-Christendom societies. He assumes that this may be driven by social isolation, marginalization, and urban growth. He goes on to argue that people are more interested in having close-bonded,

non-familial significant relationships with a few others than at any time since the 1960s hippy movement. While restorative justice is not looking to form any long-term community between the two parties, it seeks to establish sufficient working relations between the two. And considering the usual tone of voice in today's societies, with the habit of settling crimes and disputes through the adversarial and punishment-oriented judicial system, restorative justice indeed presents a case almost from the other world. This other-worldly element, in conflict resolution, is what makes restorative justice go together with hospitality. Both suggest a novel approach towards the other.

At this point, I wish to conclude that questions about diversity and inclusion, boundaries and community challenge us daily and that we search for more personal ways to respond to the other. The renewed interest in the notion of hospitality is grounded in these alienating practices. Hospitality resonates with people today. Because of the close ties between restorative justice and hospitality, this new way of resolving conflicts can be appealing to people today. Restorative justice suggests a practice that is apt for responding to some contemporary challenges. Interestingly, there is a denial of the potential of the encounter between the victim and the offender in domestic violence cases. That's why, I argue, restorative justice in domestic violence cases makes an interesting case for the reach of the concept of hospitality.

A denial of hospitality towards the wrongdoer: the feminist critique

There is a definite and persistent critique against restorative justice in domestic violence cases. The critique has a distinct point of departure: the feminist perspective (e.g. Proietti-Scifoni and Daly

2011: 269; Curtis-Fawley and Daly 2005: 604). This means that the critique stems from the work and findings of the feminist movement which have emerged over some hundred years. The feminist focus has been engaged in unmasking the subordinate position of women as opposed to men (Green 2013:141). While the so-called first-wave feminists of the nineteenth and the early twentieth centuries fought for the equal rights of women and men, second-wave feminists after World War II focused on the different statuses of men and women. Men are the ones setting the standards and taking action, and women are the ones reacting and following (Lorber 1998: 3; Brooks 1997: 16). According to general feminist perception, men gain many advantages as opposed to women, and these advantages are both interrelated and reinforced by public policy and its implementation (Hanmer 2000: 11). It is here that restorative justice comes into the picture.

As restorative conflict resolution can also cover crimes including domestic violence against women, the feminist critique has adamantly voiced its concerns. During the past two centuries, significant steps have been taken nationally and transnationally to define the diverse forms of violence against women and to develop policies and programmes to resist it (Segal and Demos 2014: 10). Violence against women has been widely acknowledged as a major social problem (Hanmer 2000: 9); as a violation of women's human rights (United Nations 2009); and as disproportionately contributing to the healthcare burden (WHO 2014: 15). For feminists, it's a massive problem that this type of violence may be resolved through informal settlements, such as restorative justice.

The feminist critique claims that restorative justice has a fundamental inability

to grasp the dynamics of violence against women and the context of gender inequality that shapes these dynamics. This peril does not only relate to the female victim's position during the restorative process itself, but likewise to her prospects after the process (see, e.g. Hudson 2002: 626). It is pointed out by the feminist critique that by no means should the solution be expected to entail that the relationship between the two continues (Acorn 2004: 115). On the contrary, in many cases, the female victim needs to leave the abusive relationship. This point of critique is aggravated by the financially precarious situation of many women. Without adequate funding, the battered women are unable to relocate and therefore stay in violent relationships (Coker 2001: 804). Having 'resolved' some conflicts during a restorative meeting a problem arises as the focus is shifted from intersectoral cooperation with both community and state initiatives, such those concerning financial aid to women (Hargovan 2005: 55; Dobash and Dobash 2000: 198).

Nor is the feminist critique convinced of the alleged focus of restorative justice on the victim. This claim is not really lived out in practice, they claim. They point out that the modern restorative justice movement, in fact, has the offender as the starting point, as one of the initial aims was to influence teenage youths who were vandalizing their communities (Jülich and Thorburn 2017: 39; see also Cragg 1992: 193). The offenders seem to have held a central role ever since. This presents itself in portraying offenders as victims who have been traumatized in their personal history (Gavrielides 2017: 15). The feminist critique is disturbed by this quintessential focus on the offender and complains that the female victim is expected to put aside her needs and instead work for the well-being of the male offender (Ptacek 2010:

19–20). This will make women's safety a secondary concern, the focus being placed on the offender.

A third crucial aspect of the critique is directed at the alleged voluntary nature of restorative conflict resolution. The two parties are expected to participate in the meeting and, in the process, on the basis of free will, entirely voluntarily (Zehr 2002: 45; Van Ness and Strang 2002: 72–3). But the feminist critique rejects the idea of the female victim being able to exercise free will (Stubbs 2008: 5). The ongoing humiliation and attack might have altered her position as she has learned to remain silent about the violence (Dobash and Dobash 2000: 193). It might have encouraged her to believe that she is partly to blame for the violence (Hudson 2002: 624). This may then compromise her ability to judge her own best interests before, during, and after the restorative meeting (Coker 2001: 822). Moreover, some abusive men harass, intimidate, threaten, and physically force women to abandon criminal charges. Participating in a restorative meeting might, therefore, not happen out of free will but be the result of pressure from the aggressor. The feminist concern is that by giving a choice to the battered woman, the choice is, in fact, given back to the batterer himself (*ibid.*).

These are just some of the points of critique raised against restorative justice in domestic violence cases (for additional points, see, e.g. Stubbs 2013: 205; Pelikan and Trenczek 2008: 63–4; Liebmann 2007: 284). But they help to lay the ground and specify the scope of the problem connected with restorative justice in domestic violence cases; and the preferable approach to it. The feminist movement is known for its impact on criminal law reforms in general (see Kotiswaran 2014: 65). The critique might easily lead to severe consequences for restorative practice in domestic violence

cases. Hints of this are already to be seen. While the practice is currently prevalent in many countries (e.g. Gavrielides and Artinopoulou 2012); the critique has led to a general indecisiveness amongst public actors in terms of how to relate to the practice. Many national governments, as well as international actors, are planning to put in place restrictions, or already have (see, e.g. Liebmann 2007: 285; Gavrielides and Artinopoulou 2012). To proceed with an informed decision-making around the status of the practice, they need to decide which stand to take – that of the feminist critique or that of the restorative advocates. In doing so, it is imperative to find the right balance between these positions so that the female victim is not put in danger, but that innovative conflict resolution which sets out to meet the needs of the two parties becomes possible.

It is here, I argue, that the aim of this article becomes relevant. The intersections of hospitality, restorative justice, and restorative justice in domestic violence cases can shed important light on the subject matter and offer valuable perspectives on the debate regarding potential positions towards the practice of restorative justice in domestic violence cases.

Restorative justice in domestic violence cases as the limit of hospitality

I have above, in connection to an inquiry regarding restorative justice in general, claimed that restorative justice could be understood as hospitality towards the enemy. The feminist critique against restorative justice in domestic violence cases then again seems to entail the limits of hospitality. It claims that because restorative justice is potentially and theoretically harmful to the female victim of domestic violence, the practice should be banned. As such, the feminist critique takes a position

very typical in a situation where hospitality appears to entail uncertainty. Judith Still (2010: 13) explains that the response to the potential for violence is often to impose restrictions or conditions for hospitality and to limit it. That's precisely what the feminist critique has entailed for restorative justice in domestic violence cases. However, in the light of hospitality, new interpretations can be given to the practice.

Still (2010: 13) explains that a focus on the generosity of the host typically develops into a focus on the duties of the guest, and notably into the construction of the figure of the guest who not only fails to fulfil his duties (the parasite) but even betrays the host (the terrorist). This example is easy to turn into the realm of restorative justice in domestic violence cases. The victim can be understood as the host, the offender as the guest. As noted above, the feminist critique has been particularly concerned about the requirements the practice puts on the victim. Over and over again, she is expected to be hospitable towards her aggressor, first taking all the abuse and now accepting that the offender might not be punished or should be encountered in a hospitable manner. The offender turns out to be the parasite who gets away with his crime by participating in the restorative meeting. Equally, he can turn out to be the terrorist who does not appreciate the offer of the hospitality of the victim but continues to abuse and exploit her during the meeting.

To tackle the risks of hospitality, Still (2010: 14) has concluded that hospitality simply carries the risk of creating the conditions of possibility for theft, assault or murder. There is nothing one can do about it. This inherent risk-taking being a part of hospitality has been pointed out by others, too. Amanda Sackreiter and Tonya Armstrong (2010: 208) argue that

the host takes the risk of trusting in God, and, moreover, in trusting the stranger to recognize their common vulnerability. Still (2010: 14), for her part, refers to Emmanuel Lévinas's ethical contribution regarding face to face. The point about the risks of hospitality, and yet about the priority of it can, therefore, be elaborated substantially. It can also be accepted as such: that hospitality entails risks, but that these risks are no reasons of rejecting the value of hospitality. In the context of hospitality the focus is put back onto the host, the victim, whose actions and agency become central.

In line with this, restorative justice might also be risky. It might lead to the offer of the host being betrayed. This could certainly be of great disappointment to the host. In terms of the feminist critique of restorative justice in domestic violence cases such a situation would make a case for how the female victim can be re-victimised during the restorative encounter. Nevertheless, in terms of hospitality, the focus is not on the guest and his actions, but is fixed entirely on the host and her right to be hospitable. She is being empowered to decide for herself which approach to take. If she decides to be hospitable, no action from the side of the guest can take that away. Whether the guest accepts the offer or not, is no longer relevant. It is not the guest, that determines the way the host's actions are assessed. Such an approach gives emphasis to the victim and her agency, in the context of restorative justice in domestic violence cases.

John Braithwaite (2002: 12–13) has been adamant in claiming the right of the victim, together with the offender, to define the restorative outcome that for her feels right. The others might not agree with the content of the outcome, but yet they should defend her right to make it. Similarly, also Karin Sten Madsen (2005: 4) has pointed out how difficult it is for the female victim

of sexual violence to decide to opt for anything else than the conventional judicial process. She is often directed towards a particular outcome – the punitive process (see also McGlynn *et al.* 2012: 240). This gives strong practical guidance for the support of the argument in this paper. Through the notion of hospitality, and through the role of the host, the female victim can be accorded a new kind of role, that is not just that of the abused and suppressed victim. If the female victim wants to be hospitable, she should be allowed to be. Her being hospitable is not and should not be contingent on the offender's actions and reactions. Contrary to the feminist critique, engaging in a restorative conflict resolution does not need to mean a re-victimisation of the victim. Instead, being hospitable might give her a way to regain her agency; as then the focus is put on her and her actions, regardless of those of the offender.

When illustrating the relationship between the two parties as that of host and guest, the point about hospitality and space becomes pertinent. Henri Lefebvre (2009: 186) argues that space is always social and that a shift from production in space to production of space takes place. He claims that space is permeated with social relations; that it is not only supported by social relations, but it also is producing and produced by social relations. For the sake of this article, this means that the space itself where the encounter takes place becomes meaningful and can play a role in the sort of encounter it is to become. The relationship between the host and the guest, or the victim and the offender, can and will be renegotiated in the space the encounter takes place. This entails an opportunity to re-define the old roles and an additional point to show why restorative justice in domestic violence could have a chance.

While the victim's hospitality might

bring about a favourable reaction from the offender, and while there is a general and emotional attachment to the notion of hospitality (Chérif 2008: 72), hospitality is never risk-free. This brings to the fore the problematic gap between theory and practice, which in the context of restorative justice in domestic violence cases becomes particularly urgent as the consequences of the practice are weighed in real lives of real people participating in restorative conflict resolution. To acknowledge the risks with hospitality Still (2010: 213) discusses some practical, as opposed to philosophical, tensions and dangers of hospitality. For her (*ibid.* p. 201) illegal immigration posits a context where hospitality shown by some can be understood as a real crime by others, for example by the state. I will argue that a similar line of thought: a sense of hospitality being the right thing to do on the one hand, and the consciousness of limits on it on the other, comes well to the fore in the context of restorative justice in domestic violence cases, too. In fact, by effecting legal bans on the practice (Proietti-Scifoni and Daly 2011: 269), the feminist critique seeks to make hospitality in connection to restorative justice in domestic violence cases a crime in the most practical sense of the word.

The framework for solving these tensions within the question of illegal immigration is, according to Still (2010: 213), the mere acknowledgement that if inviting someone into one's home did not carry some danger or some cost to be reckoned, even conditional hospitality would hardly be a virtue. The virtue of hospitality is accorded a primary role. I shall claim the same for restorative justice in domestic violence cases. At the same time it must be acknowledged that a hospitable approach is never mandatory. Pointing to ancient-world contexts where the treatment of

outsiders was a core measure of a society, Elena Isayev (2018: 16) underlines that it never meant that the decision to welcome the guest was necessarily favourable. However, she continues, a refusal of hospitality was framed as the exception that needs explaining, rather than the opposite.

What this means for the context of the preferred approach to restorative justice in domestic violence cases has still not been fully established. Domestic violence, as such, is much too grave a form of violence to dismiss the feminist critique and accept restorative justice as such. But simply announcing the limits of hospitality within the practice is not entirely meaningful, either, given the scope of hospitality. What has to be brought forward is the fact that the concept of hospitality includes elements to it that are not easy or comfortable.

Restorative justice in domestic violence cases as radical hospitality

Above I have already suggested that a redefinition of central concepts is a primary key to understanding hospitality. Now I'm claiming that it is even more so in connection to restorative justice in domestic violence cases.

In a search for the content of the concept of hospitality, Henri Nouwen (2002: 63) suggests that hospitality can be understood to be a fundamental attitude of the spiritual life. For him, there is a primary connection between hospitality and Christian spirituality. Faith is often portrayed as the foundation on which to build a hospitable attitude. Similarly, Andrew Francis (2012: 132) underlines that for Christians, hospitality is a prophetic activity. Finally, even Miroslav Volf (2005: 119) is convinced that our giving is borne by the wings of the Spirit's hope. These points assume that hospitality brings along elements that cannot be explained only rationally. This is an

essential point for further discussion.

The Christian tradition has indeed made an enormous contribution to the notion of hospitality. The Bible is filled with examples of the importance of treating the stranger well (e.g. Vikström 2019: 16–17). The principle stems from the Old Testament (e.g. Leviticus 19:33: 'When a foreigner resides among you in your land, do not mistreat them'), but is developed somewhat to culminate in Jesus' teachings (e.g. Matthew 25:35: 'I was a stranger and you took me in'). Christine D. Pohl (1999: 6) points out that hospitality is a fundamental human practice which has always included family, friends, and influential contacts. To this comes the distinctive Christian contribution to hospitality: the emphasis on including the poor and the neediest; the ones who could not return the favour. The shift in focus did not diminish the value of hospitality to family and friends but broadened the practice, Pohl explains. Jesus is the real radical of all times. He went on socializing with those that anyone else would not have anything to do with. An approach that is induced from Jesus' example is called radical hospitality (e.g. Collins Pratt and Homan 2011; Ahn 2010).

To define radical hospitality, Ilsep Ahn (2010: 258) talks of elements of excessiveness or madness that transcend ordinary moral criteria such as reciprocity or equality. In radical hospitality, there is no reciprocity, which might be the case in the plain concept of hospitality (see also Dufourmantelle 2013: 23). For Geoff Boyce (2018: 22–3), traditional hospitality is a gift that relies on trust and a common, culturally embedded set of expectations founded on a shared understanding of honour and shame. Radical hospitality, then again is primarily and exactly about welcoming strangers. This is a helpful definition to make when capturing the characteristics

of restorative justice (in domestic violence cases). In restorative justice, whether the two parties know each other from before or not, they are in any case, alienated by the violence which has occurred. For the victim, the hospitable attitude to the offender means that she puts aside any thoughts of getting even, or vengeance, and is open to a new sort of conflict resolution. Radical hospitality is not a reciprocal giving and receiving. Radical hospitality can be fully one-way, and often is. That's why it's called radical. While the overlapping of traditional hospitality and radical hospitality can well be discussed and developed, I argue that in the scope of this article, it is precisely the notion of radical hospitality that becomes so instructive for the purpose.

Radical hospitality is something beyond the standard framework for actions. That's what makes it so incomprehensible. Francis (2012: 31) underlines how hospitality is counter to the predominant culture of the inherited Christendom denominations, yet a regular part of its contemporary counter-cultural stance. In the Christian context, radical hospitality is about transforming the hearts and our communities. Engaging in hospitality upsets the status quo of the larger society (Sackreiter and Armstrong 2010: 208). The same goes for restorative justice, too. The idea behind it differs immensely from the mainstream views of crime and punishment. Therefore, I argue, the intersection of hospitality, Christianity, and restorative justice (in domestic violence cases) is very fruitful, and the limits and possibilities of each come to the fore.

A definition from Anne Dufourmantelle (2013: 23) is helpful here. She argues that hospitality begins when the subject is not imprisoned by his own ego anymore, just someone who is there, a guest presenting itself in that indefinite space of the present

that is the space of every true event. She adds that an event is an encounter that has an infinitesimal likelihood of occurring, but that takes place nevertheless. This is the peculiarity of being hospitable. It is not something that one just goes about and tries to do; instead, it is something that merely happens. This is very important for the idea of restorative justice. Imposing restorative justice on anyone would be all wrong, because being hospitable because you want to be hospitable is not the point of it. Radical hospitality happens if it happens. That's what restorative justice should be all about – to give a chance for the two parties to come together and try out to solve the conflict on their own. If it doesn't work, they are not, nor should be, obliged to continue the meeting. Instead, it should be made clear to them from the start that they are entitled to terminate the meeting at any point should they wish. It is up to them.

Restorative justice presents a method of conflict resolution that lends itself to real-life challenges. It is not about developing a theory that can wait with endless debates and definitions of processes. As Sackreiter and Armstrong (2010: 226) explain in connection to the faith communities' approach to homelessness, it is easy to resort to hiding behind the need for more information, programmes, steps, and readiness. However, one just needs to get comfortable with being uncomfortable. Similarly even Heidrun Friese (2010: 336) explains, that without being rooted, without reference and the political participation of the local arena and its various actors, renewed concepts of hospitality, in connection to migration in her case, will remain a merely normative-moralistic academic exercise. Equally in the context of restorative justice, attempts at hospitality can be enacted very concretely, even at a political level. Then the question would not need

to be whether to allow for and accept the possibility of restorative justice in domestic violence cases, but rather within which limits to have it.

Conclusion

The discussion in this article has aimed at giving an account of restorative justice in general and of restorative justice in domestic violence cases in particular, in the light of the notion of hospitality. It can now be concluded that these intersections result in some fruitful perspectives. Both hospitality and restorative justice (in domestic violence cases) present surprising and certainly unexpected approaches in today's world. However, both approaches can be seen as meaningful approaches. To highlight the potential, yet the unexpected, possibility of restorative justice in domestic violence cases, I have evoked the notion of radical hospitality, which I claim makes a particularly illuminating approach in the context of a renewed approach to wrongdoing and to domestic violence. This approach holds firmly to the meaning of being hospitable towards one's enemy, even in cases of domestic violence. It underlines the importance of standing on the side of the female victim at all times, even when she wishes to adopt a hospitable approach to the offender. ■

Heidi Jokinen has earned her PhD in 2011 with a dissertation analysing victim-offender mediation as an alternative method for conflict resolution in late-modern times. She works currently as Teacher in Theological Ethics and Philosophy of Religion at Åbo Akademi University. Her latest article 'Solving moral conflicts: case restorative justice in domestic violence cases' (2020) appeared in *Contemporary Justice Review*. This



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