
Restorative justice and the intertwining between criminal mediation and domestic violence victims' support

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ABSTRACT

Adopting the rhizomatic thought the paper examines whether restorative justice (RJ) can be a response for domestic violence victims. It presents the results of an evaluative research that show the

rhizomatic intertwining between the RJ arrangements and the support to the victims of domestic violence.

KEYWORDS

Restorative justice, victim support centres, rhizome, domestic violence

1. Introduction

Violence is a deep root of western societies and neutralizing violence, preventing violence from breaking out in the relationships has proved to be an unkept promise of law (Resta 2009). Adopting the rhizomatic thought, this paper examines whether restorative justice (RJ) can be a response for domestic violence victims.

Rhizomatic thought (Deleuze & Guattari, 1987) proposes that each entity be considered as a rhizome that features *connection*, *heterogeneity*, *multiplicity*, that comes across an *asignifying rupture*, is a map for action, a map that can never be reproduced and can always be extended and modified (*cartography* and *decalcomania*). Violence has these *approximate characteristics*, but intertwining rather than as a rhizomatic assemblage.

Violence connects the offender to the victim, not in general, but in case of a specific offender to the related victim; the offender and the victim establish the existence of violence (Resta, 2009). This connection gives rise to many more, which cut across the social condition of the participants,

the places where it can occur, and the methods. To that effect, the effort to identify dichotomies underlying violence multiplicity seems to no avail, because, as Deleuze and Guattari say, rhizomatic thought is absence of dualism and dichotomy, which reaches the form of good and evil, also in 'regimes of violence'. Deleuze and Guattari speak of regimes of violence rather than of violence, to reassert the impossibility, from a rhizomatic perspective, to divide the force from the violence and, at the same time, its pervasive, long-lasting and, therefore, not accessory feature, so much so that it is very difficult to say where violence lies. To that effect, violence is an asignifying rupture as violence generates further violence. In reproducing itself, violence is never the same, but expands giving no possibility to obtain any clear image; i.e., with no possibility for the law to define violence as a single distinct crime. In this regard, it has been said that the symbolic potential of criminal law does not work for violence or, at least, works partially because it must be followed by 'civil justice', the tangible and actual possibility for the victim to recreate an autonomous (Pitch, 1998) and dignified life.

The paper tries to detect the rhizome's approximate characteristics in RJ (para.2); in other words, it investigates whether rhizomatic RJ can be a response to domestic violence (para. 3), where domestic violence is gender-based violence involving women and, consequently, children. For this purpose, the paper is based on the results of an evaluative research work conducted by the University of Parma within the "E.R.Vi.S." (Emilia Romagna Victims Support) project. In 2021, the Italian Ministry of Justice issued a public notice calling proposals with the aim to establish victims support centres according to European Directive 2012/29/EU. The "Fondazione Emiliano-romagnola per le vittime di reato" (Emilia Romagna Foundation for victims of crime)¹, on behalf of the Emilia Romagna Region, won the call for proposals with the "E.R.Vi.S." project, which aims to launch victims support centres and to train socio-legal professionals to the purpose of working within and/or with them (para. 4).

¹ The Foundation has been operating throughout the Emilia Romagna Region since 2004 to give concrete and immediate response to the victims of serious intentional offences. It is the only institutional initiative in Italy providing support to the victims (<https://www.regione.emilia-romagna.it/fondazione-per-le-vittime-dei-reati>).

Our hypothesis is that, through victim support centres in accordance with the EU Directive, the balance between the subjectivity and rights of the victims and perpetrators of gender-based violence can be pursued and achieved not only in RJ practices but also in a symbolic plane (para. 5). To that effect, the E.R.Vi.S. project is suitable in order to analyse the polarized and interconnected nature of law and how such nature influences legal theory and practice (para. 6).

2. Restorative justice, criminal mediation, support to victims

RJ originated from a set of concepts, knowledge and factors, which partly date back to a distant past, such as those from theology and anthropology, have always investigated the meanings of justice, the value of law and on the purpose of punishment. On the other hand, they partly concern some recent evolutions in criminology, which has progressively opened up to considering the victims' needs, and the latest one in law, addressing the juridification of RJ. Over time its ancient roots have generated a justice model that enables the offender, the victim and the community to seek solutions to the effects of the conflict caused by the offence, in order to promote reparation of damage and reconciliation between the parties and the strengthening of the collective sense of safety (Colamussi & Mestitz, 2010). Amongst the many sources, worth mentioning is United Nations Handbook on Restorative Justice Programmes, which gave the requirements and characteristics of RJ programmes as far back as about twenty years ago, specifying that RJ is (a) a flexible response to crime, to the offender and to the victim, which considers each case on an individual basis; (b) a response to crime that respects the dignity and equality of all and that fosters understanding and promotes social harmony, through care for the victim, for the offender and for the community; (c) an alternative to the formal criminal justice system and to its stigmatizing effects on the offender. That Handbook indicated RJ as an approach that can be used in conjunction with the criminal system's trials and penalties; that can use problem solving techniques and search for the hidden causes of the crime; that addresses damages to and the needs of the victims; that encourages the offender to understand the causes of his or her behaviour and to take

responsibility for it in a mindful manner; that recognizes an elective role to the social community in preventing and combating crime and social disorder. In order to reach its goals, RJ must be flexible, to adapt to the circumstances, to the juridical tradition, to the principles at the core of the justice systems of the various States where it is used. The authorship of the by now conventional definition of RJ is often attributed to Howard Zehr, who outlined it as a change of lenses, as a new perspective, as a renewed approach to conflict and offence (Zehr, 1990).

The success of this definition lies in that it enables RJ to be represented as a changing perspective, as a pliant approach able to adapt to the changing circumstances in which it is used. This ability, which depicts it as flexible matter, has not prevented its juridification, which has taken place in many States, as it has also in Italy very recently (Italian Legislative Decree no. 150 of 10 October 2022, also known as ‘Cartabia reform’).

In the recent Italian act, RJ is introduced as an *organic system* having arrangements at every stage and instance of the criminal proceeding, in a supplementary and complementary manner to the traditional criminal justice system; the Italian reform has embraced several rules already long in force in the supranational law, as many other supranational sources have over time described and defined the purposes of RJ and its implementation tools. The Italian legislator has proposed a criminal justice structure that goes side by side with the traditional one, which has a mainly offender-centric and punishment-focused connotation, a response to crime oriented towards recognizing the victim’s rights and laying responsibility on the offender, thus also complying with the offender reintegration principle laid down in Article 27(3) of the Italian Constitution, which places the conflict in the community setting. In short, RJ is understood as a hybrid form of justice and as a border zone, prompting the justice system to self-reflect and evolve (Scivoletto, 2024).

In this regard, suffice it to think of RJ practices, such as criminal mediation, which is its most complete and complex tool. Indeed, criminal mediation requires a direct relationship, assisted by an expert mediator, between the offender and the victim (Peachey, 1989). Nevertheless, it has long been represented as a practice tailor-made for the offender and for having the offender take responsibility, rather than for the victim and his or her needs (Pavarini, 2006). On the other hand, RJ programmes contribute to strengthening people’s sense of safety, as clearly found in the surveys on

the satisfaction of the parties – offenders and victims – who have experienced criminal mediation and conferencing (Scivoletto, 2009; Mastropasqua, 2016).

Conversely, quite less direct is the coupling of RJ and support services to the victims, as provided for by Directive 2012/29/EU, which the most structured and complete European body of laws on the rights of crime victims. Under the Directive Member States are required to strengthen the support provided to crime victims and social protection and assistance, as well as to ensure the rights of information, emotional and psychological support, also in order to prevent any secondary victimization, going so far as to aspire to national coordination of victim support services. Considering that, the experience of support centres is but a pale reflection of the RJ model, if it means justice ensuring that the offender take responsibility and or able to facilitate the meeting between the offender and the victim. Support centres work rather on secondary victimization, in order to prevent it or to reduce its undesired effects.

From this standpoint, in the sociological, pedagogical and psychological literature, some ‘weaknesses’ of RJ have been pointed out (Schermi 2024), also considering the mediators’ professionalization, now being questioned more than ever (Tidmarch, 2022; Ceretti & Mazzucato, 2024).

Conversely, through the rhizomatic thought model, the restorative model acquires the features of an option, which connects the parties one to the other, institutions and practices (*connection*) on a *multiplicity* of planes. In other words, its concreteness and immanence make it able to adapt to the individual sensitivities and perceptions (*heterogeneity*). The nature of crimes such as gender-based violence amounts to the *asignifying rupture* of the arrangements it comprises, which increases the pitfalls related to its juridification, as well pointed out by the legal doctrine, because of its complex integration with the judicial system (Carnevale, 2023; Mazza, 2022). Nonetheless, these pitfalls make it a vehicle of juridical change and social innovation (*cartography* and *decalcomania*), as we have tried to argue in the next paragraph.

3. What if restorative justice turned out the cartography for domestic violence?

In 2009 Braidotti, Colebrook and Hanafin edited the book titled *Deleuze and Law: Forensic Futures*, where they map the impact of Deleuze’s thought

on jurisprudence. The image of Deleuzian jurisprudence depicted by the essays contained in the book places the emphasis on the “material bodies of citizens”, rather than the abstract formless subject of law. As such, his jurisprudence investigates the demands of bodies and how they can transform the relationship between what counts and what is silenced by the liberal model of law (will choice). More radically, as any other entity, jurisprudence can be considered a rhizome in which individuals, with their choices and will, disappear and make room for the assemblage of the planes of demands and needs, of guilts/responsibilities and of the interests that give rise to justice.

The cornerstone of Deleuzian jurisprudence is the concept of biopower, previously proposed by Foucault and resumed by Agamben, which subverts the idea of a historical and necessary relationship between body and law. Indeed, according to this idea, the law must operate on bodies, but it can do so only by establishing a border between the body as political entity and mere life, excluded from political interest. Rather,

for both Foucault and Agamben the contemporary advent of biopolitics occurs when the polity increasingly and invasively operates on this “mere” life, and the body or organism – rather than the self – becomes the object of political management. The manner in which the body, in its “mere life” (or what Agamben refers to as ‘zoe’) becomes the focus of contemporary power has led legal theory to explore new questions of the threshold between life and death and has led social theory to question the new extensions of the law and the polity into embodied life (Braidotti et al., 2009, p. 1-2).

Braidotti and colleagues, and more recently other scholars (Peters & Taglietti 2019), nonetheless have argued that the Deleuzian interpretation of the biopower concept fits into the jurisprudence map not in a critical sense, but rather in a positive and performative sense. Biopower here indicates a differential right, i.e., inclusive of different bodies and their voices. Through the positive concept of biopower, at the same time Deleuze stimulates to look beyond the subject in an ontological sense to ask ourselves: in which moment do the corporeal relationships of a body, i.e., the various relationships between its organic and nervous potentials suffer a sufficiently important configuration to generate an incorporeal event?

Violence is one of those moments in which the body becomes mere life; as it takes place violence submits the body to such a power configuration that it becomes incorporeal, i.e., negation of being a subject (Braidotti, 1996). This assertion enables us to follow Deleuze's jurisprudence along two intertwining lines of reasoning. First, Deleuze and Guattari (1987) make no distinction between use of force and use of violence, but rather between regimes of violence: struggle, the primitive violence regime albeit ritualized; war, the regime of violence mobilization between state apparatuses; crime, the regime of violence that the State uses against those who take something they are not entitled to; police. Focusing on violence by the State against crime, here below are some considerations first on RJ as a model for response to the crime of violence. Second, the violence we speak of is gender-based violence. Therefore, we address the relationship between RJ and gender issues (Daly et al., 2006) and in this relationship we see the intersection between feminism and the Deleuzian jurisprudence.

Since the 1970s, in some States, including Italy, attempts have been made to increase control and punishment as a response to the violence suffered by women in many different forms (first and foremost as a response to domestic violence). There is substantial agreement in considering that these attempts must not be read in the criminal system modernization framework, i.e., within a design to rationalize criminal law, but rather as pieces of a wider criminalization process, in which anti-violence movements and popular initiative are the key players (Pezzini, 2020). In this regard, the term *carceral feminism* has been used; it prioritises a state response to gender-based violence and see retributive punishment as an essential component of that response (Law, 2014). Carceral feminism means "the alignment of a once emancipatory social movement with the arm of the state associated with the police, criminal courts, jails, and prisons" (Kim, 2021, p.4). From this alignment, a long road starts and arrives, in terms of legislative and judicial strategies, at assuming internationally the gender perspective of violence.

With the Council of Europe Convention no. 210 on preventing and combating violence against women and domestic violence of 2011 (Istanbul Convention), the positive law has embraced the gender perspective of violence recognizing that violence has a gender, not only in statistical terms but because, in the light of the gender-based violence, facts and modalities of relationships considered normal and immutable are reconceptualized

as conflicts and as products of power relationship (Pezzini, 2020). In other words, the expression *gender-based violence* enables, on the one hand, to conceive a new interpretation of the reality where once invisible behaviours, which society concealed “in the closed circle of domestic relationships and the victim’s shame” acquire visibility. On the other hand, it goes alongside the delegitimization of violence against women as violation of human rights, which reflects a configuration of hierarchical and patriarchal social relationships between the sexes. Precisely in consideration of the rights of the victims, the Istanbul Convention prohibits “alternative dispute resolution processes in relation to all forms of violence” against women (Art. 48).

In their paper, Daly et al. (2006) reports the existence of a “fault line in feminist engagement with restorative justice” (Idem, p. 15). On the one hand, cultural feminists criticized the over-reliance on the criminal law to control men’s violence against women to the detriment of a more caring response to crime. Cultural feminists then saw mediation as compatible with feminist values especially as “alternative to men’s forms of criminal law and justice” and able “to bring women’s experiences and ‘voices’ into the criminological and legal frame”. Feminist scholars such as Hampton (1998) have proposed a positive reading of the ‘retributive ethic’ in criminal justice, as a more sophisticated way of thinking about the nature and goals of a punitive response that should be cognitive, to provoke thought in the mind of the wrongdoer. On the other hand, Daly continues, “the association of justice and care reasoning with male/masculine and female/feminine voices, ... this gender-linked association was not accurate empirically” (Daly, 2006, p.14). Arguing the existence of an association summarizes the feminist fracture in linguistic terms, where RJ is as an ‘alternative’ to established criminal justice, but does not measure to what extent it is appropriate in case of violence against women. In this regard, Daly has identified some potential problems: victim safety, manipulation of the process by offenders, pressure on victims, the role of the ‘community’, mixed loyalties, impact on offenders, symbolic implications.

Rigorous research designs have been devised in order to assess the appropriateness of RJ in treating gender-based violence (Gang et al., 2021). In a recent research work, the alternative between retributive justice and RJ has been investigated in terms of preferences expressed by women who are survivors of gender-based violence (Decker et al., 2022). The interviewees stated that retributive approaches like incarceration offered accountability

as well as fleeting safety, but were critically limited in addressing the root causes of violence and, in some cases, were felt to exacerbate the problem. Women expressed needs and preferences centred on restorative aspects of justice, including perpetrator's acknowledgement of harm, achieving physical safety and stability, and perpetrator rehabilitation through counseling. Similar results had already been obtained in other research works that measured the attitudes to RJ of professionals in the field of violence against women (Marsh et al., 2015). Loney-Howes et al. (2024) have spoken of limits of criminal legal responses to gender-based violence and demonstrate that carceral horizons deployed to address gender-based violence cause further harm to survivors and overshadow diverse perceptions and practices of justice.

Other studies have rather assessed the effectiveness of RJ in treating gender-based violence but have obtained contradictory results. Scholars who stress the goal to restore victims to their state pre-victimisation stated that RJ produces a greater improvement on health outcomes and post-traumatic symptoms than retributive justice (Lloyd et al., 2020; Burns et al., 2023). According to other researches, there is clear evidence of a gap even in RJ so that many women felt their own vulnerability made them both a target and a less credible victim (Masson et al., 2017).

According to the most radical women scholars, the possibility of RJ in treating gender-based violence arises from the bottom up, i.e., it cannot but be based on the feminist practice of justice. Feminist project of struggling gender-based violence may be better served by RJ because it represents a room of consciousness raising, both of women rights and of the essential role institutions play in policing and enforcing women's subordination. Goodmark (2018) has identified RJ as a turning point in the development of the criminal legal regime designed to respond to women-based harms. In this regard she wrote:

by asking those who do harm to consider the impact of not just their actions, but also their conceptions of masculinity, on those they have harmed, restorative justice can encourage men to see their roles as men differently. On the societal level, engaging community members in a process that stresses alternate visions of masculinity could shift community norms. And rejecting the carceral state's response to gender-based harms could undermine its legitimacy and create momentum around shifting

time, energy and funding into more egalitarian, less patriarchal sites for justice (Goodmark, 2018, p. 379).

It is quite a demanding assertion, as it implies the construction of a performative theory of law, which includes the subjectivity of the women victims. In this regard, women must first of all be asserted as subjects without relying on dualistic oppositions or essentialist notions, for example that of human being (Braidotti, 1996). Indeed, the former repropose parts of the history of women oppression

Only a subject who historically has profited from the entitlements of subjectivity and the rights of citizenship can afford to put his “solidity” into question. Marginal subjectivities, or social forces who historically have not yet been granted the entitlements of symbolic presence- and this includes women – cannot easily relinquish boundaries and rights which they have hardly gained as yet (Braidotti, 1996, p. 310).

Relying on essentialist notions is rather at risk of not considering the intersectionality and profound asymmetry in the distribution of subjectivation lines. It is indeed here that Braidotti resumes the Deleuzian notion of rhizome, to radically justify the subjectivity of women as “other-than” and the “becoming-diverse of women”: neither at the margins nor at the centre, but rather positioned on different modes and scales of temporality, “the time of becoming ... experienced by living bodies and minds” (Lalor, 2022, p. 106). The subjectivity as becoming subverts both the identity of the rights bearer and the mechanisms by which these rights might be protected (Lalor, 2022).

Jurisprudence that is inclusive of women’s subjectivity subverts the identity of gender-based violence victims as it subverts the *leitmotifs* of female vulnerability, weakness and fragility which have often contributed to pathologize, infantilize and stigmatize gender-based violence victims (Wager, 2015). Pitch (2022) has spoken of a misunderstanding that places women who are gender-based violence victims in a continuum between the image of the perfect victim as they are vulnerable and the image of persons with agency. Subverting this misunderstanding means considering the vulnerability of violence victims as a brick stratifying the existential dimension. Paraphrasing Chouliaraki (2020), the vulnerability of gender-

based violence victims first and foremost asks to communicate its suffering to command recognition; but the vulnerability that gender-based violence impresses on women's bodies cannot be disconnected from questions of systemic inequality.

In this assemblage of needs, demands and interests, it can be placed the Directive 2012/29/EU establishing support services for the victims of all crimes. At Article 12(c)1 it recommends to Member States that RJ services should only be used if they are in the interest of the victim. From the perspective of Deleuzian jurisprudence, the interest of gender-based violence victims in RJ must mapped in social injustice terms otherwise justice becomes a set of procedures (Lenci & Carnevale 2008; see Schoultz & Smiragina, 2024).

4. The E.R.Vi.S. project and the victim support centres

As mentioned above (see para. 1) the University of Parma was the partner of E.R.Vi.S. in charge of assessing the project in terms of both results and process. To do that, we conducted 21 interviews from March to September 2023: 6 interviews to the victim support centres service workers (SW), 3 interviews to policymakers (PS) and 12 interviews to socio legal professionals (SLP). SLP were selected from among those who attended the training course organized within the project.

The main objective of E.R.Vi.S. was to establish the victim support centres in accordance with Directive 2012/29/EU given that they are still unevenly present throughout Italy; the E.R.Vi.S. project has, first and foremost, contributed to their spreading.

The Directive requires that support centres be intended for the victims of all crimes, be confidential and free of charge and operate in the victim's interest (Art. 8(c)(1). The centres thus designed must operate on secondary victimization processes, providing generalist support, with special regard to the victims that have suffered severe damage, such as the victims of gender-based violence (Art. 9(c)(2). Furthermore, according to the Art. 8(c)4,

Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.

The E.R.Vi.S project has tried three victim support centres: a non-governmental one (Bologna) and two State ones; of these, one started operation as continuation of an already existing project of the Educational Services Department of the Municipality (Modena), the other started operation in cooperation between the Municipality and the local Town Police (Formigine). Because of the diversity of the centres tried in the E.R.Vi.S project, some fractures initially emerged in the language, practices and even in the facilities available to the individual centres, but proved neither long-lasting nor final, referring to the generalist nature of the support provided. Indeed, the centres are intended for

... the person and not only for the crime suffered, because once you enter the proceeding, the law is strictly focused on the offence and no longer considers the person's needs (SW n3).

In short, it is a sort of engagement for the citizen and the problem that he or she has experienced. In short, so that the person does not feel alone in this situation (SW n6).

The E.R.Vi.S. project has confirmed the importance of generalist support to the victims and, along with it, the cultural importance of Directive 2012/29/EU. The centres work with victims of crimes who do not have appropriate or sufficient material and/or personal resources to handle the consequences. Their work reflects the standards laid down by the Directive but features an *attentive* attitude in supporting crime victims

Giving them acceptance, listening to them, giving them information ... both psychological and rights-related assistance. We try to give the person all the useful information to report the crime, but we try also to support the victims in choosing whether to report the crime, explaining what the procedure may be, also in judicial terms (SW n5).

[the victim] perceives this event, let's say as a sort of, ... something that is not under control and needs special attention (SW n6).

On the other hand, support is *prompt*, but not urgent as in case the victim needs immediate protection (e.g., in case the victim needs to leave

her home and be placed at a safe facility). This reasserts that providing support is not merely providing immediate services, albeit in accordance with the standards laid down by Directive 2012/29/EU, but rather consists in giving assistance and being to the victim's side in the steps she must take: from paying for the material damages suffered to reporting the crime, as in the cases of which this service worker speaks

I worked with a lady who was the victim of abuse by her husband. What did the husband do? He used the wife's car, registered in her name, to ride around. When the restraining order and the separation decree were issued, the lady came to use with a long list of traffic tickets, ... for a total, if I remember correctly, of about 50 or 60 thousand €. ... So, you saved, in quotes, the wife from the presence of a violent husband [with the restraining order], but then she has to bear all [the financial damage] (SW n1).

We have an explicit protocol with the police, so when we ... if a victim of violence comes to us and wants to report the crime, we do not send her to the police station: we call the police and they come to us and then we go to a room upstairs, "The pink room" (SW n1).

The service workers interviewed described an overall significant experience: although recently opened, the centres have already established a proactive network in the community and have adapted social work tools, such as the interview, to sentinels in supporting the victims. In the next paragraph, we have tried to report the implications of this work.

5. Subjectivity and institutionalization of RJ as rhizomatic traces in the research prism

European Directive 2012/29/EU was transposed in Italy with Italian Legislative Decree no. 212 of 15 December 2015, but it was indeed Italian Law no. 69 of 19 July 2019 (*Modifiche al codice penale, al codice di procedura penale e altre disposizioni in materia di tutela delle vittime di violenza domestica e di genere*), known as the 'Red Code', that fully implemented the EU Directive.

The 'Red Code' has considerably tightened the penalties for gender-based violence and introduced new crimes (Russo, 2020); at the same time, it has established the possibility of conditional suspension of the sentence, subject to participation in specific rehabilitation or mediation programmes (Art. 6). Thus, for Italy it has become expedient (albeit not mandatory as it is a Directive) to set up centres providing victims with the support they may need to handle any secondary victimization processes, also, and not marginally, in case RJ programmes start under Art. 6 of the Red Code.

At a closer look, the 'Red Code' features as a connection between criminal justice and RJ; moreover, it has an asignifying rupture in secondary victimization, from which it opens up to civil and social justice. The expected composition effect is to create a map in order for the victim to "*get out of violence*" (SLP n12). From the symbolic point of view, this implies attention in language

Violence must always be mentioned with its name, to reconstruct, in the best possible way, the violent setting and the type of violence used, and generic terms must never be used (SLP n12).

From the practice point of view, the training actions planned within the E.R.Vi.S. project have generated the opportunity to put the support centres in touch with the social service and legal professionals who work in direct contact with the offenders and to think together how to get out from violence

I think that getting to know one another is very important. Well, getting to know one another is the foundation ... trying together to exchange views, ... those taking care of victims tend to be absolutely protective with the victims, and it's right! However, the offender is also a factor ... you cannot leave him out, because if you leave him out he is the origin of victimization, without him there would have been no victim, if that subject hadn't been there, ... so, getting to know one another, exchange views. Talking, finding a way to do things together in the network ... I think it is very important (SLP n7).

In the interviewees' opinion, the balance between the reasons of the offender and those of the victim, more than fragile, or worse undesirable,

as we would have expected, conversely seemed as a possibility to be kept open precisely to the extent in which justice works as an assemblage. In the research prism, RJ is a different form of justice due to the use of tools alternative to those of criminal justice and to the extent which, not only the offender, but also the victim and the community become *other than* (Braidotti, 2009). The victim support centres established by Directive 2012/29/EU give a contribution to not conceive duality, but especially to consider identity as a circumstantial entity, at the same time becoming and incarnated, processual and situated.

The interviewees traced at least three levels of difference. First the offender and the victim are other than those represented in retributive justice; i.e., they are not merely parties to a trial. This level of difference is strongly affected by Directive 2012/29/EU, whose language refers to the *author*, rather than to the defendant or to the person under investigation, while, at the same time, it gives the victim the possibility to have a voice and a body. Where ordinary trials cannot ensure “room and answers”, Directive 2012/29/EU gives the victim “room to speak” based on the possibility to recover an acceptable relationship with the other (Bouchard, 2023). To that effect, in the interpretation given by this interviewee, the symbolic importance of Directive 2012/29/EU lies in that it contributes to a civil justice that gives “equal dignity” back to the parties

in the Code, there is the victim and little else. And, how to say, having taken this point of view inside the trial is a commendable thing, which was not there before. ... it's a matter of civilization, which, personally, I am in favour of (SLP n10).

The second level of difference is the one internal to both victims and offenders. This level of difference implies a change in the representation of victims and offenders as subjects entering the criminal system because they ‘lack’. Victims and offenders are often described as poorly educated individuals, living in financial, social and cultural marginalization. Conversely, vulnerability is represented by the interviewees as a turning point: from being an exclusive identity feature, vulnerability becomes the very foundations of social living and, hence, of justice

I'm going to use a rhetorical sentence, but we are all victims, that is to say the possibility, the point of vulnerability where we can find ourselves involved in a crime situation ... really all of us. ... it would be very interesting to extend precisely this culture of support ... [because] there is a vulnerability point that we all share (SW n3).

I mean all that part on vulnerability about who the victims are, it [the Directive 2012/29/EU] identify the victim and also find room for all that part of victim protection. ... it gives the possibility to the Member States to introduce in their legislation precisely this attention (SLP n7).

The interview passages quoted refer to yet another difference, internal to each victim and each offender, between the consciousness level and unconscious identifications. This level refers to the possibility that, through communication of one's life experience, also painful, both parties become not only public but also political subjects. As pointed out by Chouliaraki (2024), in his sociology of critique, Boltanski had already argued that hitherto-undefined publics can test those who suffer to determine what is just. It is a position to some extent shared by the interviewees, who can see the difficult political legitimization of suffering, versus a widespread instrumentalization of the language of pain

The victims? Here starts a very general discourse, a very complex one if you ask me, concerning the victimization process, a process during which images of victims, stereotypes are constructed, (PM n3).

Anything done by the court that is not close to what the public opinion expects, for example, although the defendant is found guilty, the famous extenuating circumstances are granted, ... controversy starts! ... but, what does it mean? It means that ... You find the defendant guilty, but you must understand in what background the offence took place ... sentencing and be fair in your judgement. I think that limitless increase in penalties, the more femicides, the harsher the penalties, ... but imprisonment is not going to eliminate these twisted things. ... (SLP n11).

Here enters the third subject, without which there would be no justice, especially in the form of RJ, namely the community. The community is

not the State meant as ‘singleness’ which holds the judicial power and control tools, but rather regards participation between governmental bodies, criminal justice system, citizens’ associations, local organizations as a collaborative control (Giddens 1999) in preventing and combating crime and social disorder.

The interviewees reach here a very significant crux, such as that of strategic use of violence (Tomelleri, 2023). Where violence and gender-based violence are often used to fuel fright and sorrow as a policy, along with scaremongering, victimization expresses the need for “a slow temporality of judgement” (Chouliaraki, 2024, p. 131) and for change in the justice narrative: from finding out what happened and reconstructing the events, to justifying the life experience, the emotions and the suffering that followed. In this meaning, Chouliaraki speaks of intersubjective justice, which requires you to devote your focus and respect to the person you’re talking to. In this regard, the victim support centres are not only a place of attention, but also a stronghold of justice, as confirmed by the interviewee quoted below

In that moment, it is about two people who are one in front of the other and what we can do is hearing them, hearing about their suffering and say “I hear you, let me see what I can do. But, in any case, I’m here, I am going to help you and stand by you on your path”. This is what we do (SW n2).

The victims of gender-based violence may have suffered a lot of damages, not only material ones, and, consequently, they may have a constellation of very concrete needs and demands, which must be met. But, more than anything else, the interviewees reasserted, they must not suffer institutional and structural damage; that is to say, they have the right to be listened to and believed:

I think that the true right is the right to be listened to and believed; which doesn’t mean that I believe that things went as the victim says, because this is up to ... to decide, but I believe that her situation is as she says, ... I have to believe that in that moment she needs something (SLP n1).

Uh, we are about to step on a very delicate ground, ... I think that usually (children) are not believed, even though the right to be listened to is laid down and set in international conventions, ratified ... (SLP n3)

If thought as an assemblage, justice has in RJ as an *option* in all crimes, including gender-based violence; but RJ is not a possibility for all offenders and for all gender-based violence victims

... Then now there is also a whole structure regarding the defendant, there is the obligation to attend programmes for abusive men. I think that, at the end of the day, this quite good, because, as far as I'm told, people often understand that using violence is not a solution. In accordance with the Red Code, in order for the penalty to be suspended, they must attend a programme, but if the case is prepared for trial well, if there are witnesses, if there are medical records, the offender will be found guilty and sentenced (SLP n11).

It's complicated, difficult, it's not for all, not for all at the same time, because the possibility of access certain restorative justice programme for the victim is to be assessed, ... because it's not for all offenders just as it's not for all victims (SLP n7).

The distinction made in these interview quotes reveals how much domestic violence is a *tangle* that is difficult to unravel, even in order to assemble collective narratives of justice “that avoid individualistic explanations of social suffering” (Chouliaraki, 2024, p.133), in which RJ is to be placed, and experiences of victim support centres in collective responsibility practices, which “demand concerted actions ... using them to highlight not everyone's pain in general but the pain of those who suffer most and turn that suffering into call for solidarity” (Idem, 139; see Braidotti & Dolphijn, 2005).

6. Conclusion

In our work, we asked ourselves whether RJ can be a way to address domestic violence. To do so, we adopted the rhizomatic thought approach, applying it to the data from the evaluative research work carried out on the E.R.Vi.S. project. The obtained results come together on a multiplicity of planes, each one of which is, in its turn, branched, which give back the image of a rhizome between RJ and support to the victims. Therefore, it is

a rhizome that assembles different semiotic systems, each one of which has an identity and characteristics that are, in their turn, rhizomatic.

The E.R.Vi.S. project is well suited to detect the approximate characteristics of this assemblage. The service workers and legal professionals interviewed appreciated the training course within the E.R.Vi.S. project as an opportunity to learn about the very existence of the victim support centres and to start to exchange views and experiences with them, in order they have a legitimate say. This *connection* rests on the idea that the two parties, offender and victim, can meet within a justice system featuring *heterogeneity* as it is open to individual sensitivities and perceptions and involves those that go through it. It is a meeting that has already been made possible by the *multiplicity* of RJ programmes. RJ finds room on the topics of conflict, resentment, revenge and reconciliation, and, on the operation of the various segments of formal justice (juvenile, adult, cognitive, executive, justice of the peace's jurisdiction), as well as on individual targets (minors, women, prison inmates, repeat offenders or offenders with a clean record). Its application can work on several social context (peer groups, neighbourhood relations, corporate and school organizations) and on several types of conflict, not only on conflicts resulting from the offences, taking into account the stratification of the components (gender and culture, but not only these) that goes along with them. Ultimately, RJ continually fluctuates between the general and the specific, between the macro and the micro, between theory and practice, and, most of all, between the victim and the offender. They are the becoming-world, the line of flight, the *asignifying rupture* from which the rhizome between RJ and support to victims evolves to community. Victim and offender within public policies of law increasing constructed in the assemblage of justice models (*cartography*), for example the 'Red Code', which justify their nature of nomadic subjects (*decalcomania*).

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