

**PRYING INTO THE CAVITIES: AN ABOLITION FEMINIST ARCHIVAL INQUIRY  
OF THE 2015 DALHOUSIE DENTISTRY RESTORATIVE JUSTICE PROCESS**

by

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## **Abstract**

In 2014, the “Dalhousie Dentistry scandal” erupted with the public’s discovery of a series of misogynistic and homophobic postings within a private Facebook group featuring only male Dentistry students. In response, Dalhousie University deployed a months-long restorative justice (RJ) process involving the group members and other Dentistry students. The process elicited mixed responses within the University and the broader community. This thesis delves back into the competing discourses from an abolition feminist perspective, ten years after the incident. The goal of this critical archival inquiry is to complicate a “plausible history” (Enke, 2018) regarding the institutionalization of RJ, especially its use as a gender violence response. Using Ahmed’s (2021) method of “hearing with a feminist ear”, the thesis evaluates from documents produced by the Dalhousie University administration, Dalhousie University students, the news media, and local feminist activists. Through its examination of public, media and institutional discourses, the project seeks to understand the contradictions and tensions that emerge as practices from grassroots movements are adopted by neoliberal institutions.

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## Introduction

On December 6, 2014, a male Dalhousie Dentistry student posted a poll regarding his female classmates in the private Facebook group “Class of DDS 2015 Gentlemen”, asking other male students to vote on who they would “hate fuck” or “sport fuck” (Backhouse et al., 2015). Upon seeing the post, one of the group members, Ryan Millet, found it offensive and asked perpetrators to apologize and remove the poll (MacIntosh and MacIntosh, 2015). When he was unsuccessful, he proceeded to show it to a female classmate who was mentioned in the poll.

This student (hereafter referred to as the original woman complainant) attempted to launch a formal complaint by the University’s student affairs office. A campus security officer urged her to produce more evidence to support her complaint (Backhouse et al., 2015; Llewellyn, MacIsaac, and MacKay, 2015). Thus, she approached Millet for assistance. After assurances from the University administration that his safety would not be jeopardized if he cooperated, Millet allowed his female classmate to log into his Facebook and obtain 54 screenshots of the “DDS 2015 Gentlemen” group, dating back to 2011, featuring a series of misogynistic and homophobic posts (MacIntosh and MacIntosh, 2015). The screenshots identified 13 active male members of the Facebook group and 10 women targeted by the posts (Llewellyn, MacIsaac, and MacKay, 2015). Some of the posts included:

- A photo of a bikini-clad woman with the caption “Bang until stress is relieved or unconscious (girl).” Featuring comments that say “Can you tell me what this chloroform smells like?” and “Does this mask smell like nitrous oxide to you?”
- A post with an Urban Dictionary entry for “penis” that defines it as “the tool used to wean and convert lesbians and virgins into useful, productive members of society.” A member commented: “And by productive I’m assuming you mean it inspires them to become chefs, housekeepers, babysitters, etc.”
- Female classmates are called “damn honey traps”, insinuating that they flirt with instructors. One is imagined to complain to a male instructor about her “canal” being “too tight”.

- A female faculty member is described as a “crazy bitch”. A male faculty member is described as “under more heat for sexual harassment than anyone since [a previous faculty member] and gives a final with 69 questions. What a boss.”

(Backhouse et al., 2015, pp. 7-8)<sup>1</sup>

On December 15<sup>th</sup>, CBC reported it had obtained 45 pages of screenshots of the Facebook group from an unidentified source. The matter immediately elicited strong public reactions, with many community members commenting on a culture of misogyny at Dalhousie (Backhouse et al., 2015; CBC News, 2014a). On December 19<sup>th</sup>, over 200 people rallied in front of the President’s Office in response to the misogynistic contents of the Facebook group and demanded the expulsion of its members (Catangay-Liew, 2015; CBC News, 2014d). Simultaneously, eight Dalhousie faculty members published a *Statement Against Misogyny and Gendered Violence*, receiving over 300 signatures from the Dalhousie community and beyond (Impact Ethics, 2014). Faculty members such as Jennifer Bankier pointed out that the Dentistry scandal was simply shedding light on rampant discrimination that had existed at Dalhousie for years: “It’s a university doing openly the patterns that it did covertly before” (Beaumont, 2015, para. 3). Recounting the patterns of racial discrimination at Dalhousie, former professor Anthony Stewart notes: “An institution that has demonstrated a lack of commitment to issues of social justice in general is going to reveal that lack of commitment in numerous particular ways” (para. 14).

Llewellyn, MacIsaac, and MacKay (2015) state that on December 16<sup>th</sup>, three out of the four original women complainants and one additional Dentistry student agreed to a restorative process, because they hoped to address both the incident and the culture of misogyny at the Faculty. Restorative approaches adopted by Dalhousie University are characterized by Semansky (2014) as dialogical processes that involve being “actively engaged in understanding what happened, who was affected, and determining measures to hold offenders responsible and accountable — not only for their past actions, but for shaping

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<sup>1</sup> Some of the screenshots from the group are featured in Shaw (2015) and Boon (2014).

for the future” (Considering Restorative Approaches section, para. 1). On December 17th, the President of Dalhousie University announced that the women impacted by the Facebook posts wanted to pursue restorative justice (RJ) (Backhouse et al., 2015). However, this was immediately contested by an impacted female student (presumably the original woman complainant based on later accounts in Backhouse et al. [2015]), who stated: “It feels shocking to be asked to discipline my own peers. That's not my job. It's good that they're asking for our input but ... we don't know all the facts. How can we be asked to make a decision based on partial information about our peers?” (CBC News, 2014c, para. 3). In the following days, Millet (2014) published a public letter to the President and his classmates acknowledging his membership in the Facebook group, and apologizing for being a bystander.

The University’s decision to pursue RJ remained controversial, and calls to publicize the names of the other members of the DDS 2015 Gentlemen Facebook group continued (CBC News, 2014b; Haiven, 2014; Teitel, 2014; Jones, 2015). On January 5th, 2015, the President announced suspension of clinic privileges for all 13 members of the Facebook group (including Millet) (Backhouse et al., 2015). The Dentistry’s Academic Standards Class Committee (ASCC) was tasked with evaluating the professionalism requirements of the students and determining their academic progression. Additionally, the University President, with endorsement from the Senate, appointed an external task force to investigate issues of misogyny, sexism, and homophobia within dentistry (Staff, 2015a, 2015b).

The RJ process, led by a Dalhousie law professor with RJ expertise, a campus security officer, and a staff member from the Dalhousie Office of Human Rights, Equity and Harassment Prevention (HREHP), proceeded with the participation of 15 male students and 14 female students (Backhouse et al., 2015; Llewellyn, MacIsaac, and MacKay, 2015).<sup>2</sup> The

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<sup>2</sup> According to Backhouse et al. (2015), the class consisted of 25 men and 21 women, eight of which were part of the Qualifying Program (often treated as a separate group). Out of the 15 men participating, 12 were members of the “DDS 2015 Gentlemen” group. Millet, the 13th member, opted out of the RJ process. Notably, Llewellyn, MacIsaac, and MacKay (2015) state that at one point in its existence, the group’s membership was as high as 16. Six out of the nine women targeted by the Facebook group participated in the RJ process, with the original woman complainant opting out.

process was documented in the *Report from the Restorative Justice Process* (Llewellyn, MacIsaac, and MacKay, 2015). On January 6th, four anonymous female students published an open letter voicing concerns about the RJ process (CBC News, 2015a). In response, 29 Dentistry students wrote a confidential letter to the University President in support of the process (Llewellyn, MacIsaac, and MacKay, 2015).

Questions about the culture and climate of the Dentistry arose again with the public's discovery of "The Cavity", a wall within the Dentistry students' lounge that featured decades of homophobic and sexist graffiti (Backhouse et al., 2015; MacIntosh, 2015). Requests of having it painted over were refused on the basis of the walls having "historical value" (Backhouse et al., 2015; MacIntosh, 2015). Students also reported finding racist and Islamophobic graffiti on campus, pointing to broader patterns of discrimination at the University (Donovan, 2015).

Ultimately, the RJ process concluded in March, with the ASCC reinstating the clinic privilege of the 12 male members of the Facebook group (Backhouse et al., 2015). Millet's clinic privileges were restored four days later. The original female complainant, feeling "unfairly maligned" (Backhouse et al., 2015, p. 25) by her peers, graduated early.

My project delves back into the scandal and the myriad of discourses that it ignited. More importantly, it critically examines the University's application of RJ from an abolition feminist perspective. It asks: ten years after this process, what changed? Why did the process matter? In this thesis, I begin by establishing my theoretical foundation in Chapter 1, outlining the trajectory of abolitionist and race-radical feminist organizing, and defining RJ. In Chapter 2 and 3, I provide an overview of the existing literature to contextualize the public reaction to the Dentistry scandal. Chapter 2 focuses on the institutionalization of RJ and feminist discourses on complaints and community justice processes, while Chapter 3 explores the political economy of social justice in the neoliberal university. In Chapter 4, I detail my methodological approach. In Chapters 5 to 7, I review and analyze the main findings from my research. Chapter 5 challenges the notion of a "plausible history" (Enke, 2018), featuring perspectives from various stakeholders from the Dentistry and beyond.

Chapter 6 focuses on the notion of a private justice, and the implications of a constructed division between the RJ process participants and the public. Chapter 7 addresses the aftermath of the RJ process, tracking the changes (or lack thereof) resulting from it. To conclude, I return to the conditions for campus student organizing in the presence to argue why this thesis remains pertinent, a decade after the scandal.

## **Chapter 1**

### **Theoretical Foundations:**

#### **Abolition Feminism as a Theory of Change**

Abolition feminism is the theoretical foundation of this thesis. In this chapter, I describe what constitutes “abolition feminism”, thus illustrating how it forms the frames of reference for my project. As I will argue, the development of restorative justice (RJ) and feminist anti-violence interventions cannot be separated from analysis of state and institutional violence. Though the focus of the thesis lies within the university, I explain the development of carceral logics because those are ultimately the stakes of the struggle — to reject the most grievous forms of marginalization and to create space for emancipatory learning in our public institutions. In order to understand Dalhousie’s adoption of RJ, it is instructive to draw the link from the prison to the streets to the academy, and consider how the university is deeply implicated in the dynamics of carcerality and neoliberal governance.

#### **What is Abolition Feminism?**

Abolition, feminism, and abolition feminism by extension, are fluctuating, complex frameworks. They are theories inextricable from praxis, rooted in social movements and collective struggles. The term “abolition feminism” denotes “a dialectic, a relationality, and a form of interruption: an insistence that abolitionist theories and practices are most compelling when they are also feminist, and conversely, a feminism that is also abolitionist is the most inclusive and persuasive version of feminism for these times” (Davis et al., 2022, introduction). Thus, Davis et al. (2022) argue that the abolitionist struggle is intertwined with feminist organizing, and that feminist goals are impossible without abolitionist imagination.

Building on the movement to abolish slavery in the U.S. and Canada, modern abolitionism conceptualizes incarceration as the continuation of a racialized structure of dominance (Alexander, 2010; Davis, 2003, 2005; Maynard, 2017). Davis (2005) refers to Du Bois’s notion of abolition democracy to argue that the abolition of slavery is only abolition in the negative sense. A complete emancipatory project would require not only the termination

of slavery, but also the creation of democratic institutions that eliminate all oppressive conditions. Therefore, abolition calls for an emancipatory project that transforms the systemic roots of violence and harm (Davis, 2003; Haymarket Books, 2021).

Sexual violence responses and prevention strategies generate a key point of divergence between abolition feminism and carceral feminism. Abolition feminist understandings of sexual violence (and more broadly any acts of violence and harm) inherit a critical focus towards both the structural and the individual from feminist-of-colour organizing. Furthermore, abolitionist feminists have argued that incarceration is not only inadequate for stopping gender violence<sup>3</sup>, but that it constitutes a form of gender violence itself (Davis, 2003; Harris, 2011; Kaba, 2021). Therefore, women in marginalized communities have often opted to resist state surveillance and criminalization by refusing to engage in criminal legal processes (Crenshaw, 1991; Kim, 2018).

### **Abolition: Against Carceral Governance**

#### ***Indigenous Critiques of Prisons and Prison Reform***

Indigenous abolitionist perspectives draw connections between capital accumulation and settler colonial land acquisition, disciplinary power, and colonial episteme. Michel Foucault (1995, as cited in Pemberton, 2016) provides a poststructuralist account of prisons that focuses on its productive function. Utilizing the concept of disciplinary power, Foucault argues that the prison's primary aim is to facilitate rehabilitation and maintain social norms. Through the constant threat of surveillance, prisoners "internalize and self-impose the norms of conduct" (Pemberton, 2016, p. 724). This produces a modern political subject that is "individualized, orderly, and self-disciplined" (p. 724). Referring to Foucault's (1970) notion of episteme, Vicki Chartrand (2019) argues from an Indigenous perspective that prisons are a feature of colonial logics. In this sense, she extends Foucault's analysis of disciplinary power by situating prisons within the project of colonial modernity. The colonial episteme produces

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<sup>3</sup> Harris (2011) uses "gender violence" as a term that broadly encompasses all forms of violence under heteropatriarchy.

institutions for rationalized control over dichotomous categories, such as the old/young, the sick/healthy, the mad/reasonable, and the savage/civil. The notion that the criminal must be segregated from the law-abiding underlies the creation of colonial prisons. Chartrand suggests that although the penitentiary was originally a modern reform for rehabilitating white prisoners, the underlying logic of segregation, assimilation, and control permeates colonial governance of Indigenous peoples. From the 1950s onward, the overt domination of the settler colonial state shifted to what Glen Coulthard (2014, as cited in Chartrand, 2019) terms the “politics of recognition”, which invokes liberal pluralism to incorporate Indigenous nationhood under settler sovereignty. This new notion of citizenship meant that prisons displaced Residential Schools and Indian Agents as the new, “colour-blind” institution of control.

Race was erased from all federal penal reporting schemes after 1960. A series of post-war penal reforms define the penitentiary as a site for “humane discipline” (p. 76) instead of punishment. The vision of the modern penitentiary led to increased construction of new prisons. Consequently, the incarcerated population dramatically increased. Under the new race-neutral banner, the rate of Indigenous incarceration saw a steady rise from 1960 to present. Therefore Chartrand classifies this process of “penal assimilation” (p. 76) as “the newest expression of colonialism” (p. 77). Chartrand’s account of Canadian prisons demonstrate how settler institutions enact epistemic violence and colonial dispossession through segregation and assimilation. Furthermore, it demonstrates how these institutions can adapt in accordance with the latest manifestations of colonial modernity.

Robert Nichols (2014) proposes that Indigenous abolitionism constitutes a normative critique of prisons. The very existence of prisons upholds the political authority and legal legitimacy of the settler colonial state. Nichols suggests that capture and control of “disorderly populations” (p. 449) is a cornerstone of settler colonial conquest and reterritorialization. Importantly, the act of reducing Indigenous nations to “treasonous” domestic subjects indicates a permeability between carceral violence (as domestic policy) and military violence (as foreign policy) (Nichols, 2014; Stark, 2016). Furthermore, Stark and

Nichols point out that dispossession, labour exploitation, epistemic violence and land acquisition are foundational to the state and market formation of settler colonial nations. Therefore, carceral expansion constitutes not just a social and economic, but *political* phenomenon. Echoing Chartrand's (2019) observations on penal assimilation, Nichols (2014) proclaims: "The settler colonial state has not gone away at all, or even become less of a physical, material presence—it has merely shifted its site of operation, perhaps most symbolically from the residential school to the prison" (p. 448). Neither a "de-racialized" penal ethos nor reformist narratives of "Aboriginal-centred" correctional facilities can conceal the fact that prisons derive their legitimacy from the settler colonial state. Rather, these adaptations demonstrate ways through which the settler state reinvents itself to reinforce its sovereignty.

### ***Conceptualizing Racial Capitalism/Black Radicalism and Abolition***

Black radicals and abolitionists have continuously drawn attention to the convergence between incarceration, capitalism, white supremacy, and slavery. The concept of racial capitalism, exemplified in the scholarship of Cedric Robinson (2000), constitutes a foundational aspect of this work. Robinson posits that the development of capitalism cannot be understood solely through an economic and historical materialist lens. He suggests that European Marxists overlook the roles that nationalism and racialism play in the development of capitalism. In particular, he draws attention to how ideological/psychological justifications, in addition to economic ones, sustained the institution of slavery. Additionally, he notes that racialism continues to play a key role in labour discipline post-Emancipation. Examining the development of the Black radical tradition, he states: "Black consciousness was unaccounted for in the Marxist explanation of the historical processes and source of the motives to which were attributed the social formations of the modern world" (p. 308). Robinson suggests that racialism *precedes* capitalism, and capitalism is an inherently racialized structure. Therefore, racism constitutes an intrinsic part of capitalism from its very conception (KODX Seattle, 2017).

Davis et al. (2022) argues that W.E.B. Du Bois's (1935, as cited in Davis et al.) foundational work, *Black Reconstruction*, highlights the anti-capitalist nature of the abolitionist struggle. Robinson (2000) suggests that Du Bois's work reveals that, "Slavery, then, was not a historical aberration, it was not a 'mistake' in an otherwise bourgeois democratic age. It was, and its imprints continued to be, systemic" (p. 200). This conceptualization of slavery as an entrenched economic and social relation also appears in Robyn Maynard's (2017) account of anti-blackness in Canada. Noting that slavery was an institution of racialized control that operated with legal consent, Davis (2003) connects it to the development of prisons. Davis (2003) discusses slavery, lynching, and segregation as facets on the continuum of anti-Black racism in America. The Black Codes, the Thirteenth Amendment, and the convict leasing system demonstrate how the criminalization of Black Americans serves as the functional equivalent to slavery post-Emancipation. Michelle Alexander (2010) adopts a similar line of reasoning to illustrate the evolution of racialized caste systems in America. The "colour-blind" label of the criminal creates a class of undesirables, subjected to what Loïc Wacquant (1993, as cited in Alexander, 2010) describes as a "closed circuit of perpetual marginality" (p. 57). However, the language of crime comes to adopt racialized implications, as the War on Drugs and carceral expansion intensified the surveillance of poor racialized communities (Alexander, 2010; Maynard, 2017). Importantly, Alexander demonstrates that with the collapse of each racialized caste system, racial capitalism re-negotiates and re-invents itself to give rise to new institutions of racialized control.

Wacquant (2001, as cited in Pemberton, 2016) asserts that the prison system is a race-making institution. Maynard (2017) proposes that the abolition of slavery and the growth of carceral institutions have transformed the connotation of Blackness from chattel to criminal. Complicating Foucault's analysis, which is predicated on the assumption of a white male prisoner, Black abolitionists suggest that prisons construct a pathological *racialized* subject (Davis, 2003; Alexander, 2010; Maynard, 2017). Furthermore, Joy James (1996) argues: "Some bodies cannot be normalized no matter how they are disciplined, unless the prevailing

social and state structures that figuratively and literally rank bodies disintegrate” (p. 27). Therefore, Harney and Moten (2013) assert that abolition is “not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have wage, and therefore not abolition as the elimination of anything but abolition as the founding of a new society” (p. 42).

### ***Neoliberal Governance as a Continuum of Carcerality***

Calathes (2017) observes: “A dominant political order establishes punishment practices as social control weapons that neatly fit into the inherently exploitative paradigm of racial capitalism” (p. 442). The development of contemporary punishment practices remains inextricably connected to neoliberal policies enacted under racial capitalism. Davis (2003) notes that the prison “relieves us of the responsibility of seriously engaging with the problems of our society, especially those produced by racism and, increasingly, global capitalism” (p. 6). The diminishing welfare state exists in tandem with growing regimes of surveillance and punishment. Individuals facing the harshest impacts of structural inequality are regarded as incapable of becoming the self-disciplined political subject and are thus relegated to institutions of penal control. This obscures structural inequalities generated by neoliberal capitalism (Maynard, 2017). Therefore, Robin Kelley (KODX Seattle, 2017), Mariame Kaba, and Ruth Wilson Gilmore (The Graduate Center, 2020) indicate that the organized abandonment of neoliberal austerity *requires* the organized violence of carceral interventions.

Neoliberal policies are predicated upon support of free market capitalism and individual responsibility. Yet, while neoliberals purport to reduce the state’s control over public affairs, the reality is that the state remains present through mechanisms of carceral control. It is under this climate that crime enters public discourse as a source of moral panic laden with racist connotations (Alexander, 2010; Kim, 2018). Viewing violence as an individualized action lends justification for carceral interventions, because this narrative corresponds with the neoliberal understanding that crime is a matter of individual deviance. Kim (2010) indicates that under an individualized conceptualization of safety, the state is

visualized as the benevolent intervener, protecting victims who fit the dominant conception of innocence.

Mike Davis (1995, as cited by Gilmore, 2016) uses the term “Prison Industrial Complex” (PIC), derived from Eisenhower’s “Military Industrial Complex” (MIC) to signal the expansive interconnections between carceral institutions and racial capitalism. Gilmore suggests that the term describes how “an entire realm of social policy and social investment is hostage to the development and perfection of means of mass punishment” (The Non-Profit Industrial Complex section, para. 2). Extending this line of analysis, Gilmore uses “Non-Profit Industrial Complex” (NPIC) to illustrate how in the wake of neoliberal reforms, the role of the state shifts from directly providing social services to overseeing service provision. Non-profit organizations, from educational institutions to grassroots groups, engage with state client groups to offer direct services. Yet they remain beholden to the state, and are compelled to act as responsible fiduciary agents within their specializations.

Gilmore characterizes the NPIC as a “shadow state” (Wolch, 1990, as cited by Gilmore, 2016) that “is real but without significant political clout, forbidden by law to advocate for systemic change, and bound by public rules and non-profit charters to stick to its mission or get out of business and suffer legal consequences if it strays along the way” (The Non-Profit Industrial Complex section, para. 10). In addition to the apolitical nature of non-profits, Dylan Rodríguez (2016) observes that they exemplify the collusion between state and capital to neutralize more radical forms of organized dissent and justify intensified state repression. Thus, the NPIC forms a symbiotic relationship with the PIC and the MIC. The proliferation of non-profits means that in order to financially sustain itself, any form of collective action must contend with increased pressure towards institutionalization and reformism.

As benefactors of private philanthropy and the state, the university remains implicated in the dynamics of the NPIC. Slaughter and Leslie (1997) use the term “academic capitalism” to describe the market-like efforts exhibited by institutions and individuals to compete for limited funds. Giroux (2002) indicates that the university is increasingly driven to manage itself through a corporate ethos. As academic disciplines are evaluated in terms of their

market value, critical scholarship is compelled to be articulated through the language of performance indicators or career credentials. James (2021) suggests that this manifests as forms of co-optation, where social movements are reduced to objects of abstract inquiry and power shifts from the original sites of struggle towards hegemonic institutions.

## **Race-Radical Feminist Organizing and Abolition**

### ***Defining Women-of-Colour Feminisms***

Through their exposition of heteropatriarchy, feminists have uncovered how sex/gender constitutes a dimension of oppression and enriched prevailing accounts of coloniality, capitalism, and white supremacy. Theoretical contributions from Queer, Black, Indigenous, and Third-World feminists are particularly crucial for an expansive understanding of structures of domination. In their critiques of mainstream feminism (particularly Second-Wave feminism in the United States), feminists-of-colour strive to highlight the experiences of racialized women and explore the linkages between interpersonal and structural violence. While mainstream feminism calls for criminal legal responses to gender violence, feminists-of-colour contend that women in marginalized communities are left unprotected by these interventions due to the intersection of class, race, and gender-based discriminations (Crenshaw, 1991; The Combahee River Collective, 1978). An abolition feminist understanding emerges, framing gender violence and carceral violence as parts of the same oppressive circuit (Davis, 2003; Harris, 2011; Kaba, 2021).

Abolition feminism is often rhetorically posed alongside feminist-of-colour organizing. However, a level of specificity is required to clarify the interconnections and tensions. Uma Narayan (2008) notes that identity should not become a metaphysical presumption through which experiences of oppression automatically translate to critical insights of oppressive structures. Despite the unifying label of “feminists-of-colour”, it is important to acknowledge that these feminist configurations contain varied understandings of liberation. Lena Palacios (2014) uses “Indigenous race-radical women of color feminism” to “clearly demarcate a radical and revolutionary tradition and standpoint that is separate from, and oppositional to, one that embraces hegemonic feminism and a liberal politics of recognition” (p. 15).

Similarly, James (1999) suggests it is necessary to establish distinctions between liberal, (neo)radical, and revolutionary configurations of Black feminisms:

Black feminisms that accept the political legitimacy of corporate state institutional and police power, but posit the need for humanistic reform, are considered liberal. Black feminisms that view (female and Black) oppression as stemming from capitalism, neocolonialism and the corporate state that enforces both, are generally understood to be radical. Some black feminisms explicitly challenge state and corporate dominance and critique the privileged status of the bourgeois elite among the “Left”: those that do so by connecting political theory for radical transformation with political acts to abolish corporate state and elite dominance are revolutionary. (p. 20)

Palacios (2014) uses James’ (1999) characterization to distinguish between liberal, radical and revolutionary women-of-colour feminisms, highlighting the materialist, race-radical nature of the latter two forms. Defining “race-radical feminism” as one that remains antagonistic to the state is pertinent, as the abolitionist project is fundamentally opposed to reformism and aims to radically transform all aspects of society. Thus, when abolition feminism is adopted as an analytic throughout this project, it refers to the consolidation between abolition and more revolutionary forms of feminism.

James’ (1999) use of the term “neoradicalism” is noteworthy, as it deliberately resembles the terms “neoconservatism” and “neoliberalism”. Neoradicalism reflects a reactionary turn, where liberal and radical Black feminisms consolidate in “a rhetorical embrace of radicalism without material support for challenges to transform or abolish, rather than modify, state corporate authority” (p. 23). Therefore, James critiques the emergence of a corporate Left, which enables the professionalization of former radical causes, replacing them with career objectives and corporate philanthropy. This form of neoradicalism proliferates the NPIC, as characterized by Gilmore (2016) and Rodríguez (2007), allowing power to coalesce around corporate interest, leading to the co-optation and deradicalization of transformative movements. Thus, James (1999) lays out the “shadowboxer’s dilemma” in

the Black feminist struggle: “to fight the authoritative body casting one off, while simultaneously struggling with internal conflicts and contradictions” (p. 29).

### ***Abolition vs. Carceral Feminisms***

In a keynote address at Converge! Reimagining The Movement to End Gender Violence Symposium, Beth E. Richie (2015) states to her audience:

We quite literally purchased our way into legitimacy by selling ourselves; we purchased our way into a set of neoliberal assumptions. The neoliberal assumptions are that on the one hand, the state should not be obligated to take care of people, while on the other hand, the state should be obligated to control, correct, and punish people. (p. 261)

Richie’s evocation comes from her extensive involvement in feminist anti-violence organizing. Her keynote calls for a critical reflection on how mainstream mobilizations regarding gender violence, which has undeniably elevated awareness towards violence against women, has also sidelined the perspectives of racialized women and exacerbated harms against marginalized communities. Richie attributes these harms to racism within the feminist movement and the lack of an abolitionist analysis.

Echoing Richie, Mimi Kim (2018) draws a connection between the rise of neoliberalism and the co-optation of feminist anti-violence organizing. Kim (2018) posits that in order to secure resources and public support, feminist anti-violence organizers started to position crime control as the solution to violence against women. Increasingly, responses to domestic and sexual violence becomes articulated through an individualized lens that detaches it from a broader analysis of structural violence (Kim, 2018; Davis et al., 2022). Viewing violence as an individualized action lends justification for carceral interventions, because this narrative corresponds with the neoliberal understanding that crime is a matter of individual deviance. Davis et al. (2022) remark:

Distracted by a false sense of success and the perception of mainstream political support, mainstream anti-violence organizations were increasingly supported by state

resources, focused on data collection and service delivery models, and organized and professionalized according to a hierarchy dominated by white people. (p. 104)

This observation reflects Richie's (2015) earlier assertion that "we quite literally purchased our way into legitimacy by selling ourselves" (p. 261). Courting neoliberal formulations of anti-violence response comes at the cost of subjecting certain groups to further harm. Furthermore, it leaves structures of violence intact. This leads Richie to poignantly claim: "...We won the mainstream, but guess what? We lost the movement" (p. 266).

In the 2000s, rising scholarship on carceral violence against women-of-colour marked a critical break with carceral feminism (Kim, 2018). Davis et al. (2022) state that these forms of feminist analysis aim to eliminate all forms of gender violence and disrupts the association between state authority and safety. In a 2020 open letter, a group of abolition feminists declare that "feminist goals are not possible without abolition" (p. 85). Notably, police departments, prosecutors, and other agents of the carceral state immediately began extracting their support of prominent anti-violence networks that endorsed the letter.

### **Transformative Justice and Restorative Justice**

Transformative justice (TJ) represents an approach to violence and harm borne from abolition feminist organizing. TJ responses emerge from social movements and communities vulnerable to carceral violence, and they often involve group discussions, critical reflection, mutual aid, and collaborative action (Dixon, 2015; Mingus, 2016; Palacios, 2016). TJ practices challenge the binary between the good and the bad, the guilty and the innocent (Thom, 2021). Furthermore, they aim to "seek resolutions within more intimate systems of community or civil society" (Kim, 2018, p. 226). It is inextricably connected with resisting criminal legal interventions. The emphasis on communal responsibility and political education recognizes that interpersonal harm is intertwined with structural conditions.

Abolitionists like Kaba (2021) insist that TJ cannot be granted by the state. Regarding communities as sites of transformation reveals a democratic, collaborative vision of justice and social change. Various configurations of queer, abolitionist, and feminist organizing

reject surveillance and criminalization in favor of developing non-state responses to harm (Kaba, 2021; Kim, 2018; Palacios, 2016; Third Eye Collective, 2021; Whynacht, 2021). The commitment to both the individual and the collective, safety in the immediate and liberation in the long term, exemplifies the abolition feminist principle of radical care.

TJ is often contrasted with restorative justice (RJ), which was mainstreamed through victim-offender mediation by the Mennonite Central Committee in the United States and Canada during the 1970s (Nocella, 2011; Ptacek, 2010). Barrett and Barrett (2004, as cited in Ptacek, 2010) attribute the contemporary institutional application of alternative methods of dispute resolution to Christian, Jewish, and Islamic traditions. Early proponents of RJ, such as Zehr (1995, as cited in Nocella, 2011), also acknowledge that their practices are informed by community-oriented justice processes from Indigenous communities in North America and New Zealand.<sup>4</sup> RJ represents critiques of the conventional criminal legal system's punitive approach, and emphasizes cooperation, peacemaking, and relationship-building. Notably, despite typically being omitted from accounts about the lineage of RJ, many groups have been continuously developing community justice interventions. This includes Black women's organizing against lynching and rape in the 1890s, women-of-colour groups opposing mandatory arrests during the 1980s, Black queer and trans resistance to expanding hate-crime legislations, and Indigenous feminists coordinating self-determined responses to racialized gendered violence (Palacios, 2014, 2016; Ptacek, 2010; Spade, 2015).

Llewellyn et al. (2014) argue that RJ is fundamentally a relational theory of justice. The focus of building just relations challenges conventional liberal understandings of human beings as discrete, purely rational agents (Llewellyn and Llewellyn, 2015). RJ compels an analysis of how individuals exist in relation to each other. Moreover, it reconceptualizes the individual as relational. This notion of radical relationality can be observed in other critical scholarship (e.g. Freire [1970], Hill Collins [1989], and Simpson [2017]). Llewellyn et al.

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<sup>4</sup> Withers (2014) criticizes how settler RJ/TJ practices often describe themselves as stemming from an ambiguous, pan-Indigenous notion of justice that romanticizes and homogenizes pre-colonial societies.

(2014) posit that versatility of relational theory makes RJ applicable across various settings. However, this view is not consistently endorsed by proponents of RJ. Broughton (2012) suggests that a major distinction exists between purist and maximalist RJ theorists. While purists such as Marshall (1996, as cited by Broughton, 2012) define RJ more strictly as a victim-offender mediation process and critique RJ's adoption by the state, maximalists such as Walgrave (2000, as cited by Broughton, 2012) defines RJ as any action that moves towards repairing harm and believe that RJ should align itself with the criminal legal system.

Despite existing debates, the maximalist conception of RJ prevails in Canada. Notably, “restorative processes” is sometimes used for the application of relational justice outside of criminal legal settings (Llewellyn and Llewellyn, 2015). The omission of “justice” is intended to assuage worries about the expansion of the criminal legal system into realms such as schooling. However, Llewellyn et al. (2014) suggest that this omission wrongly implies that the connection between RJ and restorative processes lies only within a transferable set of practices. Instead, they argue that RJ and restorative processes share a theoretical foundation: “when we start from an understanding of restorative justice as a relational theory of justice...a restorative approach is not limited to a theory or idea of justice—but could be applied to other ideas or areas” (p. 296). In the case of Dalhousie, the University utilizes a mixture of language to refer to their own processes (e.g. Semansky [2014] uses both “restorative approach” and “restorative justice”). The process adopted in the wake of the Dentistry scandal is referred to as RJ by Llewellyn, MacIsaac, and MacKay (2015).

As this thesis will explore, contradictions and limitations arise when applying the principles of relational justice within institutions. In this chapter, I have defined abolition feminism to demonstrate how it espouses a certain approach to justice and social change. Problematizing prisons entails challenging the overlapping structures that uphold them. This is why Gilmore (2018) states: “Abolition requires that we change one thing, which is everything” (para. 2). Abolition feminism rejects social death and organized abandonment fostered by the carceral state, critiquing its efforts to preserve and re-invent itself through reforms. Furthermore, it emphasizes insurgent practices of care, which encompasses both

the individual and the collective; safety in the immediate and liberation in the long term (Davis et al., 2022). These fundamental values will remain relevant as the thesis partakes in an examination of the Dalhousie Dentistry RJ process.

## Chapter 2

### Laying the Groundwork:

#### Feminist Contestations on Community and Justice

To comprehend the context leading up to the Dentistry scandal, it is crucial to track the institutionalization of RJ and the competing feminist discourses. This chapter starts by discussing RJ programs deployed in the Province of Nova Scotia, with collaboration from Dalhousie University. In doing so, I highlight the contradictions that emerge as restorative values become articulated in neoliberal ways. This sets the stage for the feminist critiques detailed later in the chapter. Furthermore, I offer potential explanations for *why* Dalhousie opted for the Dentistry RJ process. Next, I use the local feminist reaction to the scandal as an entry point for exploring some current debates. Particularly, I discuss the contested conceptualization of victimhood and complaints. This culminates in a review of abolitionist and feminist perspectives regarding the usage of community justice processes as gender and sexual violence intervention. Overall, this chapter illustrates the climate through which the scandal emerges, and introduces relevant themes for consideration as I further engage with the particularities of the Dentistry RJ process.

#### The Institutionalization of Restorative Justice

Despite some RJ practitioners' assertion that relational justice is fundamentally at odds with the dominant criminal legal system, RJ continues to be utilized as a diversionary measure within the criminal legal system, especially in Canada (Broughton, 2012). In their study of community mediation initiatives, Coy and Hedeem (2005) find that restorative justice initiatives can become ways for the state to expand social control, reinforcing the hegemony of formalized criminal legal processes. Although these initiatives may come from community groups and social movements, they face increasing challenges to sustain themselves without the support of the state or private philanthropy. Thus, there exists a constant pressure towards integration and institutionalization.

Llewellyn, et al. (2014) remark that the mechanisms for application and evaluation of RJ interventions still adhere to dominant conceptions of criminal justice. Reviewing existing

institutionalized RJ programs, the authors conclude that “restorative justice emerges from the evaluations as a preferable process that is successful in terms of recidivism and is more satisfying for the participants” (p. 308). Examples of “successful” state-run RJ initiatives “do not, however, suggest that restorative justice involves any conceptual shift away from the underlying theory of justice that underpins the current system” (p. 308). Llewellyn et al. attribute this to differentiating approaches amongst RJ advocates, some of whom, as Broughton (2012) also notes, strongly advocate for utilizing RJ for purposes that *align* with the dominant criminal legal system (e.g. crime prevention, efficiency, resource conservation). They note that in addition to operating through state authority, many RJ projects are funded explicitly for the purpose of crime reduction (Llewellyn et al., 2014).

The language of establishing a responsible, self-governing citizen remains central to state-developed RJ initiatives (Llewellyn et al., 2014). Broughton (2012) observes that in the Canadian government’s RJ initiatives, restorative values are often aligned with neoliberal ones, focusing on individual responsibility, cost effectiveness, and preserving punishment for the “riskiest” offenders. Piché (2006) suggests that RJ and similar reformist programs, when made to fit within the operational structure of the CSC, ultimately neutralize dissent and reinforce penal control. *Creating Choices: The Report of the Task Force on Federally Sentenced Women* (Correctional Service of Canada and Canadian Association of Elizabeth Fry Societies, 1990) represents a significant attempt at prison reform undertaken by Correctional Services Canada. Despite the report drawing attention to colonialism and sexism, Monture (2006) remarks that neoliberal values come to overshadow the transformative vision of *Creating Choices*. The feminist notion of “empowerment” is detached from an analysis of power and reduced to individual responsibility. The language of “making good choices” is deployed to justify building more “humane” women’s prisons, which materialized as expanded regimes of coercion, surveillance, and punishment (Canadian Association of Elizabeth Fry Societies, 2022). Furthermore, the image of who is deserving of rehabilitation is generated in classed, racialized, and gendered ways (Chartrand,

2019; Davis, 2003). Thus, Black and Indigenous women are more likely to be viewed as “beyond reform” (Davis, 2003).

### ***Restorative Justice in Nova Scotia***

The Nova Scotia Department of Justice introduced its Restorative Justice (NSRJ) program in 1999 (Clairmont, 2005). The program was initially geared towards youth offenders, allowing referrals from all levels of the criminal legal system. In 2010, NSRJ shifted from Court Services to Correctional Services, and a pilot project began to expand the program to adults (Clairmont, 2005; Clairmont et al., 2015).<sup>5</sup> According to Archibald and Llewellyn (2006), RJ processes involve a spectrum of approaches, from victim-offender conferences to restorative conferences and sentencing circles. However, they typically lead to parties impacted by the harm to come to a collective agreement that allows the perpetrator(s) to take accountability (Clairmont, 2005). Archibald and Llewellyn (2006) characterize NSRJ as “one of the oldest and by all accounts the most comprehensive” efforts to institutionalize RJ in Canada (p. 298). It is also qualified as “one of the best criminal justice system-initiated restorative justice programs in Canada” (p. 310) by Llewellyn et al. (2014).

Clairmont (2005) indicates that NSRJ and alternative criminal legal interventions came from “kindred social movements” in the 1960s and 1970s (p. 204). However, Archibald and Llewellyn (2006) observe that NSRJ “was born not of a ‘grassroots’ initiative, but rather from frustration among a key cross section of criminal justice system stakeholders concerning the inadequacy of the mainstream system’s response to the phenomenon of crime” (p. 300). While services were delivered through community non-profits, the role of the state was explicit in the development of NSRJ (Archibald and Llewellyn, 2006; Clairmont et al., 2015). Rubin (2010) theorizes that a profit-motive exists behind the development of NSRJ: by offloading court cases to community organizations, the provincial government can reduce spending and conserve resources. Archibald and Llewellyn (2006) contest this

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<sup>5</sup> Notably, the province also constructed a new jail in the same year, citing its potential to save the province “millions of dollars” (The Department of Justice, 2010, para. 1).

argument by referring to instances where the Canadian state provided welfare, Medicare, and other social services, stating that the institutionalization of RJ is another example where the state becomes “a facilitator and ally, rather than an impediment or enemy, in the achievement of public and community goals” (p. 304). In their account, NSRJ is framed not as neoliberal abandonment, but as a benevolent intervention. In spite of this assertion, the language of cost-effectiveness is evident in Clairmont’s (2015) evaluation of NSRJ, where he concludes that “lowering costs for police services, reducing court caseload, and improving victim satisfaction” (p. 19) are key impacts of NSRJ. Notably, this rhetoric has also been adopted to justify the building of new carceral facilities, such as the one constructed in the same year that the NSRJ program launched (The Department of Justice, 2010; Piché et al., 2016).

Llewellyn et al. (2014) suggest that the pronounced success of NSRJ omits the limitations the program encounters. They assert that standardized mechanisms for program evaluation fail to address the theory of change underlying RJ. Clairmont recounts that he felt constrained in his efforts to evaluate NSRJ within the designated system parameters (Llewellyn et al., 2014). Thus, Llewellyn et al. argue that “restorative justice programs are not designed with outcomes that are wholly distinct from traditional justice programs” (p. 313).

### ***Restorative Justice at Dalhousie***

The *RJ Report* contextualizes the use of RJ by referring to the existing Nova Scotia Restorative Justice Initiative and Dalhousie’s “scholarly and research expertise” in the field (Llewellyn, MacIsaac, and MacKay, 2015, p. 17). In 2010, Dalhousie University started developing a RJ Pilot Project in collaboration with the Halifax Regional Police (HRP) and the Nova Scotia Department of Justice (Clairmont et al., 2015). The program primarily focused on handling minor criminal code offences, such as noise complaints or alcohol misuse. Around the same time, the Province of Nova Scotia launched its Integrated Adult Restorative Justice Pilot Project to explore expanding the RJ program beyond youth offenders. The Dalhousie RJ Pilot Project came on the heels of a St. Francis Xavier’s University-RCMP RJ project, which ran from 2004-2010. Clairmont et al. (2015) have suggested that increasingly,

Atlantic universities (St. Francis Xavier, Dalhousie, St. Mary's, Acadia, etc.) were interested in “exploring new practices and policies in handling student misbehaviour on campus” (p. 16), which may include RJ.

On the Dalhousie University website, RJ is presented as an informal method of resolving complaints under the Sexual Harassment Policy and the Student Code of Conduct (Dalhousie University, 2025b). The website claims that the RJ process differs on a case-by-case basis, but generally “can lead to an understanding on the impact of a harmful situation on those affected”, allowing “those who've done harm be held accountable and responsible—not only for their past actions, but for shaping for the future” (What is Restorative Justice? section, para. 3). Notably, Clairmont et al. (2015) mention that several other universities “developed proposals to launch RJ initiatives similar to Dal RJ but could not receive the appropriate governmental sanction pending perhaps an assessment of the pilot project at Dalhousie” (p. 16). Therefore, the Dentistry scandal presented a unique opportunity for Dalhousie to demonstrate its capacity to apply RJ.

### **Feminist Discourses**

It is crucial to situate the public backlash regarding the Dentistry process within ongoing feminist discourses. The Dentistry scandal compelled the public's attention because it revealed that at a time where men and women are equally represented in the dental school, issues of misogyny persisted (Backhouse et al., 2015). Moreover, the public viewed the behaviour of the Facebook group members as a violation of trust. Dentists work in close proximity to people who are in vulnerable positions. For patients with a history of trauma, cultivating trust in dental professionals can be especially difficult (Raja et al., 2014; Alys et al., 2022). Leeners et al. (2007) suggest that about 20% of female patients accessing dental care have experienced child sexual assault (CSA). For some CSA survivors, dental care bears similarities to their traumatic experiences. Nermo et al. (2021) point out that there is a significant correlation between dental anxiety and experiences of sexual abuse. In the absence of trauma-informed practices, fear and distrust of dentists can become a significant barrier to survivors' access to care (Alys et al., 2022). Thus, to have students slated to become

dental professionals (who are already working in clinical settings servicing low-income populations) joke about rape and assault, demonstrating a complete lack of regard towards gender violence, was especially jarring.

### ***Gender Violence on Campus***

The Dentistry scandal re-ignited conversations about misogyny and gender violence on social media platforms. Just one year prior in Halifax, 17-year-old Rehtaeh Parsons had taken her own life after footage of her being raped was circulated on the internet (Kingston, 2015a). Many drew parallels between the two incidents, as they illustrated the lack of existing policies that address harmful online behaviour. Moreover, the Dentistry scandal occurred during a period of growing attention towards campus sexual assault. Prior to the scandal, multiple footages of students chanting about non-consensual sex surfaced after Orientation week at St. Mary's University in Halifax (Haiven, 2017a). Similar incidents of "rape chants" also occurred during Orientation at UBC (Tam, 2013). Around January 2014, members of the St. Mary's University football team were found tweeting violently misogynistic messages (Haiven, 2017a). In February, several men's hockey team players from University of Ottawa were investigated for sexual assault (Rennie, 2014). In fact, sexual assault emerged as such a prevalent issue in Canadian institutions that Charbonneau (2014) from University Affairs deems it the "newsmaker of 2014". Sawa and Ward (2015) report that while sexual assault remains prevalent at Canadian universities, the rate of official reports was "worrying low" (Dalhousie University has declined to disclose any data regarding sexual assault on campus).

Across the border, American universities faced a steady wave of survivor advocacy and Civil Rights litigations (Steinhauer, 2014a). As part of a protest performance titled "Carry that Weight", Columbia University student Emma Sulkowicz famously dragged around the mattress they were raped on to demonstrate the weight of institutional inaction (Barnes and Kingkade, 2014). A series of high-profile cases compelled the Obama Administration to announce a crackdown on campus sexual assault (Steinhauer, 2014b). In 2015, the documentary *The Hunting Ground* (Dick and Ziering, 2015) premiered, delving into the prevalence of rape and the subsequent institutional cover-ups on U.S. university campuses.

At the time of the Dalhousie Dentistry scandal, there had been varied feminist engagement with the question of whether RJ is an appropriate strategy for institutionally addressing gender violence (Daly and Stubbs, 2006). Most scholarly discourse remained theoretical, and there was a lack of empirical data. Daly and Stubbs (2006) observe that New Zealand and South Australia are the only two jurisdictions that routinely employ RJ for cases of sexual assault, but such interventions are typically reserved for youth justice cases. Goel (2010) indicates that the use of RJ, particularly sentencing circles, for cases of domestic violence remains limited to Aboriginal/First Nations communities, with mixed levels of success. Koss's (2014) review of the RESTORE program, located in Pima County, Arizona, represents one of the first scholarly evaluations of an RJ program dedicated to adult sex crimes. Koss (2014) concludes that the findings "support cautious optimism regarding feasibility, safety, and satisfactory outcomes" (abstract). For the most part, RJ as sexual violence intervention was a novel concept in American and Canadian institutions.

### ***Conceptualizing Victimhood in Feminist Advocacy***

The Dentistry scandal and the subsequent RJ process ignited discussions about what constitutes the ideal victim. In order to understand the present discourse, it is imperative to review how the term has been contested amongst feminist anti-violence advocates. Many race-radical feminists argued that the neoliberal articulation of crime generated a limited notion of victimhood. Only certain types of victims were viewed as deserving of the state's protection.<sup>6</sup> Richie (2015) problematizes the "every woman analysis", which was propelled in the statement "every woman can be a battered woman" (p. 265). Although this was an effective strategy to draw attention towards the pervasiveness of violence against women, it was predicated on the assumption that *a certain type of women's* victimization would provoke sympathy. Richie is not arguing that the feminist movement should not have drawn

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<sup>6</sup> In this thesis, I use the term "victim" as a neutral term to refer to those being harmed. While "survivor" is sometimes regarded as the more empowering alternative, Johnson (2023) points out that the language of progress and growth implies the harm committed was a discrete event. Under heteropatriarchy, colonialism, and racial capitalism, many forms of harm are continuous, and that not everyone *survives*. Nevertheless, the terms are interchangeable, and one may make the choice to identify as one versus the other.

attention to the plight of all survivors, but rather she is criticizing the subsequent lack of effort to challenge racist, classist constructions of victimhood. Davis et al. (2022) point out that this leaves these implicit assumptions unquestioned, therefore “the legitimate victim of gender and sexual violence could not be a sex worker, a queer person, a woman of color, and certainly could not be an incarcerated person” (p. 104).

As Crenshaw (1991), Davis (2003), Palmater (2016), Maynard (2017), Simpson (2017), and many others demonstrate, violence against racialized women, particularly Black and Indigenous women, has been ongoing. Kaba (2021) uses the story of Celia, an enslaved woman in 1855 who was hanged for killing her rapist, to demonstrate that Black women have been deemed as having “no selves to defend” (p. 83). Saidiya Hartman (1997, as cited in Maynard, 2017) and Ida B. Wells’s (n.d., as cited in Kaba, 2021) assert that Black enslaved women were “unrapeable”—because of their dehumanized status, violations of their autonomy were not considered legitimate violations. A similar logic is applied to assaults against other racialized women, sex workers, queer and trans women, gender nonconforming people, 2SQ people, incarcerated people, etc.

Celia’s prosecution demonstrates that the racist, classist construction of victimhood characterizes any attempt at self-defence as aggression. The stories of Joan Little, Marissa Alexander, Cyntoia Brown, Bresha Meadows, and many others demonstrate how Black women and gender nonconforming people are criminalized, despite being victims of violence. Maynard (2017) and Kaba (2021) dissect the notion of the “imperfect victim”, who is often Black, female, and poor— their assertions of autonomy are automatically viewed as threatening, because they challenge the racist, heterosexist status quo. Hill Collins (1998, as cited in Pemberton, 2016) indicates that conventional definitions of violence obscure and normalize routine, state-sanctioned gendered and racialized violence. Acts of self-defence, such as killing one’s rapist, or fighting back against a police officer, are considered illegitimate forms of violence. This leads abolitionists such as Kaba (2021) to profess that the distinction between a “violent” and “nonviolent” offender is arbitrary. Self-defence by women

and gender nonconforming people constitute assertions of autonomy, especially when accounting for how gender violence is crucial to colonial and capitalist domination.

### ***Complexities of a Complaint***

Ahmed (2022) and Lane-McKinley (2019) characterize the act of a complaint as an usurpation of power. The complaint reveals what has been buried in filing cabinets and behind closed doors (Ahmed, 2021). The shattering of this institutional silence constitutes a “contradiction of an entitlement” (Ahmed, 2022, Faming of a Complaint section, para. 2). In seeking to deprive someone of the power to do harm— a power which they may regard as rightfully theirs, the complainer is viewed as the aggressor. Lane-McKinley notes: “What is often foreclosed from the imagination is the complaint’s status as reaction: that a complaint precedes something, that it does not come out of nowhere” (The Complaint is Defined by Power section, para. 3). A complaint about gender violence or racism can occupy the same continuum as resistance from those with “no selves to defend”. Despite being classified as aggression, they are articulations of power *in response* to ongoing oppression.

Encountering critiques that complaints are carceral feminism, Ahmed (2022) makes a distinction between punishment and consequences. She argues that when a survivor demands the elimination of the perpetrator’s capacity for future harm, it is distinctive from advocating for carceral violence. Lane-McKinley (2019) identifies this distinction as key to practising collective care: excluding an abusive person from a collective does not equate to the social death of incarceration. Kaba (2021) articulates this distinction more bluntly: “...Powerful people stepping down from their jobs are consequences, not punishments. Why? Because we should have boundaries. And because that shit you did was wrong, and you having power is a privilege” (p. 180). Thus, commitment to abolition feminism does not preclude demanding consequences for harm, especially when the harm is enabled through structures of oppression.

According to Ahmed (2022), “many of the concepts we develop to critique how power works can be used to mask how power works” (The Complainer as Carceral Feminist section, para. 21). Lane-McKinley (2019) posits that carceral anti-feminism often leverages the

language of a “witch hunt” to frame all feminisms as carceral. Designations of complainers as neoliberal or reactionary are weaponized to silence complaints (Ahmed, 2022). Therefore, Ahmed (2021) writes: “We learn also from how a complaint, when made public, becomes damaging to ‘us all,’ those who are part of the institution and those who identify with the institution. The damage to those who were harassed, to those who complained about harassment, disappears from view” (p. 89). Thus, feminists are tasked with the “positive duty”: to refrain from jeopardizing progressive causes by publicly expressing their critiques. Efforts to bribe or threaten complainants into silence is dressed up with critical language, thus obscuring how oppressive dynamics persist, even in so-called progressive spaces.

Ahmed and Lane-McKinley’s reflections on complaints are indicative of an emerging issue. Shevek (2022) argues that as abolitionism enters the mainstream, it becomes reduced to a set of TJ/RJ practices that prioritize “‘non-violence,’ unconditional forgiveness (but please don’t ask us who tends to be excluded from this forgiveness anyway), and total, slate-cleaning stories of personal redemption” (para. 5). The emphasis on providing education and healing through “the marketplace of ideas” (para. 5), even for those with immense power, detracts from the political aim of abolition as an emancipatory project. Kim (2010) observes that as feminists explore alternatives to criminalization, a contradiction emerges between the transformation and collusion: how do communities protect survivors without replicating the same dynamics of state violence? How do they facilitate the rehabilitation of the perpetrator without granting them more power? This echoes the shadowboxer’s dilemma as articulated by James (1999): while abolition feminism attempts to resist the ever-expanding matrix of state violence, it must also reckon with internal contradictions, where a need to construct a uniform success story about RJ/TJ replaces critical introspections of its failures, and the branding of “carceral” is selectively applied to protect informal hierarchies of power.

### **Feminist and Abolitionist Critiques of RJ/TJ**

Abolitionists often rightly point out the entanglements between RJ and the state, but position TJ as the more grassroots, authentic alternative. Focusing solely on this distinction obfuscates how *both* TJ and RJ can be appropriated and depoliticized by colonial institutions

(Kim, 2018; Whynacht, 2021; Withers, 2014). There is no “pure” form of abolitionism that is invulnerable to co-optation. As Ahmed (2022) asserts, criticizing how RJ/TJ language is misused to protect those who abuse their power is part of the loving labour of building an abolitionist world. This section delves into some of the tensions and contradictions that emerge, most notably the NSRJ’s moratorium on sexual violence referrals. In doing so, I strive to highlight existing feminist debates surrounding the usage of RJ/TJ for sexual violence.

### ***The Nova Scotia Restorative Justice Initiative and its Moratorium***

The Nova Scotia Restorative Justice Initiative includes a moratorium which prohibits the referral of “cases involving intimate partner or sexual violence” (Nova Scotia Public Prosecution Service, 2019, p. 3). Originally, eligible offences for referral included intimate partner and sexual violence. However, local women’s equity-seeking groups criticized the province’s lack of consultation with them (Rubin, 2003). Particularly, they raised concerns regarding community conferencing, which encompasses a variety of RJ models (e.g. victim-offender conference, family group conference, and sentencing circles). While community conferencing has been effective in addressing certain forms of harm, such as situational family violence, Whynacht (2021) points out that in extreme cases of abuse, where a drastic power difference exists between the abuser and the victim, community interventions can exacerbate risk of violence.

Kim (2010) suggests that there has been limited engagement between feminist anti-violence advocates and RJ proponents, due to “distrust of RJ measures among anti-violence advocates, the dominance of legal theorists and practitioners in discussions and implementation of RJ activities, and negative reports among anti-violence advocates witnessing the lack of power analysis and safety mechanisms” (p. 206). These sentiments are reflected in an independent research project by Rubin (2010), who interviewed women from across Nova Scotia about NSRJ. The interviewees “had not only experienced misogynist violence but had some experience of the criminal justice system, either as victim/survivors, witnesses, or as criminalized persons”, and were asked to evaluate RJ’s potential to address

gender violence (pp. 82-83). During the interviews, participants raised concerns regarding the safety and anonymity of survivors. Additionally, they observed that NSRJ would still be operated by agents of the criminal legal system, such as police, social workers, prosecutors, etc. Thus, to suggest that RJ is an alternative justice system is to ignore its enmeshment with the conventional system.<sup>7</sup> Participants expressed worry that the RJ program would exacerbate existing inequalities in the criminal justice system, allowing its agents more discretion and less public record-keeping. Rubin states that participants uniformly objected to having police officers as RJ facilitators.

The opposition from local feminist groups led to the creation of a Joint Working Group between the Department of Justice and local women's organizations, and ultimately the application of the moratorium (Nova Scotia Public Prosecution Service, 2019). However, Rubin (2010) notes that after two years of collaboration, the provincial Department of Justice eventually abandoned the Joint Working Group. Additionally, despite its proclaimed commitment to collaboration with community groups and the involvement of its law professors in the Joint Working Group, Dalhousie University moved to create an RJ research initiative with only justice system partners. In particular, an initiative on intimate partner violence was launched without any input or collaboration with local organizations. These developments on RJ left some Nova Scotian feminist organizers feeling disempowered and betrayed.

Rubin (2010) asked for a process "using RJ techniques" (p. 101) to address the breakdown of communication between the university and women's organizations. The process allowed both parties to affirm their shared commitment to addressing violence and enacting social change. Despite this, Rubin recounts that "no changes were committed to immediately" and that "nothing changed in the fundamental power imbalance between the

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<sup>7</sup> Concerns highlighted by Rubin (2010) are contested by Crocker (2016), who conducted interviews with NSRJ practitioners. Crocker argues that worries about co-optation are overstated, because practitioners are able to navigate through the competing values of RJ and the dominant criminal legal system. Instead of practitioners' commitment to restoration becoming diluted, she posits that they have the potential to influence the dominant system. Thus, it is worth noting that there is no feminist consensus regarding NSRJ.

university and women's equality-seeking community" (p. 101). In the absence of a conclusive resolution, Rubin comments: "Nova Scotia will be an interesting bellwether in the coming years, as sectors with different claims to power and authenticity address how justice innovation can help end misogynist violence" (p. 101).

As the Dentistry scandal unfolded, justice system partners were intent on exploring whether the moratorium should be maintained, even for "low-level" offences (Clairmont and Waters, 2015). Discussing the Dalhousie RJ Pilot Project, Clairmont et al. (2015) write: "Given that universities appear to routinely handle such low-level incidents of sexual harassment and sexual assault in their residences, it would seem pertinent that some such pilot project should take place in the university milieu" (p. 73). Rubin (2015a) posits that the Dentistry scandal presented an opportunity for the institution to bypass the moratorium and "experiment" with a case concerning gender violence.

### ***When the Circle Becomes the Harm***

Kim (2011) notes that community accountability processes have not been uniformly successful when intervening with gender violence. Simply having a non-carceral process does not guarantee a just outcome (Third Eye Collective, 2021). The concept of "community accountability", though constantly invoked, remains contested amongst practitioners of alternative violence interventions. In Goel's (2010) examination of Aboriginal women's experiences in sentencing circles, she suggests that there is a tension between RJ objectives, political goals, and victims' interests. Sentencing circles have been utilized by the Canadian criminal legal system (almost exclusively for cases involving Aboriginal defendants) since the *R. v. Moses* (1992) case, as an "alternative measure" under the Criminal Code. They are best characterized as a hybrid between Indigenous community accountability processes and the colonial criminal legal system. Thus, in addition to the RJ principles of rehabilitation and accountability, they also espouse political aspirations such as autonomy and self-governance. Despite the success of certain programs, such as the Community Holistic Circle Healing Program adopted by the Ojibway community of Hollow Water in 1987, Goel argues that

sentencing circles cannot be regarded as “an unqualified success” in addressing intimate partner violence (p. 61).

Caught between intimate violence from abusers and state violence via the criminal legal system, Indigenous victims feel compelled to choose between personal safety and community political priorities (Goel, 2010). In the case of *R. v. Naapaluk* (1995), the judge deemed the sentencing circle to have involved equal contributions from all participants, yet feminist researcher Mary Crnkovich (1996, as cited by Goel, 2010) offers a contrasting narrative. Noting that the victim spoke little and demonstrated nervousness throughout the process, she writes: “[T]he Sentencing Circle may have imposed an even greater silence. This circle was the first of its kind, being supported by the Judge and Inuit leaders. If she spoke out about further abuses or her dislike of this sentence, what would she be saying about this process everyone supported?” (p. 73). The desire to have programs be viewed as successful can lead to communities overstating their ability to intervene, and being hesitant to report re-offence as it can be interpreted as a failure of self-governance. Thus, the safety of the victim is jeopardized by the community’s collective aspirations.

The concerns highlighted by Goel (2010) are echoed in Rubin’s (2010, 2015b) critiques of RJ as sexual violence response. In her project, participants contended with the nebulous definition of “community” provided by NSRJ (Rubin, 2010). They indicate that abuse and criminalization often dramatically impact one’s notion of community. “Community justice” can obscure informal hierarchies, where the most privileged members are invited to be spokespersons and circle participants, while those who face the most stigma and alienation are excluded. Often, abusers are powerful, charismatic, and well-liked, leading to an unequal power dynamic within conferencing spaces. “Community support? They are all just as bad as he is,” one woman commented (Rubin, 2010, p. 90). The very “community” that is supposed to generate accountability is often complicit in abuse and marginalization. Thus, feminists ask, if the community is expected to deliver justice, then what have they delivered to survivors?

Black women and Indigenous women remarked that within their communities, they face pressures to drop charges and forgo carceral processes (Rubin, 2010). The deep-rooted impacts of the colonial criminal legal system means that survivors feel compelled to make their personal demands for accountability secondary to the community's political goals. This is explored in depth by Zellars (2015) in "An Open Letter to a Black Feminist", where she reflects upon the difficult process of accepting, as an abolitionist and Black feminist, that men she had trusted and been in community with were rapists. Zellars argues that the tendency to discredit victims remains even in so-called "radical" spaces. She writes:

Our histories of Black movement politics and Black nationalism have constructed an imaginary of community that both cloaks the realities of Black women and chastises Black women as lacking integrity and failing to stand for the whole of community, when we do name "good Black men" as those who have done us wrong. (para. 47)

The community, as Zellars observes, can be mobilized in defence of those who committed harm. The victim can be construed as someone whose complaint will threaten collective political goals. Importantly, Zellars makes her case not as a carceral feminist, but as someone whose work involves utilizing RJ/TJ to intervene with sexual violence. She asks: "What does it mean to commit a life's work to community activism and receive, with open arms, the violence that comes home to us in the form of loved ones, lovers, and kin?" (para. 48). With this question, she compels abolitionists' attention towards the internal work that is required to reckon with violence. Moreover, it highlights the necessity for RJ/TJ practices to explicitly engage with how community can be the site for transformation *and* compounding harm.

Notably, although many of the perspectives highlighted in this section are addressing issues of sexual assault and coercive control, their analysis of power remains pertinent when examining the Dentistry scandal. While no coercive dynamic exists between the Dentistry students, it is worthwhile to consider the power imbalance between the institution and the individuals affected. As the later chapters explain, Dentistry was positioned as the site for the RJ process (against an intrusive public), yet it remains implicated in the ongoing issues of homophobia and misogyny. Thus, when the institution is framed as the "community" for

community justice, it cannot be thought of as a neutral site through which accountability will naturally emerge. As Ahmed (2021) narrates, those who attempt to complain about power within an institution face concerted efforts to coerce, deter, and intimate them. A just process must attend to the power imbalance between the institution and the individual (Kim, 2011).

## Chapter 3

### Spotlighting the Academy:

#### Abolition and the “Political Economy of Social Justice”

Having reviewed existing discourses regarding the institutionalization of RJ and feminist critiques, I turn back to the site of the university. In this short chapter, I describe what constitutes the “political economy of social justice” (James, 2021), building off of prior explorations regarding the Non-Profit Industrial Complex (NPIC) in Chapter 1. In doing so, I seek to demonstrate the dynamics of neoliberal governance and the emerging challenges for emancipatory movements, as they strive to obtain legitimacy and political authority. Particularly, I focus on the role that academic institutions play in this contested terrain, foregrounding my analysis of Dalhousie University and the Dentistry scandal.

#### **The Political Economy of Social Justice**

Commenting upon President Trump’s 2018 pardon of Alice Johnson at the behest of Kim Kardashian, Joy James suggests that the incident is the “logical conclusion” of a de-radicalized prison struggle (Brown University, 2019). James posits that in providing the pardon, political and economic elites like Trump and Kardashian can proclaim themselves as “benevolent abolitionists”— they are able to select who amongst the subjugated is deserving of exoneration, while the state continues to undermine any mass movements to free all incarcerated people. Writing about the commodification of revolutionary struggles, James (2021) says:

The political economy of social justice produces employment, honoraria, royalties, and stellar salaries, generating personal wealth or portfolio management with low risk of surveillance and repression...Under the aegis of institutional education, professional intellectuals and professional activists are granted leeway to function in *loco parentis* for the *parens patriae* with little to no accountability to, or control by, impacted communities. (para. 9)

James tracks the de-radicalization of the prison struggle through an “reactionary eclipse” from 1972 onward, where power coalesces around government, academics, non-

profits, etc., and away from frontline communities that originally fought for autonomy from the state (Brown University, 2019). Rodríguez (2016) opts to refer to this era as “White Reconstruction”. This period saw the assassination of George Jackson, the acquittal of Angela Davis, and the re-election of Richard Nixon. What distinguishes it from the revolutionary era of the 1960s was the infiltration of neoliberalism into all aspects of society. With the War on Drugs and the emergence of mass incarceration (which proliferated in both Canada and the United States [Maynard, 2017]), there were decreasing programs for social assistance and increasing mechanisms for penal control.

The emerging “law and order” state founded its authority through overt criminalization of dissent and a symbiosis with the NPIC to “collapse various sites of potential political radicalism into nonantagonistic social service and pro-state reformist initiatives” (Rodríguez, 2016, *The Velvet Purse of State Repression* section, para. 7). Gilmore (2016) locates the infiltration of organized philanthropy as early as 1944, in Reid’s critique of philanthropy’s influence in reformist and radical Black groups. In her articulation of the NPIC and the “shadow state”, Gilmore outlines an entanglement between the state, non-profits and philanthropic foundations (including universities), and grassroots organizations. Notably, she observes that even organizations with more radical missions are operating “in the shadow of the shadow state”, beholden to organized philanthropy for funding or facing constant pressure to professionalize and become state-funded non-profits.

The Koch brothers’ financing of criminal justice reform, as part of their image re-making campaign during the 2010s, is illustrative of the shadow state’s dynamics (Mayer, 2016). It exemplifies how a corporate entity, posing as a philanthropic funder, wields its social and political capital to maintain its legitimacy. Mayer details how after spending years financing conservative politicians, the Kochs made an effort to endorse liberal initiatives and form unlikely coalitions (featuring activist Van Jones, the American Civil Liberties Union, the Center for American Progress, etc.). This shift came in the wake of Republican Presidential candidate Mitt Romney’s defeat in 2012. In a series of internal donor summit discussions, Kochs’ advisors can be heard calling for an upgrade in the Koch network’s branding. To

appeal to the “middle-third” of Americans, they argued, the Koch network “needed to present its free-market ideology as an apolitical and altruistic reform movement to enhance the quality of life” (para. 43). Despite years of lobbying for conservative policies that diminishes corporate oversight and labour rights, and fighting against prosecution of white-collar crimes (as James [2023] remarks, “abolition” has always existed for those with wealth and power), the Kochs re-branded themselves as benevolent philanthropists dedicated to the apolitical notion of “wellbeing”. During an N.A.A.C.P. convention, where the crowd booed at the mention of the Kochs, President Obama came to their defence: “No—you’ve got to give them credit. You’ve got to call it like you see it” (para. 12). Thus, the Koch brothers’ efforts to curtail corporate regulations are repackaged as an avowed interest in justice reform for poor and racialized people.

A similar example can be found with the BlackNorth Initiative in Canada (Jones and Cole, 2021a, 2021b). The Initiative has compelled hundreds of corporations and non-profits to sign a pledge acknowledging and vowing to combat anti-Black racism. The founder, Wes Hall, was widely lauded by the media as a leader of Black Canada. However, Jones and Cole’s (2021a) investigation reveals that the group has accepted \$1 million from Fairfax Financial, a significant investor in the United States’ for-profit bail industry. No information on how this donation is utilized is publicly available. A further investigative report by Jones and Cole (2021b) details Wes Hall’s ties with Canadian mining companies responsible for environmental degradation and human rights violations. As companies are signing onto the BlackNorth pledge, they are also perpetuating anti-Black violence and environmental racism through their extractive practices.

When criticized for his collaboration with the Kochs, Van Jones argues: “...if you’re sitting in prison right now you’re not praying that the Koch brothers *won’t* help” (Mayer, 2016, para. 51). Indeed, Rodríguez (2016) suggests that “forms of sustained grassroots social movement that do not rely on the material assets and institutionalized legitimacy of the NPIC have become largely *unimaginable* within the political culture of the current US Left” (The Velvet Purse of State Repression section, para. 8). The collusion between philanthropic

fundors (such as Koch, Mellon, Ford, and Soros) and professional intellectuals/activists constitutes a new form of containment (Brown University, 2019; Rodríguez, 2016). Freedom becomes a gift, not a struggle for power. As radical causes become more reliable upon the state power and private capital, Rodríguez (2016) questions whether these entanglements “[exert] a disciplinary or repressive force on contemporary social movement organizations while nurturing a particular ideological and structural allegiance to state authority that preempts political radicalisms” (The Velvet Purse of State Repression section, para. 16). He proposes that the corporate funding of liberal and progressive reformist projects operates in tandem with more overt forms of repression, limiting radical imagination and pacifying insurgent movements.<sup>8</sup>

### **The University and Neoliberal Governance**

The university should constitute a key site for examining the political economy of social justice. While it can become a location of consciousness raising and political mobilizations, the university is deeply embedded in the dynamics of the NPIC and neoliberal governance. Scott and El-Assal (1969) observe that as many universities became larger and more diversified after the student movements of the 1960s, a new format of bureaucratic management emerged in order to facilitate rationalized control over them. The “institutionalization of schools into rational bureaucratic forms” (Davies and Guppy, 1997, p. 441) corresponds to emerging trends of economic globalization and global rationalization in Anglo-American democracies (Davies and Guppy, 1997). Carty (2018) suggests that the “progressive commercialization of the university system” in North America is exemplified in “the underfunding of core resources such as grants and other forms of financial aid for students, and anti-strike legislation and excessive force used against students when they

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<sup>8</sup> Coy and Hedeén’s (2005) analysis of movement co-optation is derived specifically from a study about community mediation (including RJ) in the United States. They highlight four main stages:

1. Inception of challenging movement
2. Appropriation of language and techniques by state/vested interests
3. Assimilation of movement leaders/participants; Transformation of program goals
4. Regulation and response

This aligns with what is discussed by Rodríguez (2016).

engage in political challenges to proposed changes within the university system” (p. 103). Increasingly, academics and universities are viewed as market actors, overseeing the development of professionals and generating intellectual capital for the nation-state. The university becomes an environment under which academics “expend their human capital stocks increasingly in competitive situations” (Slaughter and Leslie, 1997, p. 302). Thus, Slaughter and Leslie use the term “academic capitalism” to describe “institutional and professorial market or market-like efforts to secure external funds” (p. 301).

Giroux (2002) posits that neoliberal market values, such as individualism, consumption, and competition, underlie the growth of corporate-modelled management structures within the university. The pervasiveness of audit culture, which seeks to construct self-disciplined institutional members, exemplifies the neoliberal logic (Shore and Wright, 2000). Apple (2001) states:

Neo-liberalism does indeed demand the constant production of evidence that one is in fact ‘making an enterprise of oneself’. Thus, under these conditions not only does education become a marketable commodity ... but its results must be reducible to standardised ‘performance indicators’. (p. 416)

Apple observes that such “performance indicators”, determined by the state and/or corporate funders, often reinforce inequality.

Llewellyn and Llewellyn (2015) argue that feminist relational theory, which underlies a restorative approach, presents an opportunity to challenge neoliberal rationality in education. In asserting that justice is equality of relationships, relational theory aligns with critical and feminist pedagogies in its efforts to subvert the dynamics of the classroom. However, the ways through which restorative approaches are enacted by hegemonic institutions may temper their transformative capacity. One can observe this temperance in the bureaucratization of anti-racism. Ahmed (2006) writes that notions of equity and diversity, which are extracted from critiques of institutional racism, are adopted by institutions as performance indicators. In universities, the infiltration of market logic leads to anti-racism being reduced to a series of nonperformative speech-acts. Ahmed articulates

“the failure of the speech act to do what it says” as “not a failure of intent or even circumstance, but it is actually what the speech act is doing” (p. 105). These acts are “nonperformative” in that they do not require a commitment to action. In response to complaints of racial inequality, institutions become proficient at producing a plethora of auditable documents. Having an anti-racism policy becomes *proof* of the institution’s anti-racism.

When racial justice is integrated into an institution that retains its neoliberal structures, it must be rendered intelligible through neoliberal notions of self-enterprise and market value. Thus, Ahmed (2006) states: “The language we think of as critical can easily lend itself to the very techniques of governance we critique” (p. 108). Announcements committing to racial equality, paper trails signalling “good practice”, and images celebrating diversity are utilized to reinforce institutional pride and re-affirm institutional authority. The continuous production of these symbols can obscure ongoing inequities within the institution.

### **The Academy in the Carceral Circuit**

In Dalhousie University’s case, one can discern a feedback loop between the university and the PIC. The University’s academic experts work closely with the Department of Justice and the Halifax Regional Police (e.g. Archibald and Llewellyn’s [2006] research on NSRJ, the restorative justice pilot program as mentioned by Llewellyn, MacIsaac, and MacKay [2015]). During the Dentistry scandal, Rubin (2015a) sharply critiques the extractive interest of academic researchers, suggesting that they are “waiting with bated breath to experiment with anything resembling a sex crime” (para. 8) despite NSRJ’s moratorium. While it is impossible to know the original intent of academics involved in the RJ process, it is clear that the process deepens the feedback loop between academics, the state, and corporate interest. The process was lauded as a “game-changer” by RJ scholars (Thomson, 2015, para. 1). An RJ conference commended Nova Scotia and Dalhousie’s “long history” and “deep expertise” (Doucet et al., 2016, para. 1), suggesting that the province is a leader in the field of RJ. In 2020, Dalhousie University launched its Restorative Lab with funding from the Donald R.

Sobey foundation (Staff, 2020).<sup>9</sup> Federally funded research initiatives at the University contribute to the usage of RJ in the criminal legal system — the Department of Justice Canada (2022) provided \$644,508 to the Restorative Lab in order to “accelerate the development of restorative justice across Canada” (para. 2).

In 2018, Llewellyn, and MacIsaac, two facilitators of the Dentistry RJ Process, partook in a restorative review of the death of Jason LeBlanc. LeBlanc was found unresponsive at the Cape Breton Correctional Facility, where he was held for a parole violation (he failed to meet curfew during a major snowstorm). His death was ruled as an overdose, although no drugs were found on him by jail staff (MacDonald, 2016). LeBlanc’s family wanted a public inquiry, but investigations into deaths in custody are not required by the province of Nova Scotia (in other provinces such as Ontario, Prince Edward Island, and Quebec, fatality inquiries are ordered for non-natural deaths) (Tutton, 2016). Families of deceased inmates and abolitionist organizations in Nova Scotia have been calling for mandatory investigations into in-custody deaths, as 12 incarcerated people have passed away from 2011 to 2019 without a public inquiry (Tutton, 2016; Gorman, 2019).

Llewellyn et al.’s (2018) 13-page report<sup>10</sup> aims not to “make findings of fact or recommendations” but “describes the situation, the parties involved, the restorative process in which they engaged, and the insights and outcomes that resulted” (p. 2). The process involving Correctional Services and LeBlanc’s family yielded in a “lessons learned” page, where Correctional Services pledges additional grants and workshops for staff training regarding opioid use (an educational bursary for staff will be established in LeBlanc’s name). It also claims to increase screening measures for “high-risk” opioid users, provide Naloxone kits to staff, and install a new body scanner. Importantly, Llewellyn et al. (2018) make no

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<sup>9</sup> The Foundation is created by the former chair of Empire Company Ltd., the holding company for major grocery chain store “Sobeys”. Donald Sobey was charged in 1991 for sexually assaulting Derek Powers, pleading guilty to a fine of \$750 (Kimber and Castaldo, 2022). Upon hearing about the Sobey Foundation’s donation to the Restorative Lab, Powers reached out to Kimber (2022) with his story, pointing out the hypocrisy of seeing Sobey’s name alongside “justice”: “I gotta call bullshit on this” (para. 18).

<sup>10</sup> For comparison, the *Report from the Restorative Justice Process* (Llewellyn, MacIsaac, and MacKay, 2015) was 70 pages.

mention of the fact that a concerning number of deaths have occurred in Nova Scotia jails without a public inquiry (Tunney, 2015; Gorman, 2019). No arguments were made regarding how LeBlanc should not have been incarcerated in the first place, or that efforts should be made to expand addictions support in the community. Instead, the restorative review (which fails to actually investigate LeBlanc's death) uncritically parrots talking points from Correctional Services that justify expanding its funding and mechanisms of surveillance.<sup>11</sup> As the review implicitly accepts the existence and growth of the carceral state, it is difficult not to question what type of relationship it strives to restore. Despite Llewellyn et al.'s (2018) restorative review of LeBlanc's death, Nova Scotia would not establish a committee to review deaths in custody until 2023 (Gorman, 2023).

When the Koch brothers are funding criminal justice reform and Sobeys is funding restorative justice, there needs to be a nuanced critique of pragmatic compromises between social movements, academic institutions, and state power. These insights about Dalhousie's RJ scholarship outline a broader trend: knowledge produced by the university is mobilized by the state towards preserving itself, and the state in turn offers credentials and collaborations to the university to sustain itself in the academic marketplace. Policies and processes deployed within the university do not exist in a vacuum. As the LeBlanc review demonstrates, practices tested within the university can then be introduced into public spheres. This is worth keeping in mind as the upcoming chapters return to the 2015 Dentistry RJ process.

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<sup>11</sup> Abolitionists have made ample critiques regarding carceral reforms (e.g. Ajadi [2022], Braz [2006], Piché [2006], Monture [2006], Canadian Association of Elizabeth Fry Societies [2022], Jones [2022], etc.).

## Chapter 4

### Methodology:

#### Mapping the Malocclusions

My project employs a qualitative, critical interpretive methodology that is grounded in critical feminist, anti-colonial, and anti-oppressive frameworks. This chapter details how I aim to understand the experiences and perceptions of victims, advocates, facilitators, and institutional actors engaged in RJ processes, while attending to the broader structural and discursive conditions that shape these practices. In this chapter, I provide an overview of my methodology. The sections “Hearing with a Feminist Ear” and “Archives and Knowledge” discuss the theoretical foundations that informed my research design. The next section “Mapping the Malocclusions” outlines my data collection and analysis process. In the final section, “The Filing Cabinet”, I note some limitations and ethical considerations that emerged in the process.

#### Hearing with a Feminist Ear

Ahmed (2021) writes: “To hear with a feminist ear is to hear who is not heard, how we are not heard” (p. 4). The feminist ear as method interrogates what escapes the containment of the document and the archive. Ahmed’s (2021) utilization of the feminist ear is exemplified in her book *Complaint!*. In examining the passage of complaints through a university, Ahmed demonstrates how institutional mechanics are mobilized to stop challenges of power. A complaint becomes a biography. As she gathers anecdotes from students and academics, Ahmed strives to not only bear witness to complaints, but also to highlight all that is left out of a complaint.

A feminist inquiry makes a question out of absence. More importantly, it asks what purpose the absence serves. This notion of critical listening (or in this case, reading) formulates the basis of my inquiry. While a plethora of news coverage, opinion pieces, and institutional statements were generated at the beginning of the Dentistry scandal, only a handful of accounts exist regarding the RJ process due to its confidential nature. To read with a feminist gaze is to look between the lines and into the margins. To critically inquire

about the RJ process means to ask what contradictions the hegemonic (institutional) narrative conceals and what purpose the silence serves. This thesis does not only seek to uncover competing feminist narratives about the RJ process, but also to ask *why* they have been omitted from the public archives in the first place.

Finn Enke (2018) challenges feminists to disrupt “plausible histories” (p. 11), and reject the tendency to frame movements in terms of binary oppositions and stable subjects. Similarly, James (2020) writes about how the “airbrushing” of revolutionary struggles occur in an effort to create a cohesive (academic) narrative about the abolitionist movement. In light of the growing mainstreaming of abolitionist thought and the institutionalization of RJ, my thesis considers how a plausible history about the scandal is generated regarding the implementation of RJ by a university as a gender violence response.

### **Archives and Knowledge**

Grosfoguel (2013) uses the concept of “epistemicide” in conjunction with “genocide” to describe how knowledge in the Westernized university is constructed through the marginalization of alternative knowledge traditions, which is inextricable from the material dispossession and physical elimination of marginalized bodies. Likewise, Longino and Lennon (1997) suggest that a feminist analysis contains critical and constructive dimensions — critiquing the androcentrism of hegemonic knowledge validation processes and validating grounded epistemologies from the margins. Thus, to ask what one knows, how one knows, and to contend with what cannot be known, is an anti-oppressive act. Landman (2006) indicates that a feminist methodology, informed by feminist epistemology, is concerned with “who can be agents of knowledge, what can be known and how knowledge is validated, and the relationship between knowing and being” (p. 430). Thus, feminist epistemology is inextricably related to the understanding of how power shapes knowledge validation. The feminist focus on knowledge “from the margins” (hooks, 1989, p. 15) challenges naturalized assumptions in research.

Critical insights on archiving are relevant to this project, since it delves into the Dentistry scandal ten years after its occurrence. Cifor and Wood (2017) suggest that a critical

feminist approach is evident in the “archival turn” of the 1990s, where the archive becomes conceptualized “as a metaphor or as a discursive system” (p. 14). Through what Stoler (2002) calls “epistemological scepticism” (p. 88), the archive is transformed from a source of knowledge to a subject of inquiry. Stoler suggests that archiving is not ethnographic but extractive. The practices of exclusion that accompany archiving leads Foucault (1972) to remark that the archive “reveals the rules of a practice that enables statements both to survive and to undergo regular modification” (p. 130). The phrase “rules of a practice” characterizes the archive not as a stable set of documents but rather a system of governance (Stoler, 2002). As Stoler (2002), Ware (2017), and Fuentes (2020) articulate, the governance of the archive is inextricably connected with configurations of power. Stoler (2002) articulates that colonial archives, as products of the state, in turn re-produce it. Fuentes (2020) argues that when the archive omits testimonies of state violence, it demonstrates an ontological and epistemological commitment to the carceral state. The process of designating archival status to certain human experiences over others becomes a process of epistemological violence. Thus, “interrogating the archive’s epistemic power” (p. 123) constitutes an ethical and political practice (Nash, 2019, as cited by Fuentes, 2020).

### **Mapping the Malocclusions**

To put a feminist ear to the archive is to examine the configurations of power it is implicated in. Stoler (2002) points out that the colonial archive is continuously produced as a part of the state’s governance. As Foucault (1972) describes, the “never completed, never wholly achieved” (p. 131) work of uncovering the archive contributes to the production of hegemonic discourse. The reading of the archive is not a neutral act. Critical reading practices that delve into the excess of the archive represent a rejection of organized abandonment (Sharpe, 2016, as cited by Fuentes, 2020).

As the scandal is roused from the public and institutional memory, a number of competing archives emerge. Firstly, there is the public archive of articles from local and national media sources, such as CBC News, Global News, MacLean’s, *The Coast* and *The Dalhousie Gazette*. A pertinent section of this public archive consists of feminist commentary

on the scandal, such as that of Jones (2014), Haiven (2014, 2015), Acorn (2015), Rubin (2015a), and Slade (2015). Secondly, there are institutional documents from Dalhousie University that take the form of reports, webpages, and press releases. Particularly, there is the *Report from the Restorative Justice Process at the Dalhousie University Faculty of Dentistry* (Llewellyn, MacIsaac, and MacKay, 2015) (*The RJ Report*), and the *Report of the Task Force on Misogyny, Sexism and Homophobia in Dalhousie University Faculty of Dentistry* (Backhouse et al., 2015) (*The Task Force Report*). This institutional archive extends to documentations on the state's (e.g. the Nova Scotia provincial government) collaborations with the University. Finally, there are testimonies from individuals involved in the scandal. This is heavily limited, due to the legal and institutional restrictions that prevent individuals from publicly discussing the RJ process and the membership of the "Class of DDS 2015 Gentlemen" Facebook group. However, Backhouse et al. (2015) include accounts from one of the women who first filed complaints about the Facebook group in the *Task Force Report*. A speech from two women who participated in the process is recorded in "An Unfamiliar Justice Story: Restorative Justice and Education" (Llewellyn, Demsey, and Smith, 2015).

I outline the myriad of archival documents here not as an exhaustive account, but to demonstrate the competing sources that produced them. In reviewing these documents, I focused on ones that felt the most representative of a particular positionality, and extracted relevant themes. This qualitative analysis was done with the deliberate intention of complicating a "plausible history" regarding the development of the RJ process. Thus, the project constitutes a form of critical interpretive analysis. In asking *what* can be known about the RJ process, this thesis also asks *why* this is what can be known. Therefore, in addition to the content of these archives, I also question what lies entangled with their production, preservation, and distribution.

### ***Malocclusions as Nonperformative***

Throughout this project, I refer to Ahmed's (2006, 2021) notion of nonperformativity. She draws upon the image of a gap — the distance between what *should* happen, or what the

institution *proclaims* to happen, and what *does* happen. In “The Nonperformativity of Antiracism”, Ahmed (2006) describes how anti-racist declarations and policies become substitutes for material actions against racism. Thus, they are “nonperformative” in the sense that they fail to perform their stated purpose. Studying the texts produced/preserved by the institution allows for discerning “nonperformative” acts — finding the gaps between the language that the institution deploys to signify its values, and the narratives it obscures and renders unseen in this process.

With Ahmed’s (2021) metaphor of a gap in mind, I borrow the dental term “malocclusion” to frame my analysis. A malocclusion describes a misalignment between the top and bottom teeth, often emerging when children start growing their permanent teeth (Ghodsra and Brizuela, 2023). As one set of teeth is being replaced by another, aberrations in the orientation of the teeth manifest, leading to discomfort when one tries to close their jaw and bite. The metaphor of malocclusion can be applied to social movements. When the movement grows and becomes more mainstream, there are intensifying contradictions. The teeth strain against one another, and the bite fails to be incisive. In this case, as RJ becomes institutionalized, there is a malocclusion that emerges. On one hand, the RJ process is an example of progress — it is largely unprecedented in universities, and it has the potential to become a catalyst for more RJ initiatives. Yet, there is a distance and misalignment between the various stakeholders — students in Dentistry, other Dalhousie students, University administrators, Dentistry administrators, faculty, staff, community members, feminist academics/advocates, etc. There is also a gap between the narrative generated by institutional documents and the narrative of those outside the institutional process. Thus, this project requires examining documents that were enshrined as “official” accounts of the RJ process, asking what labour they perform for the institution, and what relations of power they reinforce.

### ***A Tale of Two Reports***

A significant part of this project involves a close reading of the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015) and the *Task Force Report* (Backhouse et al., 2015). Though

the two reports addressed similar issues, they each had a distinct approach. The *RJ Report* was produced by a Dalhousie professor, a campus security officer, and an HREHP Office staff member at the conclusion of the RJ process. The *Task Force Report*, which was published a month after the *RJ Report*, was commissioned in January as part of a President's Task Force with endorsement from Senate (Kingston, 2015b; Staff, 2015a, 2015b). It is co-authored by three external investigators — two professors from the University of Ottawa and a human rights lawyer from Vancouver (Kingston, 2015b; McNutt, 2015). The President cited the need for an independent, third-party investigation into the emergence of the “DDS2015 Gentlemen” group and existing policies/practices within Dentistry (Florizone, 2015).

These two reports came to play a major role in my analysis, as they represent some of the few publicly accessible accounts on the RJ process. As I will discuss in the next chapter, their positioning as key institutional documents is instructive of the dominant narrative surrounding this process. Thus, these documents are used as a point of departure to understand the “malocclusions” that emerge. I reviewed these documents in conjunction with the sources outlined at the beginning of this chapter, including news articles, blog posts, public statements, and archival documents. In critically reading these institutional documents, I strive to discover how the University utilizes discourse as means of governance.

### **The Filing Cabinet**

The focus on analyzing publicly available documents in this thesis came from some logistical constraints. In March 2023, I filed several requests under the Nova Scotia Freedom of Information and Protection of Privacy Act to Dalhousie University, inquiring about the implementation of RJ at Dalhousie (from 2010 to present) and the Dentistry RJ Process. I received responses in April and May (Appendix 1). Overall, the requests yielded little information, as I was informed that all records have reached their retention period and were destroyed. I only received a generalized statement from Dalhousie's Human Rights and Equity Services regarding the use of RJ as informal resolution (detailed in an upcoming chapter).

In exploring other archival narratives, I was introduced by my supervisor to the archival donations of Dr. Françoise Baylis, bioethicist and Professor Emerita at the Dalhousie University Department of Philosophy. During the Dentistry scandal, Baylis filed a joint complaint with three other Dalhousie professors requesting a formal investigation into the incident (Walsh, 2015a). They also penned an open letter calling for the University to address issues of misogyny on campus (Impact Ethics, 2014). Later, Baylis commented on the University's response to the scandal (CBC News, 2015e). At the time of her retirement, she donated her work to the Dalhousie University Archives at their request. The Dalhousie University Archives describes itself as an institution that “serves as the University's corporate memory by identifying, preserving and making available institutional records of enduring value, including textual, photographic, audiovisual and electronic materials” (Dalhousie University, 2025c, About University Records section). Baylis' collection included notes, correspondence, meeting agendas and media reports regarding the Dentistry scandal. Specifically, it featured correspondences between the University and legal representatives of Ryan Millet, a member of the “Class of DDS 2015 Gentlemen” Facebook group who publicly disclosed and apologized for his involvement (Millet, 2014). Millet was regarded as “the whistleblower” for showing his classmate a post that concerned her, and allowing her access to his account so that she could take screenshots of the Facebook group (CBC News, 2015d). He later opted out of the RJ process and was disciplined for his membership (Boon, 2015; Shaw, 2015). Baylis was able to donate documents from his disciplinary hearing and other communications with the University under the consent of Bruce MacIntosh, Millet's lawyer (Appendix 2).

I first inquired about accessing Dr. Baylis' collection in June, 2023. I was informed by Dalhousie University Archives that although some of her donations were featured in the online catalogue, the files from Millet were not yet appraised. Another archivist then clarified that the electronic records of the Millet files exist and are stored in the digital preservation system. However, the entirety of Baylis's collection remains unprocessed and inaccessible to

the public. The archivist stated that due to “ethical and legal considerations”, I needed to complete an application for restricted access in order to review the documents (Appendix 4).

I contacted the Dalhousie University Archives again in April, 2024, when the proposal for this thesis was ready. The archivist inquired whether I have obtained Research Ethics Board approval for my project. My supervisor and I were advised by the Chair of MSVU’s Ethics Board that since the data is not publicly accessible, it may contain sensitive materials and unredacted personal information, and thus would require ethical clearance. The REB cleared the project in October 2024, at which time I contacted the Dalhousie Archives again with the restricted access form and asked for the documents.

I was previously told by the Dalhousie archivist that in order to access read-only copies of the digital records, I would have to visit in-person to examine printed-out copies. I asked whether I could access the files digitally, since I was no longer living in Halifax. In addition to the Millet files, I also requested Dr. Baylis’ annotated copies of the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015) and the *Task Force Report* (Backhouse et al., 2015). These files were open-access but unavailable online. I was told that a large part of the Baylis collection was backlogged and not digitized, and that the Dalhousie University Archives does not have the infrastructure to provide online read-only documents. However, after consultation with his colleagues, the archivist was ultimately able to provide me all the files through a OneDrive folder.

Notably, despite our initial concerns, the files contained no identifying information on any student other than Millet. I inquired whether there were any legal barriers preventing the files from being publicly accessible, and was told that there were none. Because Baylis donated the Millet files as private records, they constitute a grey area ethics-wise, and was ultimately up to the discretion of Dalhousie University Archives to determine their accessibility. The archivist stated to me that since the documents come from an internal disciplinary procedure, they decided to exercise caution to protect confidentiality.

It is worth noting the occasionally circular path leading to the archive. The Dalhousie Archives restricted access to the documents out of caution. In turn, due to its restricted

nature, the MSVU Ethics Board assumed it might contain identifying information about the Dentistry students. Despite there being no explicit notice to bar me from the archives, I became hesitant about needing to access them. The documents were made to be something more dangerous than what they were. However, Millet *wanted* there to be a paper trail and that the documents be available, as he requested for his hearings to be public (Boon, 2015; MacIntosh and MacIntosh, 2015). Instead, a burial occurred. Simply following the logics laid out by our institutions almost led us to reinforce this burial.

I recount the process of accessing the archives here because of Ahmed's (2021) notion of a filing cabinet. Ahmed describes the filing cabinet as an institutional closet. The complaint about the institution ends up being buried in the institutional processes. The imagery of a filing cabinet is compared to the governance of the colonial archive — which documents are preserved? Which ones are buried? Which ones are destroyed? Whether by design or by technicality, much information on the Dentistry RJ process was buried. FOIPOP requests indicated that no records existed. Archived documents donated by Baylis were not digitally accessible. Llewellyn, MacIsaac, and MacKay's (2015) *RJ Report* remains by far the most easily publicly accessible piece of document from the scandal's RJ process. Reading into the *absence* of other narratives generates an ethnography of the institutions governing the archive (Ahmed, 2021).

Ahmed (2021) suggests that a burial can be refused. It is a feminist and anti-racist act of care to refuse these burials. When stories deemed to be kept separate and in secret are told collectively, they exceed the containment of the institutional closet. A complaint takes on a new life when it spills out from the filing cabinet. Thus, the inquiry into the archives, and the effort to read the files in conjunction with other stories about the scandal, is an attempt to open the filing cabinet.

However, the documents covered in this thesis cannot adequately address everything that has been buried. Particularly, I am thinking about the archives that exist beyond the text (Ware, 2017; Ahmed, 2021). When I shared with former students, local academics, or feminist advocates that I was conducting research on the Dentistry scandal, they often

voluntarily offered oral anecdotes about the event. The difference in how the scandal is remembered by them versus the account offered in Llewellyn, MacIsaac, and MacKay's (2015) report is what prompted my close reading of institutional documents. Formulating a counter-archive (Springgay et al., 2020) of collective, oral history of the Dentistry scandal would be extremely valuable. This would entail careful ethical consideration of the impacts unearthing this incident may have on those who have experienced misogyny, homophobia, sexual harassment, and forms of institutional violence. Therefore, this thesis has focused solely on analyzing textual documents.

## Chapter 5

### Competing Discourses:

#### Complicating a “Plausible History”

As Enke (2018) discusses, there is a necessity to contest “plausible histories” and allow for a complex collective memory. In the case of the Dentistry scandal, a complex collective memory certainly exists, yet certain institutional documents, particularly the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015), emerged as the authoritative narrative. As one of the only publicly available accounts produced by those directly involved, Llewellyn, MacIsaac, and MacKay’s (2015) report is undoubtedly a crucial account of the RJ process, and this thesis does not seek to disprove or discredit it. Instead, it inquiries into the excess of what has been caught in the frame. This chapter provides an overview of what is found in the institutional archives, and delves into some prominent competing narratives.

#### The Institutional Archive and its Limits

In May 2023, I filed requests under the Nova Scotia Freedom of Information and Protection of Privacy Act to Dalhousie University about the following information (Appendix 1):

- Dalhousie University's collaboration with Nova Scotia's Department of Justice, the provincial/federal government, and the provincial/federal corrections system on the subject of restorative justice/restorative approaches
- Annual amount of funding Dalhousie University has received since 2010 from public and private entities towards the research/application of restorative justice/restorative approaches
- The number of times since 2010 individuals have been referred to a restorative process as a result of the collaboration between Dalhousie, Halifax Regional Police, and the Nova Scotia Department of Justice. The number of cases Dalhousie has referred to the NS Restorative Justice Program from 2010 to 2023

- Anonymized data on the nature of all referred cases from 2010 (e.g. sexual harassment, assault, noise complaint, etc.)

I also filed another request regarding details about the Dentistry scandal and the RJ process, including:

- Communication (e.g. press releases, memos, letters, emails, etc.) from President Florizone, the Deans, the Faculty of Dentistry administration, the Board of Governors, Jennifer J. Llewellyn, Jacob MacIsaac, and Melissa MacKay concerning the Dalhousie Dentistry (DDS2015) incident and the subsequent restorative process.
- Communication from December 2014 to June 2015 that contain the terms "restorative justice", "RJ", "restorative approach", "restorative process" or make otherwise explicit reference towards the restorative justice process adopted for the DDS2015 as outlined in the "Report from the Restorative Justice Process at the Dalhousie University Faculty of Dentistry" published May 2015.

The University's legal counsel informed me that no responsive records on any of the above-mentioned matters exist, because they have reached their retention period and were destroyed as per Dalhousie's records management process.

In a separate request, I asked for information regarding internal applications of RJ at Dalhousie, including:

- Publicly released information about Dalhousie's application and usage of restorative justice and/or restorative approaches from 2010 to 2023
- Institutional documentation (including letters, reports, briefs, press releases, etc.) regarding the usage of restorative justice and/or restorative approaches for Student Code of Conduct/ Sexual Harassment Policy violations, or any complaints processed by the Office of Human Rights, Equity and Harassment Prevention.

- Data from 2010 to 2023 regarding the number of times restorative approaches/restorative justice has been utilized by the Office of Human Rights, Equity and Harassment Prevention.
- If available, anonymized data from 2010-2023 on the type of cases where restorative approaches/RJ are used (e.g. sexual harassment, noise complaint, discrimination, etc.)

The University's legal counsel provided me with the following response:

Human Rights & Equity Services provides a trauma informed, survivor centered confidential advisory service to members of the Dalhousie community seeking advice, support, and reporting options in relation to the following Dalhousie policies: Sexualized Violence, Personal Harassment (employees), Prohibited Discrimination and, until 2018, Hazing Policy. HRES consistently employs a restorative approach to our work, considering the impact on the people who have experienced the harm and their relationships at interpersonal, social, and institutional levels. As such, HRES does not track individual instances of restorative approaches being employed in relation to our case conduct; it should be assumed that all contact with HRES Advisors is performed in a restorative manner.

Restorative justice, aimed at understanding and addressing the harms caused, takes a relational approach to offer an alternative process response to address the harm caused by an offence and restore the needs of the affected person(s). For record keeping purposes, HRES considers restorative justice processes used as a response to an incident(s) to specifically include conditions where we have worked with all involved parties to (1) explore and address harms caused, and (2) come together to participate in at least one restorative justice circle.

Nova Scotia currently has a moratorium on restorative justice for offences of sexual assault and domestic/intimate partner violence offences; HRES' support of people

who have experienced sexualized violence considers and reflects this moratorium. However, with thoughtful consideration, HRES staff have worked in conjunction with other restorative justice experts to respond to reported incidences of sexual harassment as a mechanism to restore community relations. When considering the above context, HRES can only provide case data regarding the number of times Restorative Justice has been employed as a response to a Report under one of our policy areas. Data included in this response reflects case records from January 2010 to December 2022, inclusive.

Policy Area (with noted policy changes)	Number of times Restorative Justice has been engaged as an alternate process resolution
Sexualized Violence Policy (pre-Sept. 2018: Sexual Harassment Policy)	3
Personal Harassment Policy (employees)	0
Prohibited Discrimination	2
Hazing Policy (now processed via Student Code of Conduct)	1

Based on this chart, it appears that Dalhousie has seldom deployed RJ in its disciplinary processes since 2015. In Case's (2017) review of RJ at Dalhousie, the Dentistry RJ process and noise complaints were the only two case studies featured. If more processes occurred informally and outside of the HRES's records, they were not disclosed to me.

The lack of information obtained by the FOIPOP requests continue to reflect the burial that Amhed (2022) describes. She posits that complaints get stuck. It is costly to try to complain about power; It is costly to generate some form of paper trail that legitimizes the

complaint. MacIntosh and MacIntosh (2015) suggest that the lack of formal complaints launched meant that there were no documented findings of sexual harassment for the Facebook group members who participated in the RJ process. Llewellyn, MacIsaac, and MacKay (2015) record that at the beginning of the RJ process, participants had to sign non-disclosure agreements before being given materials from the Facebook group. As the rest of the chapter will explore, there were a number of institutional blockages that prevented formal complaints from being created. Thus, very little documentation regarding the RJ process exists.

Llewellyn, Demsey, and Smith (2015), as facilitator and participants of the RJ process, argue that other stories told about the RJ process are “some of mythic proportion, many fictional, and most scary” (p. 53). They are not the “real” (p. 53) story about the scandal and the RJ process. This process of designating what constitutes the “truth” regarding the scandal exerts a disciplinary power over the archives. In this vacuum of information, the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015) constitutes the dominant narrative regarding the RJ process. This thesis focuses on the *RJ Report* because of its positioning as the only authoritative account of the RJ process. In doing so, the thesis does not only ask *what* the report says, but also *how* and *why* things are being said.

To provide an overview, I will briefly outline the contents of the *RJ Report* here before I delve into some prominent themes in the rest of the chapter. The report contained six sections: participants’ statements, overview/chronology, scope and nature of the RJ process, RJ process elements and activities, key findings, and future commitments. Participants identified potential next steps through five themes: Community building, inclusion and equality, professionalism and ethics, curriculum and program structure, and reporting processes and conflict resolution. Many of the themes refer to the pervasiveness of misogyny, homophobia, and other discriminatory attitudes within the Dentistry. Additionally, the *RJ Report* also refers to problematic expectations of “professional conduct” for dentists. It suggests that the competitive environment of the Dentistry contributed to tensions between students. Furthermore, it identifies students’ hesitancy to utilize formal reporting processes.

The *Task Force Report* (Backhouse et al., 2015) was published shortly after the *RJ Report*. The mandate for the Task Force, as provided by the President to Senate, includes the following:

- a) When was the DDS 2015 Facebook Group created? For what purpose?
- b) Are there currently other similar groups currently within the Faculty of Dentistry? Have there been such groups in the past?
- c) What are the policies and practices of the Faculty and the University in respect of:
  - Tolerance for misogynistic, sexist and homophobic conduct?
  - Sanctions for such conduct?
  - Communication by the Faculty and students of incidents which could violate expected standards of conduct?
- d) What training, if any, is given to students and Faculty in the Faculty of Dentistry on the standard of conduct expected of them in general and with respect to equality and equity issues in particular?
- e) Do any of the current teaching or clinical practices within the Faculty tolerate or promote misogynistic, sexist and homophobic views and practices?
- f) Do all students currently within the Faculty consider that they have the same academic and clinical opportunities? If not, why not?
- g) Do students currently within the Faculty believe that they have the ability to complain about misogynistic, sexist and homophobic practices and policies and obtain meaningful remedies as a result of such complaints?
- h) What policies, standards and practices are in place at other Canadian universities to address the issues of misogyny, sexism and homophobia?
- i) What policies and practices could be put into place to permit University administrators to investigate anonymous complaints of harassment and discrimination and conduct investigations into allegations of systemic discrimination and harassment?

(Florizone, 2015, p. 2)

In the *Task Force Report*, Backhouse et al. (2015) make 39 recommendations to the University, including: clarifications about launching anonymous complaints, improvements to equity-seeking mechanisms, diversity and inclusion initiatives, establishment of an ombudsman office, and independent review of the Dentistry RJ process.

As mentioned in the previous chapter, the *RJ Report* and the *Task Force Report* each had distinct authors, mandates, and strategies of inquiry. Although they were both major documents published in the aftermath of the scandal, they sometimes presented contrasting narratives. Two female Dentistry students explicitly criticize the *Task Force Report*:

Unfortunately, the members of the Task Force failed to appreciate, as we did, the potential for immense change in climate and culture that can arise from a restorative process. Perhaps our decision to participate in the RJ process was too complicated a story, or we did not seem like good enough victims to earn a place in the narrative the Task Force crafted of what happened. (Llewellyn, Demsey, and Smith, 2015, p. 49)

Although the two reports are both institutional documents, it is crucial to note the tension between them, as demonstrated in the quote above. The *Task Force Report* was discredited and challenged by some participants of the RJ process. In contrast, the *RJ Report* is positioned as the authoritative account of events. The goal of analysing them is not to rescue a “real” account of the RJ process from the archives. Instead, it is to undo the “plausible history” that is being constructed, and to discern what functions the production of these documents serve for the various stakeholders.

### **Complicating a “Plausible History”**

The *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015) illustrates a story of success in spite of the odds. While the public called for punitive responses and attempted to discredit the participants, the process persisted and concluded to the satisfaction of those involved. It suggests that despite the external critiques, the RJ process engaged a wide variety of stakeholders and led all involved parties to reach a deeper understanding regarding misogyny, homophobia, and gender violence. However, this narrative is contested by some individuals, particularly the original woman complainant, and Ryan Millet, the

whistleblower. Their journey through Dentistry in the wake of the scandal does not resemble the linear path to repair experienced by their classmates. Here, their narratives are used as departure points to explore some of the major critiques of the Dentistry RJ process.

### ***The Original Woman Complainant***

When the original woman complainant first raised the complaint, the Vice Provost declared that the complaint would not be processed under the Code of Conduct, and re-directed the student to the office of Human Rights, Equity and Harassment Prevention (HREHP, now HRES) (Backhouse et al., 2015). During her meeting with HREHP Staff, the student recalled discussing formal and informal resolution options, with staff heavily emphasizing the RJ option. She asserted that given the severity and impact of the matter, she did not wish to pursue an informal resolution. At the same time, she requested a “no contact order” related to three of her male classmates. The no contact orders she requested were served without her final consent. This led to her becoming the subject of vitriol and resentment (Backhouse et al., 2015). When CBC News published the screenshots of the Facebook group, many immediately assumed that the original woman complainant was responsible for publicizing them. The Clinic Assistant Dean of Dentistry later admitted that the screenshots she confidentially delivered to senior faculty were circulated amongst 10+ faculty and staff members within the Dentistry alone, making many individuals potential sources of the leak (MacIntosh and MacIntosh, 2015).

Millet and the original woman complainant both felt they were being made the “scapegoats of the crisis” (Backhouse et al., 2015, p. 15). Llewellyn suggests that students who were not involved in the RJ process were properly accommodated (Walsh, 2015b). However, the original woman complainant clearly indicates to Backhouse et al. (2015) that that was not the case. When faced with hostility from her classmates regarding her complaint, she “did not feel comfortable continuing to meet with the HREHP office” (p. 10). This was taken by staff to mean that she wished for the University to proceed without her involvement

(Llewellyn, MacIsaac, and MacKay, 2015).<sup>12</sup> She contests the narrative within the *RJ Report* that support was offered to all the impacted women: “No one reached out to me to say, ‘How are things going for you?’ At no point in time. I was the female who brought forward this complaint!” (Backhouse et al., 2015, p. 24).

In *Statement Against Misogyny and Gendered Violence*, faculty from Dalhousie called for a formal third-party investigation into the incident in order to address misogyny on campus (Impact Ethics, 2014). Subsequently, on December 21, four Dalhousie faculty members (Françoise Baylis, Jocelyn Downie, Brian Noble, and Jacqueline Warwick) submitted a complaint under the Student Code of Conduct, alleging that the RJ process failed to account for the harms done to the broader community (Backhouse et al., 2015). Referring to the lack of mechanisms for anonymized complaints, Dr. Françoise Baylis, one of the four professors, explained that they took this unprecedented step so that no student need put themselves at risk (Walsh, 2015a). This formal complaint was endorsed in an open letter penned by four anonymous female Dentistry students:

Telling us that we can either participate in restorative justice or file a formal complaint is presenting us with a false choice. We have serious concerns about the impact of filing formal complaints on our chances of academic success at the faculty of dentistry, and believe that doing so would jeopardize our futures. The reason we have not filed formal complaints is also the reason we have not signed our names to this letter. (CBC News, 2015a, ‘We have Serious Concerns’ section, para. 1)

The original female complainant revealed to Backhouse et al. (2015) that she was one of the four women. She felt especially disheartened by the *RJ Report*, where Llewellyn, MacIsaac, and MacKay (2015) discredited the anonymous open letter for “troubling misinformation about the meetings on January 5” (p. 26), insinuating that its authors were

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<sup>12</sup> Later on, Llewellyn introduced two other women as the ones who “made the choice that started this justice story” (Llewellyn, Demsey, and Smith, 2015, 44). Demsey and Smith state: “In the first few days after this material was uncovered to us, we had many discussions about what we wanted to see happen, and every conversation came back to the desire for this to be about education” (p. 45).

not Dentistry students directly affected by the scandal. The original woman complainant argued that the University unfairly placed the onus of requesting a formal investigation on individual students (Backhouse et al., 2015). The four women claim that by discouraging them from launching a formal complaint, the University had silenced them and reinforced the discrimination they experienced. Echoing their complaints, a former student criticized the “closed-door” approach of the RJ process, indicating that “the suggestion that restorative justice will benefit the community and the public at large is a sick joke” (Teitel, 2014, para. 4). Despite the original woman complainant’s willingness to provide testimony for a formal investigation, the University did not launch any additional processes. Feeling villainized for being unwilling to educate her classmates, she opted to graduate early (Backhouse et al., 2015).

### ***The Whistleblower***

Millet’s lawyers also advocated for a formal investigation to determine the extent of each students’ involvement with the Facebook group. They argue that the Academic Standards Class Committee (ASCC) and Dentistry administration circumvented conventional disciplinary processes at the University, such as through the Senate, to “maliciously prosecute” Millet (MacDonald and MacDonald, 2015, p. 4). He was summarily suspended alongside other members of the Facebook group on January 5th. Backhouse et al. (2015) note that in the ASCC’s announcement, students were told that successful completion of RJ can lead to the lifting of suspensions, while not participating, or unsuccessfully participating, in the RJ process meant the ASCC might consider academic dismissal. At the time, it was unclear what “successful” completion of the RJ process looked like. However, this created incentive for the perpetrators to choose RJ to minimize the possibility of academic dismissal.<sup>13</sup>

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<sup>13</sup> Backhouse et al. (2015) suggest that there are questions of free and informed consent regarding the RJ process: “For a process to be voluntary from a fairness perspective, at least two conditions must apply. First, the person must be informed, with all of the relevant information about

Millet regarded participation in the process as an admission of guilt. He maintained that although he supports RJ for those involved, he should not be lumped in with the other 12 members of the group (Boon, 2015; MacIntosh and MacIntosh, 2015). Backhouse et al. (2015) recounts that the Facebook group members reacted negatively when they became aware that the women in their class had seen the posts. One said:

Boys what are they going to do? Honestly. Kick every guy out of 4th year? Tell us you guys are mean for saying those things? I think the bigger issue is who in the fuck is showing the girls. But I also want to know I can say whoever I want to HATEFUCK and know some guy isn't going to go running and tell the girls. (p. 8)

Thus, like the original woman complainant, Millet did not want to participate in a process alongside others who viewed him as a betrayer (Backhouse et al., 2015). Millet's lawyers argued that the streamlined implementation of a confidential RJ process, where no findings of sexual harassment occurred, obfuscated the initial incident and circumvented a formal investigation (Boon, 2015; MacIntosh and MacIntosh, 2015).

Having opted out of RJ, Millet was disciplined because of his membership within the group, despite having minimal interactions with the sexist and homophobic content and eventually forcefully disassociating himself from it (MacIntosh and MacIntosh, 2015).<sup>14</sup> His lawyers cite an article penned by three local RJ practitioners in the *Chronicle Herald* (Atwell, Carr, and Taraschi-Carr, 2015, as cited by MacIntosh and MacIntosh, 2015), where they argue that RJ is typically utilized as a post-guilt protocol, with all parties having agreed upon the facts of the case. The *RJ Report* insists that arbitration of guilt is not the goal of an RJ process (Llewellyn, MacIsaac, and MacKay, 2015). In the male participants' statement, they

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the process, including its consequences. Second, the decision to participate must be free, made without any unfair pressure on the person to decide one way rather than another. Both types of fairness concerns arise about the students' decisions to participate in RJ" (p. 59). However, they acknowledge that disagreements exist amongst RJ practitioners regarding the use of coercion. Kim (2011) suggests that although community accountability processes claim to disavow coercion and force, assertive uses of power still exist (and are sometimes legitimate). Thus, instead of claiming it does not exist, it is more important for organizations to be transparent about their uses and their purpose.

<sup>14</sup> Shaw (2015) discusses the particular posts Millet was accused of endorsing in his article. Millet maintains that he has not seen nor engaged with a majority of them.

write: “We know that many people want to know who the worst among us are and who the more “innocent” by-standers are. The truth is, none of the Facebook group members are innocent but nor are we monsters” (p. 11). Similarly, Llewellyn, Demsey, and Smith (2015) suggest that the RJ process tells a complicated justice story “without clear villains and heroes or heroines, with a complicated plot line where the men are not just bad apples, where there are no ringleaders, no innocent bystanders, and not even a righteous whistleblower” (p. 50).

Millet fundamentally disagreed with this framing, maintaining that an investigation should have occurred alongside RJ, which would reveal that his membership in the group did not constitute endorsement of misogyny. While the *RJ Report*'s faculty statement proclaims: “Punitive measures such as expulsion do not change attitudes or positively influence future behaviour, nor do they address underlying systemic problems” (Llewellyn, MacIsaac, and MacKay, 2015, p. 13), Millet faced career repercussions for his perceived involvement with the group, and remained vulnerable to expulsion (Boon, 2015). Both Millet and the original woman complainant believed they were blamed for the publicization of the Facebook screenshots. According to Millet the scandal could have been avoided altogether had the original complaint been processed in a timely manner and in accordance with the wishes of the original female complainant (Boon, 2015; MacIntosh and MacIntosh, 2015).

Ultimately, Millet underwent a punitive ASCC process where his membership in the Facebook group served as proof of misconduct. His request to waive his right to privacy, and allow his peers, licensing bodies, and the general public access to his disciplinary hearings were denied (Boon, 2015; CBC News, 2015e; MacIntosh, and MacIntosh, 2015). In his closed hearing, the Clinic Assistant Dean suggests that instead of showing the offensive posts to the person impacted, Millet should have reported it directly to the administration. Implicit is the notion that had Millet alerted faculty instead of the victim, there would be no public scandal (according to MacIntosh and MacIntosh, 2015). Millet argued that he had attempted to report incidents of misogyny and harassment in the past, and faculty had not responded to his previous efforts. Furthermore, the women's complaints about the culture and climate of the Dentistry Faculty directly implicated both faculty members and administration. In their

investigation, Backhouse et al. (2015) found that faculty at Dentistry largely regarded it as “a happy, well-functioning place with no indication of misogyny or sexism”, while students and staff believed “sexism, misogyny, racism, and homophobia were present, at times rampant, in the school” (p. 33). Faculty were described as making inappropriate and offensive comments, while students were discouraged from complaining. The discovery of the graffiti wall in “The Cavity”, a dental students’ lounge, revealed more than a decade’s worth of homophobic and sexist writings and images (Backhouse et al., 2015). Requests by students to have the wall painted over were turned down on the grounds that it had historical value (Backhouse et al., 2015; MacIntosh, 2015).

### ***Calls for an Investigation***

For Millet and the original woman complainant, an inquiry into the contents of the Facebook group is tantamount to achieving a satisfying resolution for the incident. In spite of this, the *RJ Report* sought to defend the RJ process against calls for a formal investigation, stating that they originated from sources beyond the Dentistry scandal and discount the agency of those directly impacted: “One of the major concerns expressed by several of the women at this [initial meeting between RJ facilitators and students] was the risk that the formal complaint filed by the non-Faculty of Dentistry professors might derail the restorative process” (Llewellyn, MacIsaac, and MacKay, 2015, p. 25). One member of the University Senate objected to the notion that a formal investigation would derail the RJ process, noting that during Senate meetings where the matter was discussed, no one ever suggested terminating the RJ process in favour of formal investigations (CBC News, 2015e). In their complaint, Baylis et al. (2015) declare that they intend for it to initiate a formal process that serves as “an alternative or complement to” (p. 1) the RJ process. They do not call for a stop to any informal processes (such as RJ), but only indicate that there are affected parties not included by it. The “Statement Against Misogyny and Gendered Violence” signed by almost 300 students, faculty, and alumnae proclaim:

The response to the systemic causes of sexualized violence must include the appointment of an Independent Committee of Inquiry composed entirely of external

members to investigate, to consult with all relevant stakeholders, to issue a public report, and to make recommendations to all appropriate institutions and organization. (Impact Ethics, 2014, para. 7)

The open letter makes no reference to the RJ Process. Similarly, Millet's lawyers argued that while RJ may be a valid path for some parties involved, it should not be used to circumvent due process (MacIntosh and MacIntosh, 2015). Calls for a formal investigation and alternative options for resolution were not made in an attempt to disrupt and halt the RJ process.

The RJ process contained a clear mandate to "investigate the matter, address the harms it caused and examine the climate and culture within the Faculty that may have influenced the offensive nature of the Facebook group's content" (Llewellyn, MacIsaac, and MacKay, 2015, p. 2). This investigative element was unclear and surprising to many (Backhouse et al., 2015). Backhouse et al. argue that the RJ process lacked the capacity to conduct a full and independent investigation: "The role of RJ facilitators, as we understand it, is not to stand back from participants and assess their credibility. It is to stand with them and help them gain insight to their motivations and interests. This is difficult to reconcile with the requirements of an investigation" (p. 62). The nature of the RJ process required facilitators to work closely with those who perpetuated homophobia and misogyny, potentially leading to a skewed perception of Dentistry at large. Moreover, the facilitators reported to the ASCC. Backhouse et al. speculate that the presence of faculty members of the ASCC at RJ sessions could have hindered students' willingness to comment on the climate of Dentistry.

It would be reasonable to simply acknowledge that conducting a thorough investigation is outside the scope of the RJ process. However, in the midst of the *RJ Report*, the facilitators of the RJ process start to refer to themselves as investigators (Llewellyn, MacIsaac, and MacKay, 2015). They justify this by claiming that one of the facilitators (presumably MacIsaac, a campus security officer) "is a trained and experienced investigator" and that "the

process was also supported by an external Local Resource Group including experts in police and professional disciplinary investigation processes” (p. 32). They assert:

Investigators set out to incorporate as many first-hand accounts as possible from the DDS2015 class in their investigation in order to develop a complex understanding of not only the facts of the situation but the related intentions and impacts. Investigators also, though, relied heavily on secondary information sources to corroborate or challenge primary source information throughout the course of the investigation. (p. 41)

After their independent investigation involving interviews with around 150 individuals, Backhouse et al. (2015) contest this: “There is no indication that the RJ facilitators interviewed students who did not participate in the RJ process to gather information about the Facebook group or Dentistry culture or climate, or that [the facilitators] sought this information from faculty members, staff, or administrators” (p. 62). Interviewing all impacted students, along with other students, faculty, and staff in Dentistry would have been tantamount to a thorough investigation. Yet, at the very least, Millet and the original woman complainant were left out of the RJ facilitators’ inquiries.

It is important to note the rhetorical slippage from “facilitator” to “investigator” in the RJ Report, especially in light of the demands for a third-party investigation. As Millet argued to the ASCC, the RJ process was invoked to *deter* his requests for an investigation (MacIntosh and MacIntosh, 2015). As the facilitators position themselves as investigators, the *RJ Report* generates an impression of objectivity, allowing it to position the narratives of those involved as fact. In doing so, a plausible history about the process is constructed, enshrining certain accounts over others. In Llewellyn et al.’s (2018) restorative review into Jason LeBlanc’s death, which I recount in Chapter 3, this slippage manifests in more dangerous ways as knowledge generated in the university moves into the carceral space (exemplified by two of the Dentistry RJ facilitators leading this restorative review). In a process where Correctional Services constituted a prominent presence, the facilitators uncritically accepted the Nova Scotia Justice Department’s narrative that LeBlanc had

ingested prohibited substances and overdosed (MacDonald, 2016). Despite the substances never being found on LeBlanc's person, the Justice Department concluded that he "probably consumed illicit drugs taken from a small bag concealed in a body cavity" (MacDonald, 2016, para. 6). No inquiries into the exact events that led to LeBlanc's death occurred, with the report's outcomes focusing on staff training for opioid misuse and contraband screening. This review took place amidst the absence of mandatory public inquiries into in-custody deaths (Tutton, 2016). The mother of Clayton Cromwell, who died under similar circumstances in 2014, had been engaged in a "demoralizing battle for information" (Tutton, 2016, Mother Suing Over Son's Death section, para. 1). Abolitionists and prisoner justice groups have been continuously calling for inquiries into in-custody deaths (Tutton, 2016; Gorman, 2023; PATH Legal, 2023; Wellness Within, 2023; The Canadian Press, 2024). When a restorative review is launched amidst these demands, it is difficult to not interpret it as anything other than a substitute for public investigations and a strategy of pacification.

### ***The Discourses of Victimhood***

The *RJ Report* asserts that the women directly impacted by the Dentistry scandal have always wanted an RJ process (Llewellyn, MacIsaac, and MacKay, 2015). The women proclaim:

Many people (some with good intentions) have spoken *about* us and in the process often attempted to speak *for* us in ways that we have experienced as harmful, silencing and retraumatizing. Our perspective and decision to proceed through this process has often not been honoured or trusted but dismissed or criticized based on the decisions or perspectives of others." (pp. 68-69).

Indeed, after the original woman complainant and three other women published their open letter, "29 DDS2015 class members, acting independently of the restorative process, wrote a letter to President Florizone expressing their support for the University's decision to move forward with a restorative process" (p. 29). Groups like the Dalhousie Student Union were accused of critiquing the RJ process without any discussion with the students involved (Llewellyn, MacIsaac, and MacKay, 2015). At Dalhousie's RJ Conference, students

articulated their “shock” and “hurt” at “accusations and judgements claiming that they were ‘weak women’ or ‘bad feminists’ who had been forced into the restorative process” (Bell, 2016, *The Students Tell Their Story* section, para. 5).

The characterization of critiques as uninformed, anti-feminist, and carceral overlooks valid concerns raised by varied parties. For instance, the original woman complainant and Ryan Millet, who were both involved in the incident from the onset, opted out of the RJ process. Moreover, acknowledging the agency of the women involved in the process does not mean one should forego all analysis of institutional power. It is evident that in December 2014, four victims asked for a process that requires the perpetrators to understand the harm they have committed and to address larger issues of misogyny within Dentistry (Llewellyn, MacIsaac, and MacKay, 2015). RJ was then determined as the best process for achieving this outcome. However, it is worth noting that the very same evening, after facilitators spoke with four women involved (excluding the original woman complainant), the President had made plans to address the incident through RJ (Llewellyn, MacIsaac, and MacKay, 2015). The next day, when the President announced that the victims wanted an RJ process and that it was already underway, he had only met with two of the individuals impacted. As Backhouse et al. (2015) found, inconsistent versions of what an RJ process constitutes were provided to different parties at the time. Confusing and sometimes contradictory accounts were given to the public (Ward, 2014a, 2014b). The speed at which the University moved to announce an RJ process, and the HREHP’s strong preference for an informal resolution (corroborated by the low number of formal complaints lodged over the years) created not insignificant pressures for victims to choose RJ. Backhouse et al.’s (2015) investigation revealed that a number of factors could have compromised free and informed consent into the process.

As Goel’s (2010) research reveals, pressures for victims to opt for RJ manifest when it is seen as more in line with a community’s political goals. In Zellars’ (2015) account, Black women who speak out about intra-community violence risk being alienated and portrayed as self-serving. Ahmed (2021) makes a broader observation about positive duty — feminists are discouraged from publicly critiquing abuses of power within “progressive” spaces, and their

complaints are framed as efforts to jeopardize a greater cause. At the time of the scandal, Dalhousie had incentives to demonstrate its ability to implement an RJ response for sexual harassment (Clairmont and Waters, 2015; Clairmont et al., 2015; Rubin, 2015a). After its completion, the process was lauded as a subversive and innovative feminist intervention (Llewellyn, Demsey, and Smith, 2015; Thomson, 2015; Bell, 2016; Del Gobbo, 2021, 2022). It is worth questioning what function the RJ process ultimately served the institution, and whether this created invisible pressures for the victims at the time of their decision.

Ultimately, when the victims expressed their concerns about their classmates' behaviours and the atmosphere of the Dentistry, it is evident that their complaint extended beyond an individual or a singular incident (Llewellyn, Demsey, and Smith, 2015). Moreover, they were concerned about effectively *stopping* the misogynistic behaviour from reoccurring. A punitive response, as per formal processes in the University, may not have been productive to the situation. As Ahmed (2022) observes, most complaints are made not with the goal of retribution, but with the hope that the harm would *stop*. Traditional justice processes via the criminal legal system are problematic insofar as they fail to stop harm from reoccurring. Thus RJ can be appealing, as the more expedient, less confrontational, and completely confidential process.

However, when victims such as the original woman complainant opt out of RJ, they are regarded as unwilling to educate their peers (Backhouse et al., 2015) and compromising a progressive cause. Ahmed (2021) observes that those who complain about harassment can get called neoliberal, managerial, or carceral: "...The person who is unwilling to give herself to others or to participate in a shared culture is judged as putting herself first" (p. 205). She argues that reconciliation is the default position expected from the victim: "If she does not return the desire for reconciliation, if she is not willing to smooth things over, moving on, getting along, getting on, she becomes the one who has not only broken a connection but refused to repair it" (p. 210). Thus, the notion of reconciliation is strategically deployed to

discourage those who complain.<sup>15</sup> The *RJ Report* only highlights how much the women involved wanted to educate their classmates, but omits how the original woman complainant, after undergoing a difficult process of making her complaint known, refused to participate in a process alongside those who bullied her (Backhouse et al., 2015). Ahmed (2021) notes that in their effort to resist abuses of power, complainants are castigated for compromising critical or feminist values. This diagnostic is often applied in response to feminist activism around sexual violence.<sup>16</sup>

Although anti-violence feminist organizing has been rightfully critiqued for its calls for carceral expansion, it is necessary to distinguish between critiques of the RJ process and carceral feminism. As an abolition feminist, Jones (2014) writes: “Until the university fundamentally... gets how this entire thing was about privilege -- men feeling entitled to women's bodies, men feeling insulated by their position, men counting on lack of consequence -- they cannot create the necessary changes to their structures nor recognize and mitigate harm” (para. 11). Calling for consequences for those who have committed harm is not comparable to the social death of incarceration. As Ahmed (2022), Lane-McKinley (2019), Kaba (2021) and Shevek (2022) have all argued (detailed in Chapter 2), access to positions of privilege and power is not a fundamental right. In fact, restorative options have always remained available for elite perpetrators (James, 2023).

Yet, Llewellyn, Demsey, and Smith (2015) indicate:

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<sup>15</sup> Corroborated by the original woman complainant’s account about the HREHP office’s emphasis on informal resolution in their meeting, and testimonies to Backhouse et al. (2015) that the office favoured informal approaches (records show that formal complaints were seldom filed).

<sup>16</sup> Interestingly, in Del Gobbo’s (2021) analysis of the Dentistry scandal, he positions the original woman complainant as the “good victim” tokenized by carceral feminists, and the women involved in RJ as the “bad victims” as they demonstrated a deviation from hegemonic notions of justice. As I will argue throughout this thesis, framing the RJ process as a counter-hegemonic intervention (as opposed to neoliberal co-optation) is a fundamental mischaracterization of the power dynamics at play throughout the scandal. Those who opted into the process proceeded with rhetorical and material support of the University, while those who did not were isolated and denied support. The original woman complainant, whose name remains unknown, is all but erased from the dominant narrative about the RJ process. Being a “perfect victim” should imply that one is *materially benefitting from aligning with power*.

The public demanded — in petitions, tweets, blogs, online posts and on talk radio — that the University play its traditional part in the justice story. They were to find the monsters and punish them, ideally by isolating them from the rest of us by expelling them to make them pay and somehow make us all richer for their loss. (p. 49)

The phrasing of “all richer for their loss” insinuates that the public’s reactions to the RJ process were not only carceral, but also self-serving. This subtle conflation between consequences and punishment allows for critics of abuses of power to be portrayed as the ones committing harm. In doing so, the University fails to provide a legitimate response to those concerned with gender violence. Backhouse et al. (2015) observes that as painful as the public scrutiny may have been to those directly involved, the University, as a public institution, has a responsibility to be accountable to the broader community. The contents of the Facebook group were leaked to the press to elicit a public reaction. The scandal compelled people to voice legitimate concerns about misogyny at Dalhousie, and there were frustrations about the lack of transparency and accountability. At the “Expel Misogyny” protest, people expressed outrage at a number of issues (Catangay-Liew, 2015; CBC News, 2014d; Gosnell, 2015). South House, a campus organization that frequently provides support to victims of gender violence, states that they were not consulted about the RJ process and were underfunded. Survivors of sexual violence, one of whom was assaulted by her dentist, voiced their frustrations. The Student Union Vice President spoke about limited ways of addressing sexist comments on campus. In their poem titled “Expel Misogyny: No Reconciliation Without Justice”, Abawajy and Taylor (n.d.) contend that there exists a hypocrisy where survivors are repeatedly asked to justify and explain themselves, while perpetrators are afforded the grace and the space to express their remorse. Uniformly casting these opposition as carceral feminism is a dismissal of legitimate demands for accountability.

Teitel (2014) asserts that the wishes for some of the victims to pursue RJ should not override other victims or the broader community’s concerns. As the original woman complainant and Ryan Millet’s experiences reveal, the pursuit of RJ was invoked to actively curtail any other parallel processes, effectively shutting down other avenues for

accountability (MacIntosh and MacIntosh, 2015). Thus, certain victims' demands were addressed, while others were invalidated. Advocates such as Rubin (2015a) indicate that there is a false dichotomy between the "victims" and the "community":

Anyone who says that the community (in the form of current and future patients, sexual assault survivors and their families, and everyone else affected by these major institutions and professions) has a stake and a role and a voice is cast as undermining the agency of the targeted students. And that's exactly what rape culture needs to flourish. To set up opposition and divisions between those targeted and the community. (para. 4)

As Jones comments to Kingston (2015a), if the perpetrators spoke about their peers in such a callous and objectifying manner, what does that say about their opinion of their patients, many of whom could be poor, racialized women and sex workers? How was their safety being assured? In an open letter to the Dalhousie President, a woman named "C" (2015), who was a patient of one of the (presumed) perpetrators, writes that as a victim of sexual harassment, she felt a sense of betrayal by the perpetrators and the University. She observes that many patients at the clinic were older women, who could also be survivors of gender violence. However, they were kept in the dark about whether their dentist was one of the members of the Facebook group: "We have not been included in any discussions, nor interviewed about our experiences by the 'powers that be.' The 13 were always referred to as 'students,' until I spoke out...and pointed out that they were not just students but dentists in a position of trust" (para. 1). If a justice process proclaims to be victim-centred, then the elimination of the perpetrator's capacity for future harm should be its first priority. In the handling of the scandal, the clinic patients became an afterthought. In the *RJ Report*, the women participants of the RJ process critiqued the decision to remove their classmates from clinic, stating:

While this decision may have satisfied others' needs or interests, it has done nothing for us in terms of instilling a sense of safety or respect. Instead, it fragmented and alienated us at a time when we were particularly in need of support from our class

community. Many have asserted that all women feel unsafe, but this is not the case for us - we feel safe with the members of the Facebook group involved in this restorative process. (Llewellyn, MacIsaac, and MacKay, 2015, p. 68)

In this assertion, clinic patients' concerns were effectively dismissed as a misguided urge for punishment. Only a certain type of victimhood, that of those women in Dentistry who chose to participate in RJ, was validated in the "victim-centered" approach of the process.

The construction of the ideal victim is also evident in the broader response to the scandal. Slade (2015) asks why the story of a Dalhousie law school graduate, Duane Alan Rhyno, charged in October 2014 with human trafficking, aiding and abetting prostitution, and sexual assault, did not elicit the same public outrage as the Dentistry scandal. Rhyno was suspended for a mere ten days from legal practice while his case was processed, yet the incident garnered little attention in news stories and social media. Slade (2015) argues that the fact that Rhyno's victims are sex workers meant that they are viewed as less deserving of justice. As Backhouse et al. (2015) found in their investigation, many felt that the whiteness and class privilege associated with the women impacted by the Dentistry scandal played a role in the public attention it received. Incidents of harassment and violence towards racialized women on campus did not incite nearly the same level of scrutiny.

A Dalhousie employment equity committee member recounts to Beaumont that (2015) issues with the "dead end" discrimination complaint mechanism were reported as early as the 1990s (para. 7). From the 1990s to 2000s, ongoing patterns of racial discrimination and the lack of formal complaint mechanisms at the University have led to a "revolving door" for racialized staff (para. 9). These persistent issues are inextricably connected with the toxic environment of the Dentistry, and the difficulties experienced by the original woman complainant in making her complaint. Afua Cooper, a Dalhousie sociology professor, states: "I'll bet my last dollar that if these were 13 men of colour or 13 black men, they would have been gone already" (CBC News, 2015c, para. 3). While the sexist and homophobic graffiti on the walls of the Cavity rightfully incited public backlash and a University response, students

note that the anti-Black graffiti found elsewhere on campus and incidents of overt racism received far less acknowledgment (Backhouse et al., 2015; Donovan, 2015).

In 2017, when Dalhousie Students' Union executive Masuma Khan posted online about "white fragility", she faced discipline under the Student Code of Conduct (Bundale, 2017; Haiven, 2017b). The University accepted a white student's complaint about Khan, asking her to apologize for "vexatious conduct" on the basis of race (Haiven, 2017b). A Dalhousie professor comments: "It's inexplicable for Masuma Khan to be facing the threat of double victimization by a Dalhousie disciplinary action committee, a punishment that was sidestepped by male dentistry students despite offences that made senator Khan's excitable speech pale in comparison" (para. 17). After public backlash, Khan's charges were eventually dropped. Her case remains emblematic of interlocking issues of racism, misogyny, and Islamophobia at the University. Ultimately, while Backhouse et al. (2015) produced a taskforce report on misogyny, there was no similar inquiry into racism (Donovan, 2015). Incidents of racist graffiti and white supremacist activity continued to emerge over the years (McCreadie, 2018). Although Dalhousie has made updates to its Sexualized Violence Policy and Sexual Harassment Policy (a change student leaders called long overdue, per Dingwell [2018]), it still does not have a standalone Racialized Violence Policy (Philips, 2025).

Thus, the focus on the supposed victimization of certain women at the hands of the public overlooks the routine violence enacted by the institution. The emphasis on the "choice" of the victim in the context of the Dentistry scandal is a neoliberal feminist framing that obfuscates structural factors influencing one's freedom to make choices. As this section demonstrates, the identity of victimhood does not constitute a cohesive political position. Amidst the discourses, it is crucial to recall Kaba's (2021) notion of "no selves to defend". Alternative narratives of victimhood — the victim who refuses forgiveness, who is not financially privileged, who is not white — are buried in the plausible history of the scandal.

## Chapter 6

### Emerging Contradictions:

#### Restorative Justice vs. “The Public”

Community accountability practices are experiments of alternatives to the carceral system. They are never prescribed, one-size-fits all solutions to harm and violence. Thus, it is impossible to always tell a success story. As these experiments are archived, it is imperative to exercise reflexivity. In the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015), the primary obstacle to the process is regarded to be external public pressure. This is worth investigating, as perspectives from the architects and participants of the RJ program are juxtaposed with a nebulous body of critiques.

The opposition is framed as coming from those who had little knowledge of RJ and insight to the incident. However, a cursory review of media discourse and institutional documents reveals a breadth of positionalities behind critiques of the process. Some individuals advocated for a process that is more consistent with the wishes of the original woman complainant (Impact Ethics, 2014). Some wanted an immediate dismissal of all Facebook group members (B., 2014). Some questioned if actions are made to address the safety of patients visiting the Dentistry clinics (Gyemfi, 2014; C., 2015). Some expressed uneasiness that RJ, a process that was meant to address the overrepresentation of marginalized peoples in the carceral system, was being utilized for a group of privileged men (Haiven, 2015). Some believed that restorative justice is compulsory compassion and that dentists are sadistic (Acorn, 2015). Some were convinced that restorative justice is never an answer for gender violence (Côté, 2014; Rubin, 2015b). Some argued that expulsion is not comparable to the social death of incarceration (Jones, 2015). Making broad-sweeping generalizations about critics of the RJ process and dismissing them all as being carceral and reactionary demonstrates a profound “malocclusion” between the Dentistry and the broader community.

In this chapter, I delve into some main rhetorical themes in the *RJ Report*. In critically examining them through an abolition feminist perspective, I strive to destabilize some of the totalising binaries created in the dominant discourse.

### **Relationality with/in the Institution**

By emphasising the harms that public pressure has done to all of the participants, the *RJ Report* constructs the notion of an “us” (being the Dentistry students) versus “them” (those outside Dentistry). The women involved in the process proclaim in their statement:

We have experienced acutely how harmful and destructive people can be to one another, and how people bring each other down. We have consciously learned to support one another and we have begun the process of building each other and our community back up... At the end of this process, while we have some distinct experiences to share, we write not as separate groups of “the men” and “the women” but as the RJ group from DDS2015, united in our commitment to ensure our experience matters for the future. (p. 9)

The men reflect in their statement:

We did not examine the harmful ways in which we were building connection with one another. We are more, though, than what we were shown to be in the limited selection of Facebook posts or in the public response on social and mainstream media. (p. 11)

Ben Lawlor, a Dentistry student who participated in the process (he was not a member of the Facebook group at the time of the scandal), proclaims:

It’s tough because we know these guys and we know our class so well. Just to see the way it’s been spun. I don’t know. What they did was wrong, but when you know them, it’s harder to take it serious because you know they’re good people. They said something stupid. (CBC News, 2015g, para. 3)

The emphasis on connection, relationality, and being “good people”, while seemingly in line with RJ principles, obscures the harms that were originally perpetrated. This construction of a cohesive “Dal Dentistry School Class of 2015” allows the boundary between perpetrators

and victims to be blurred in the public discourse. The *RJ Report* insists that “the restorative process was not focused on assigning blame but supporting participants to understand their responsibilities based on the role they played and what needs to be done to make things better in the future” (p. 34). In their statement, the women suggest how they only took action when the Facebook group concerned them revealed “that we, as women, also contribute to the culture and climate that allows Facebook groups like the one at issue to persist and flourish” (p. 10). The *RJ Report* also states:

Ultimately, the Facebook posts speak to a part of the culture at the Faculty and in the profession...It was clear throughout the investigation, through conversations and public and private responses, that this situation is not unique to the Faculty of Dentistry or to the dental profession. It is not different from other reported past and current experiences in other dental schools, at other faculties at Dalhousie University, at other universities, in other professions, and, indeed, in society broadly. (p. 47)

Although it is important to reflect upon how structures of power shape individual actions, it is also crucial to consider how under this framing, the perpetrators of harm and the particular instance of harm retreats into the backdrop of a “toxic culture”.<sup>17</sup> Misogyny and homophobia becomes something that is simultaneously nowhere and everywhere. Kingston (2015c) observes that the language of the *RJ Report* makes it appear as if the women have accepted this more ambiguous version of events, while the men simply focused on repairing their reputations. This obfuscation of personal responsibility occurs regarding declarations of institutional racism — Ahmed (2006) observes that accountability is offloaded by the critical language of institutional discrimination: “If the institution becomes like the individual, then one suspects that the institution also takes the place of individuals: it is the institution that is the bad person rather than this person or that person” (p. 107). Thus, emphasis on an

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<sup>17</sup> This obfuscation of responsibility must also be viewed in the context of the incident, where the Facebook members were initially unrepentant. In the early stages of the scandal, a poll within the Facebook group asked members to vote on how they should respond. Many voted for “Do nothing” and “hold off unless shit hits the fan” (Boon, 2014, para. 6).

ambiguous “climate” of racism (or, in this instance, sexism) can shift the focus away from individual factors and incidents, allowing them to be absolved of responsibility.

Ahmed (2006) suggests that such admissions are self-contradictory in that “admissions of racism become readable as declarations of commitment to antiracism” (p. 108).

Proclamations about inequities at the institution allow the institution to posture as self-aware and critical. In the case of the *RJ Report*, proclamations about an environment of sexism were utilized to not only signify the institution’s self-awareness, but also to dilute the responsibility of the perpetrators. Millet and the original woman complainant’s experience reveals that students and faculty were *actively discouraged* from filing formal complaints or demanding independent investigations beyond the RJ process (MacIntosh and MacIntosh, 2015). Concepts of relationality and collectivity are invoked in defence of an institutional identity, in the absence of any inquiry (as discussed previously) into the incident. This undermines Llewellyn and Llewellyn’s (2015) characterisation of it as a counter to neoliberal rationality.

As Ahmed (2021) articulates, a complaint can become framed as antagonistic to the “us” of the institution. Recounting her attempt to draw attention to sexual harassment at her workplace and the subsequent reprimands from her feminist colleagues, she notes: “A feminist duty can be expressed as a duty to be positive about the institution” (p. 88). In making the complaint known, the complainant disrupts the narrative of institutional pride and unity. The ways through which the *RJ Report* discredits the original woman complainant’s objections exemplify this dynamic.

Two of the women involved in the RJ process express:

We found out about the contents of the Gentlemen’s Facebook group during our December exams, a week before it made it onto the news, but we had always known the group existed. Immediately, our impulse was to turn this into a matter of education, not punishment. That is not to say that we were not angry, upset, hurt, and betrayed. We were all of those things, and all the things that fall in between. But we are from a close knit community, a small class from a small faculty, and we had close

collegial relationships and friendships with many of the men in our class. (Llewellyn, Dempsey, and Smith, 2015, p. 45)

They further state: “When the story made its sudden, and loud, presence known on the CBC, we were instinctively protective of our classmates, not just the women but the men too” (p. 46). In a conference promoted on the Dalhousie website, Bell (2016) writes:

The students spoke of the closeness of student life in dentistry school. “When the story hit the news,” said one of the female students, “the first thing we wanted to do was get together with our classmates, as mad as we were with some of them.” (The Students Tell Their Story section, para. 2)

While the kinship these students felt with the perpetrators is valid, it is imperative to note that this narrative of unity is not universal. For the original woman complainant, her existence was akin to a “black box” as she wrote exams and completed clinical work in a separate room (Backhouse et al., 2015, p. 15). Initial comments made by members of the Facebook group demonstrated panic and defiance. One read: “RED ALERT!!!! RED FUCKING ALERT!!!! We have to get rid of the evidence”; another person wrote: “fuck an apology” (pp. 8-9). The presentation of Dentistry students as a cohesive group unfairly maligned by the public is complicated by Ryan Millet and the original woman complainant’s testimonies of their alienation at the hands of their peers. From their perspectives, it is impossible to foster just relations when the affected parties fundamentally disagreed about *what* the harm was and *who* directly perpetuated it. Thus, they were excluded from prevailing narratives of relationality and a collective institutional identity.

### **Restoration as Professionalism**

Two of the women participants of the RJ process state: “We felt an obligation, to our institution and to our profession, to do the work along with them to ensure they would behave as future professionals in a way that we could be proud of as fellow members of the profession” (Llewellyn, Demsey, and Smith, 2015, p. 47). In the *RJ Report*, matters of sexism, homophobia, and racism were discussed as issues of professionalism and ethics (Llewellyn, MacIsaac, and MacKay, 2015). The Facebook group members were suspended

from the clinic on the basis of “blatant unprofessionalism” (p. 52). At the conclusion of the RJ process, the ASCC was tasked with evaluating whether students met standards of professionalism through their remediation. As previously discussed, the decision to hand jurisdiction to ASCC, an internal governing body of the Dentistry Faculty, raised significant questions of procedural fairness (Backhouse et al., 2015; Boon, 2015; MacIntosh and MacIntosh, 2015).

Millet’s lawyers objected to using professionalism as a disciplinary metric, arguing that it is a new category of offence (instead of academic/non-academic) created in the aftermath of the scandal to justify using the ASCC to oversee the disciplinary processes of the Facebook group members (MacIntosh and MacIntosh, 2015). In making this new offence, they suggest, the matter becomes entirely relegated to internal committees within Dentistry and circumvents existing mechanisms for student discipline within the University. Backhouse et al., (2015) raise similar concerns. The ASCC was entitled to reports from the RJ facilitators and sessions with the students in the RJ process, this necessarily compromised the confidential nature of the process and impacted the ability for students to critique the climate of the Dentistry. Furthermore, Backhouse et al. (2015) point out that RJ is distinct from remediation in the context of professional regulation, yet the two became intertwined in the ASCC’s overseeing of the scandal.

In response to Millet’s lawyers, Dalhousie argued that it is not unprecedented for a health profession faculty to evaluate the student’s ability to fulfill academic requirements (Rogers, 2015). Similarly, Dentistry administration insisted that faculties have jurisdiction to self-govern, and do not need to address issues of professionalism through the Senate Rogers, 2015). This aligns with the narrative of the *RJ Report*, which suggests that it is fitting for the

students impacted to partake in the (re)education of their classmates, because dentistry is a self-regulating profession (Llewellyn, MacIsaac, and MacKay, 2015).<sup>18</sup>

It is worth interrogating how matters of inequity and systemic oppression become ensconced in the language of professionalism. Neoliberal conceptualisations of RJ are situated upon the notion of a self-governing, responsible citizen (Monture, 2006; Boughton, 2012; Llewellyn et al., 2014). Moreover, as Giroux (2002) indicates, there is an increased intrusion of corporate vocabulary and modes of governance into higher education, at the cost of transformative pedagogy and social responsibility. Ahmed (2006) explicates that the marketization of diversity, which introduces it as a human resource through a managerial lens, overshadows the systemic inequities of an organization like the neoliberal university. Regarding sexism, homophobia, and racism as an issue of professionalism overlooks the inherent injustice of being a professional within a capitalist workplace.

The *RJ Report* highlights occupational stress as a factor that contributed to the toxic environment within Dentistry (Llewellyn, MacIsaac, and MacKay, 2015). Competition within classroom and clinical settings was intense. The students formed a “community” under a highly corporate context, “structured around strategic alliances and a currency of favours and networking, for personal gain” (p. 48). Llewellyn, MacIsaac, and MacKay (2015) mention that the faculty experienced understaffing issues: “There are several contributing factors to the shortage (including budget cuts, absenteeism by staff due to perceived workplace toxicity, and specialization limiting the use of temporary staff replacements) which, while not appearing to compromise patient care, does get exploited for personal gain by some students” (p. 54). This comment hints towards problems that Backhouse et al. (2015) elaborates upon, one of which being the abysmal working conditions for Dentistry staff members. Individuals Backhouse et al. (2015) interviewed suggest that staff were “treated

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<sup>18</sup> However, the *RJ Report* also states: “No one who experienced harm was required to participate in any part of the restorative process. The process was tailored to accommodate involvement by those harmed to the extent, and in ways, of their choosing...Those harmed were never asked to determine, nor made responsible for, the ‘punishment’ or outcomes for the 12 members of the Facebook group” (Llewellyn, MacIsaac, and MacKay, 2015, p. 33). Thus, it is unclear what exactly “self-governance” entails in respect to the RJ process.

like property” (p. 33) and Dentistry administration was compared to “a ‘dictatorship’” and “absentee landlords who pay little attention” (p. 34). Years of human resources complaints had led to no significant improvements, and staff feared speaking out would endanger their jobs. This negative outlook towards raising complaints is also espoused by students, who recount sexist and racist comments made by faculty with little consequence. As students scrambled for patient allocations to meet graduation requirements, many noted that faculty gave preferential treatment to certain students, such as those with families in the dental profession or female students deemed attractive by male instructors. Those in the Qualifying Program (which is comprised of mostly international, racialized students) and in dental hygiene are further alienated. Largely separated from other Dentistry students, they were assessed more critically and received less patient allocations. Some dental hygiene students were unable to meet clinical requirements, as they were sidelined to make room for the suspended Facebook group members to return to clinic (Backhouse et al., 2015).

When occupational stress is invoked in relation to the Dentistry Scandal, it is necessary to interrogate whether this level of grace and understanding would be afforded equally to *all* students. Dentistry staff members commented to Backhouse et al. (2015) that had the Facebook group consisted of Qualifying Program students, they would have been dismissed immediately. More broadly, accounts of occupational stress cannot be decoupled from an analysis of neoliberal governance. Komporozos-Athanasίου and Haiven (2023) observe that “The university becomes the antechamber of the financialised world of work precariousness and socio-economic conditions of relentless uncertainty” (The Anxious Neoliberal University section, para. 4). They draw a direct correlation between the anxiety of university students and the marketization of the university. The Dentistry students’ anxieties about competition and scarcity, the staff’s complaints about toxic work environments, the Dental Hygiene and Qualifying Program students’ concerns about an internal hierarchy (which manifests in gendered and raced ways), should all evoke critiques of academic capitalism.

Yet, recall how some of the women assert that they are motivated to participate in RJ because they “felt an obligation, to our institution and to our profession” (Llewellyn, Demsey,

and Smith, 2015, p. 47). Just relations become a career obligation.<sup>19</sup> Implicit in this assertion is that the sites of capitalist exploitation and neoliberal austerity are worthy of restoration. Furthermore, the enmeshment between the personal and the institutional serves to naturalize and disappear the routine violence of the institution. Critiques of the institution become damage done to “us all” (Ahmed, 2006, 2021). Thus, the workplace and the academy are naturalized as a site for RJ, moving it away from its roots in community anti-carceral interventions. This institutional focus is further exemplified in the LeBlanc review, where by failing to problematize the prison, Llewellyn et al. (2018) create a premise where just relation can exist between Correctional Services and incarcerated people. Ultimately, the heavy focus on professionalism throughout the Dentistry RJ process not only enables the jurisdiction of an internal Dentistry committee over disciplinary procedures, but also creates a “trickle-down” blueprint of RJ from the positionality of hegemonic institutions.

### **Benevolent Abolitionists and a Private Justice**

Within the *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015), the language of self-governance is deployed in contrast with narratives about an intrusive “public”, suggesting that outside influences compromised the RJ process. The *RJ Report* states that public pressure created significant “challenges”:

These challenges included significant pressures from individuals and groups both outside and within the university community who advocated for a more punitive approach without an informed understanding of what the restorative process entailed. Both male and female members of the Dentistry class reported increased stress due to public debate that was at times aggressive, intrusive and erroneous... The overwhelming public scrutiny and attempts to influence the process compounded the harms to those most affected, including the women who filed the original complaint. (p. 3)

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<sup>19</sup> Recall earlier discussions about the prevalence of neoliberal language within dominant RJ applications (Monture, 2006; Boughton, 2012; Llewellyn et al., 2014).

The *RJ Report* also indicates:

Many of those who felt affected by this situation were misled by erroneous accounts of restorative justice into thinking that participating just meant getting into a circle with the individuals who caused harm. This is often one aspect of a restorative process, as it was in this case. However, this does not mean that everyone affected by this situation could or should have met with the Facebook group members. For many, this was difficult to understand because it challenged their assumption that the only problem lay with the men and their online behaviour. In their view, “dealing with the issues” meant dealing with the men directly. (p. 32)

Lawlor, who participated in the RJ process, says: “Dentistry is a family...If somebody screws up in your family, you can’t just cut them off. You eventually learn to forgive that hurt and move on” (CBC News, 2015g, para. 5). Speaking about his classmates who were members of the Facebook group, he says he has forgiven them. It is interesting for Lawlor to describe a family-like relationship amongst Dentistry students, as feminists would point out that families can still be a site for profound violence and harm (Whynacht, 2021). The notion of intimacy and privacy can mask and exacerbate abuses of power. Rubin (2015a, 2015b) points out that rape culture relies on the characterization of sexual violence as “purely private matters” (2015b, para. 3). According to her, mediation-oriented approaches and their emphasis on negotiation and confidentiality can be disempowering to victims. She posits that the act of designating “outsider” status to certain narratives is a form of governance:

Authority is trying their neat trick again, of defining out of “community” those they can’t control. Current and future patients, staff, survivors and survivor organizations and the larger Halifax and Nova Scotian community have been deemed irrelevant to this restorative process. Therefore Nova Scotians should just stay silent, and let the “process” do its work, apparently. (Rubin, 2015a, para. 11)

Disciplinary processes resulting from the Dentistry scandal all occurred under the jurisdiction of the ASCC, an internal Dentistry committee (instead of university-wide governing bodies such as the Senate [MacIntosh and MacIntosh, 2015]). Ahmed (2021)

suggests that the closed-door approach keeps complainers in isolation. The secrecy of the process keeps the violence hidden from view. She proposes that the imposition of intimacy can constitute a form of governance — designating a complaint about power as something that must be resolved in private is a demonstration of institutional violence.

As the previous chapters argue, when the institution itself becomes enmeshed in the RJ process, relationality is invoked to shield it from critiques. The goal of RJ becomes restoring the workplace or the institution to its usual functions. When I use the term “private” I am not only referring to the portrayal of a University Faculty as an intimate relationship, but also to compel consideration for what becomes *privatized*, or professionalized and corporatized.

In the above quoted excerpts from the *RJ Report*, Llewellyn, MacIsaac, and MacKay (2015) are not only performing generalisations regarding the critiques of the RJ process, but specifically casting them as uninformed and misguided. In shutting the “mobs” (Llewellyn, Demsey, and Smith, 2015, p. 47) out, the RJ process also invites the experts in. The *RJ Report* states that the process incorporated input from those in “the Faculty of Dentistry, the University, the profession and the public” (Llewellyn, MacIsaac, and MacKay, 2015, p. 36). It also suggests that the RJ process involved “educational and training modules and workshops supported by experts in the fields of public safety and security, sexualized and gendered violence and trauma, victim services, psychology and counseling, law, education, human rights, public opinion/confidence, religion, conflict resolution, and behavioural science” (p. 36). The *RJ Report* does not provide further information regarding who the experts invited for the workshops were.

Llewellyn, MacIsaac, and MacKay (2015) maintain that the RJ process proceeded with input from a Local Resource Group and an International Advisory Group. The members of the International Advisory Group are as follows:

- Dr. Brenda Morrison – Director of the Centre for Restorative Justice and an Assistant Professor in the School of Criminology at Simon Fraser University
- Senator Vern White – Member of the Canadian Senate, former Chief of Police in Ottawa and former Assistant Commissioner of the RCMP

- Dr. John Braithwaite – Distinguished Professor and Founder of the Regulatory Institutions Network at the Australian National University
- Dr. Dorothy Vaandering – Assistant Professor, Faculty of Education, Memorial University of Newfoundland
- Dr. David Karp – Professor of Sociology and Associate Dean of Student Affairs and Director of Campus Life at Skidmore College in New York
- Eva Marszewski – Founder and Executive Director of Peacebuilders International (Canada) and Adjunct Professor at Osgoode Hall Law School
- Mary Ivec – Research Officer, Regulatory Institutions Network, Australian National University
- Paul Nixon – Chief Social Worker for Child, youth and Family, in the Ministry of Social Development, New Zealand
- Dr. Joan Pennell – Director of the center for family and community engagement and Professor of Social Work at North Carolina State University
- Dr. Gale Burford – Emeritus Professor of Social Work and Advisor to the Justice Consortium, University of Vermont
- Judge Barry Stuart – Chief Judge, Yukon (retired) and Adjunct Professor in Criminology at Simon Fraser University

(p. 69).

The members of the Local Resource Group are not listed. The *RJ Report* claims that they are “community and government experts in gendered violence” and “experts with specialities in police investigations and public safety; gendered and sexualized violence; inclusion, equity and discrimination; sexual offending; human rights; law; and restorative justice” (p. 23).

It is worth noting how the process takes place with input from an unknown body of experts. Though many of the ones named as part of the International Advisory Group are prominent scholars in RJ, none of them are based in Nova Scotia at the time of the RJ process. This is worth interrogating considering the situational nature of RJ. Community accountability processes do not operate as prescribed, universalized practices. Many

abolitionist and race-radical feminist organizers have argued that these processes are transformative because they are adaptive and grounded (Dixon, 2015; Kaba, 2021; Kim, 2018; Palacios, 2015; Simpson, 2017). In the Third Eye Collective's (2021) narration of a successful community accountability process, the author discusses the importance of organizing in tandem with the community (even though boundaries may need to be asserted regarding a specific TJ/RJ process):

One of my greatest lessons over the last decade has been understanding how important it is to understand the pulse of organizations, elders, visible community leaders, and churches in a community in relation to TJ. What is known and misunderstood about this thing called “transformative justice?” What do we assume people understand or accept about TJ, that we are actually deeply mistaken about? Where are people especially resistant to TJ in our community, and why? (para. 16)

In response to the community's resistance, Third Eye Collective created a BIPOC TJ community study group alongside the accountability process, tapping into existing spaces of resistance and educating those they encounter. In contrast, the Dentistry RJ process makes a point of discounting its critics (many of whom are also local experts and organizers in feminism, equity, and social justice<sup>20</sup>), in favour of consulting non-local academics and state officials.

The centering of those who have built a career upon RJ (as they are the only named consultants in the *RJ Report*) is emblematic of James' (2020, 2021) critiques of academic

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<sup>20</sup> Avalon Centre, a local feminist organization, released an open letter critiquing Dalhousie's response (Gyemfi, 2014).

A Dalhousie Students' Union executive spoke about harassment on campus during the “Expel Misogyny” protest. The event also featured Board members of South House, a student-funded organization that supports survivors of sexual violence.

Pam Rubin (2003, 2010, 2015b), a counsellor who has worked with local feminist organizations and the Nova Scotia Department of Justice regarding RJ, writes about the Dentistry RJ process on her personal blog.

El Jones (2015) explicitly criticizes the Dentistry RJ process as an abolitionist.

The “Statement Against Misogyny and Gender Violence” (Impact Ethics, 2014) was authored by Françoise Baylis, an expert in bioethics and philosophy; Elaine Craig, from the faculty of law; Jocelyn Downie, from the faculties of law and medicine; Letitia Meynell, from the department of philosophy and program of gender and women's studies; and Brian Noble, from the department of sociology and social anthropology (CBC News, 2014e, 2014f).

abolitionism. She remarks that while academics who write *about* incarcerated people have dominated the print, incarcerated radicals who constitute the heart of the abolitionist movement retreat as an afterthought. Thus, “imprisoned intellectuals” are reduced to passive objects of inquiry and icons frozen in time, all the while their language remains censored and their bodies remain in captivity (James, 2003). While their image and struggle are being invoked by non-captive academics/activists, the discourse is shifting away from them and the material struggle of the incarcerated. This commodification represents another form of social death.

In the case of the Dentistry RJ process, invoking the “private” and the “expert” is a process of capture and containment. Ahmed (2021) observes that mediation can be presented as a gift — something offered to the victim with the expectation that they will choose reconciliation. Thus, justice becomes something to be bestowed, by those with the right credentials and authority (coincidentally also those with institutional power). Even though they were characterized as carceral and reactionary, many of the people who critiqued Dalhousie’s response to the Dentistry scandal were also the people concerned with and organising against gender violence in Nova Scotia. Therefore, *this* is the terrain of struggle. If the goal is to resist gender violence, advance restorative principles, and build community accountability networks, then why not focus on mobilising them? Why cede this ground and allow for the carceral state to step in and define what safety means? Why only build kinship and relationality to power?

James describes a clear discrepancy between the elite strata of activists/intellectuals produced by the NPIC and frontline communities in terms of strategy and desire for freedom:

You are drifting away from the ground, the terrain, of suffering and sorrow and rebellion that actually created this template [of the prison struggle]. So what we get is some derivative of a desire of being free that we can no longer articulate, because our language itself belongs in the academy, our imagination itself belongs to the academy,

and our funding itself tells us to applaud president Trump for being an emancipator when we know in fact that he's the opposite... (Brown University, 2019, p. 39:44)

In the aftermath of the Dentistry RJ process, those most impacted by misogyny, homophobia, racism, and carceral violence all but disappeared from view. Although there were references to NSRJ and the concept of relational justice (Llewellyn, MacIsaac, and MacKay, 2015; Llewellyn, Demsey, and Smith, 2015), the discourse remains largely devoid of any reference to the anti-carceral nature of RJ (much less any mention of abolitionist or race-radical feminist organising). The focus shifts away from RJ as a strategy to combat the criminalisation and incarceration of marginalized groups, towards its use as a tool for professional remediation. In the subsequent years, it is unclear whether any of the lessons that the Dentistry RJ process yielded has “trickled-down” to anti-carceral interventions. Instead, as I will detail in the upcoming chapter, what is immediately observable is the influx of funding from the state and private philanthropy to support Dalhousie’s development of RJ.

## **Chapter 7**

### **The Aftermath:**

#### **Tracking the Nonperformatives**

Having laid out some key themes generated throughout dominant discourses, I review the Dentistry RJ process' outcomes and aftermath to demonstrate how these themes have permeated across time. In discussing their relevance, I indicate the formation of nonperformative acts (Ahmed, 2006, 2021) in the wake of scandal. As the chapter tracks how the institution has benefited from documenting a "successful" RJ process, I argue that this represents a "rhetorical embrace of radicalism" (James, 1999, p. 23) without material change.

#### **The RJ Process Concludes**

Llewellyn, MacIsaac, and MacKay (2015) state that the RJ process required the members of the Facebook group to provide written accounts of the events, record their progress, attend regular meetings with the facilitators/the larger group, and participate in various educational workshops. At the conclusion of the process, "the 12 Facebook group members spent a total of approximately 150 hours each in sessions as a group and working collectively with other interested parties to understand the harms and impacts related to Facebook and culture and climate" (p. 37). According to the facilitators, noteworthy events for the RJ participants included:

- Session with Halifax fire fighters previously involved in an restorative justice process who shared their experiences with the process to address systemic inequalities
- Interim reporting circle with ASCC regarding potential return to clinic
- Bystander intervention workshop
- Workshop on understanding rape culture and misogyny
- Session on healthy and supportive educational communities
- Session on reporting structure and conflict resolution

- Sessions on inclusion and diversity, including issues of race, culture, gender and sexual orientation and their interplay
- Group process to plan and draft statements
- Circles with restorative justice student participants and President Florizone
- Circle with Facebook members and Board of Governors
- Circles among DDS2015 class members in restorative justice
- Circle with NS Dental Association
- Collaborative research review meetings
- Planning and preparation meetings for the Day of Learning including meeting with experts from the Human Rights Commission, the Provincial Restorative Approach in School Project, and meetings on curriculum reform and behavioural science.
- Day of Learning

(p. 37)

As mentioned in the above list, the process culminated in the “Day of Learning”, organized to fulfill the participants’ duty to the broader community. The *RJ Report* indicates that approximately 80 people<sup>21</sup> participated to hear the students present their learning from the process and discuss “ways forward to support a more inclusive and respectful culture and climate in the Faculty of Dentistry, the University, and the profession” (Llewellyn, MacIsaac, and MacKay, 2015, p. 3). After the Day of Learning, participants “gathered to mark the successful conclusion of the restorative resolution process for the complaints lodged under Dalhousie’s Sexual Harassment Policy” (p. 30). They were all determined by the ASCC to “have successfully remediated and to have met the required standard of professionalism” (p. 30).

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<sup>21</sup> Compared to the 200 at the “Expel Misogyny” protest (Catangay-Liew, 2015), and the 350 at the Forum Against Misogyny (CBC News, 2015c).

As the *RJ Report* was published and publicized, some of the participants spoke out in the media. Five of the men and three of the women were anonymously featured on Global News. One of the men felt as “there was a huge war going on, with the university and the media, and that was a huge amount of unexpected guilt and pressure...But, we weren’t the ones who made that lie. We were just the ones who had to deal with it” (Tryon and Logan, 2015, para. 25-26) (it is unclear what “the lie” was in this context). “We’ve been called everything in the books,” another one said, “A week beforehand, we would have been seen as upstanding, great citizens and a week later, a day later, we’re the absolute worst people in society” (para. 28). Dentistry student Ben Lawlor was asked by CBC News (2015g) about the misogynistic nature of the Facebook group, to which he “said he’d never heard the word ‘misogynistic’ before” (the article does not clarify if he meant that he has never heard of the term until he participated in the Dentistry RJ Process) and that “he wasn’t qualified to say if the Facebook posts were misogynistic” (para. 13). Lawlor believed that nothing good would come out of publicizing the names of the men because it would “haunt them for the rest of their lives” (para. 9), and that he would rather “Let the dental boards deal with each person individually” (para. 10).<sup>22</sup>

The perpetrators promised that they would be honest with their patients if questions arise about their involvement in the Facebook group (Walsh, 2015b). This was met with skepticism from Kingston (2015c) and Haiven (2015). Kingston (2015c) sums up the *RJ Report* as a heroic narrative of repair, where the RJ process prevailed in the face of a series of intrusive external threats. Law professor Wayne MacKay, who originally defended a restorative approach (Walsh, 2014), ended up expressing dissatisfaction: “There will be, I think, the general public saying, ‘Well really the individuals didn’t bear much of a consequence for this fairly outrageous conduct.’ How does that send a message from

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<sup>22</sup> Millet’s lawyer alleges that the Dalhousie administration advised him to lie if asked by licensing boards whether he has been suspended (Boon, 2015). Llewellyn, MacIsaac, and MacKay (2015) indicate that the students held a circle with the Nova Scotia Dental Association, but the *RJ Report* does not clarify whether licensing boards were invited into the RJ process. Dalhousie was documented to have refused to release the names of the students to the Royal College of Dental Surgeons of Ontario (CBC News, 2015b).

Dalhousie that this is really unacceptable?” (Walsh, 2015b, para. 6). Françoise Baylis remains critical of the dismissal of concerns expressed by women left out of the RJ process (CBC News, 2015f; Walsh, 2015a). She also points to the contradiction between the perpetrators’ insistence on anonymity and proclaimed commitment to accountability (CBC News, 2015f).

Backhouse et al. (2015) characterize the RJ process as a “success despite many misconceptions” (p. 22). However, they recommend an independent review of whether the process constituted “voluntary and inclusive participation” (p. 84). The *RJ Report* states: “The process has been inclusive and collaborative; focused on reflection, understanding and growth; precisely what a university should be” (Llewellyn, MacIsaac, and MacKay, 2015, p. 14).<sup>23</sup> Regarding the overall climate of the Dentistry, the *RJ Report* suggests workshops, seminars, communication training, and events such as “Women in Dentistry Circle”, “care planning conferences”, and a “Day of Professionalism”. It also promises “an international conference in 2015/2016 to examine lessons learned from the Dalhousie Dentistry RJ process” (p. 61). Additionally, it recommends the implementation of a Project Manager position to the Dentistry’s Clinic Renewal Project as means of fostering a “climate renewal” (p. 64).<sup>24</sup>

### **Progress Updates and Nonperformatives**

An update was published on the Dalhousie website in 2016, in response to Backhouse et al.’s recommendations directed towards the Dentistry (Dalhousie University, 2016). The update features some positive changes, such as updated information regarding resources and policies on the Dentistry website, a recruitment plan and scholarship fund for Black and Indigenous students, and the Qualifying Program students being fully integrated into the patient distribution system. Yet, it also showcases a series of nonperformative (Ahmed, 2006, 2021) acts: conferences, workshops, new evaluation schemes, hiring of an HR consultant, alcohol-free social events, and some student-run fundraisers. Students

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<sup>23</sup> As Millet and the original woman complainant’s experiences reveal (see the beginning of this chapter), it is debatable whether the RJ process was truly inclusive.

<sup>24</sup> In 2018, Dalhousie unveiled a new \$28-million Dentistry clinic (Bell, 2018).

participated in community-centered initiatives, such as providing services at the North End Community Health Clinic, but it is unclear how many participated and whether the Dentistry made any efforts to permanently sustain them. In response to Backhouse et al.'s (2015) recommendation regarding an improved complaint system, the update (2016) proclaims that "a number of avenues are currently being explored" (p. 1), including placing suggestion boxes for paper complaints in the Dentistry building. Regarding the recommendation to conduct an independent review of the Dentistry RJ process, the report cites an RJ conference featuring international experts to "consider best practices and international evidence to present lessons learned from the RJ process at Dalhousie" (p. 8). The conference, titled "A Restorative Approach to Climate and Culture in Education, Workplaces, and Professions", was co-chaired by Llewellyn, one of the Dentistry process facilitators. During this conference, Dalhousie and Nova Scotia were praised for their leadership in RJ (Doucet et al., 2016).

I critique the extensive use of diversity documents, workshops, and conferences as hallmarks of progress because of Ahmed's (2006) analysis on nonperformativity. As I have explored in the previous chapters, institutional documents have become fetishized objects to prove that the institution is nondiscriminatory. Backhouse et al. (2015) indicate that *before* the scandal, Dalhousie has already committed more workshops and seminars on sexual harassment and human rights to the Dentistry than any other academic unit. There had been a "impressive" pamphlet published about sexual assault and an "innovative" video series about consent (p. 39). Thus, it is abundantly clear that the existence of workshops, training modules, or "good" documents are not sufficient for addressing a culture of misogyny. Instead, these documents "might function as a form of organizational pride", because "if we are committed to antiracism (and we have said we are), then how can we be racists?" (p. 110). Thus, they become tools for pacification.

Ahmed (2021) tells the story of four students who were warned to not complain about sexism. In attempting to dissuade them from their complaint, the head of the department proposed that they organize an international conference. She promised funding and offered for the students to invite their "dream list of academics", suggesting that the conference

would be “feminism by stealth” (p. 99). The student began an animated discussion about the conference, until they realized that they were being distracted from their complaint. Ahmed compels the reader to consider how in spite of the positive framing, the offer was at its roots a bribe to not proceed with the complaint and damage the reputation of the institution. Reflecting on the prevalence of institutional bribery, Ahmed suggests that they are demonstrative of an institutional culture: “In return for silence, you are promised what are widely considered to be the most highly valued resources for academics (money for research conferences, sabbaticals, research grants). When you are rewarded for silence, you are rewarded for compliance” (p. 100). When examining how an RJ conference came to be proposed at Dalhousie, Ahmed’s observation becomes all the more pertinent.

In addition to the progress report regarding Backhouse’s recommendations, Dalhousie commissioned Case (2017), an independent business consultant, to lead a working group on reviewing the University’s use of RJ. The Dentistry RJ process is listed as one of two case studies within the Debrief. The “Learning/Outcomes” is as below:

- Student leaders recognized that what happened in the Facebook incident was not unique to the DDS Class of 2015—it is symptomatic of what happens throughout the institution but they had an opportunity to make a difference to the culture and climate of the Faculty of Dentistry.
- The DDS Class of 2015 committed to learn and act to improve the climate and culture and to address issues of exclusion and discrimination. Several Class of 2015 alumni stayed connected with the new group of student representatives to support them in their learning and leadership.
- A cornerstone piece of their work, a Social Hosting Policy, has been viewed by other faculties as a more holistic strategy to keeping students safe while attending events where alcohol is served. The current licensing standard requires only a “Smart Serve” course for bar staff, which does not provide student leaders with any training on how to respond to any real related crisis beyond overserving/overconsumption of alcohol.

- The student lounge known as the Cavity was revealed during the restorative response to the Facebook scandal to have a small contained bar service room that was rife with behaviour similar to that exhibited in the Facebook post. During the restorative justice process in 2015, the liquor license was suspended for that space until the space could be reimagined and made safe. The students worked on a plan to redesign the space ensuring it reflected their values through its increased use as a social space.
- The liquor license was returned for the room upon presentation of the redesign plan to the Faculty and senior university administrators. Funding was approved and the project was completed, revealing an open inclusive space, welcoming of all students.

(Case, 2017, p. 6)

It is perplexing to witness how the only concrete outcomes of the RJ process involved event hosting policies and liquor license suspension. There is no evidence that the perpetrators were intoxicated when posting in the Facebook group. The *RJ Report* (Llewellyn, MacIsaac, and MacKay, 2015) draws a connection between the pervasiveness of alcohol consumption and the toxic culture within Dentistry, but this is at best a fringe connection. Somehow, alcohol use became the central focus, as outlined in both the Case (2017) debrief and the Task Force update (Dalhousie University, 2016).

Case's (2017) debrief acknowledges that "measuring the success of any people-designed and -planned intervention or process is challenging" (p. 17). It assures readers that "many of the participants who were part of this review shared powerful stories that showed they had broadened their perceptions and gained new skills to engage with others in relationships" (p. 17). Similarly, the *RJ Report* makes a point of clarifying that it "does not provide a fixed set of recommendations intended to be implemented along a standardised timeline" but participants "have considered deeply how what they have found and learned should be used to address the harms and impacts and to improve climate and culture moving forward" (Llewellyn, MacIsaac, and MacKay, 2015, p. 57). As Llewellyn et al. (2014) surmise, it is

difficult to articulate the impacts of RJ processes when it is applied and evaluated by the criminal legal system (thus, RJ initiatives should not be abandoned because they are “unsuccessful” by neoliberal standards). Ahmed (2006) also critiques audit culture’s tendency to render equity as a measurable metric of professional success. Yet, when these forms of arguments are invoked to defend the lack of verifiable progress after the Dentistry RJ process, they have become divorced from their original contexts.

### **Institutional Trajectories**

As Kim’s (2011) reflections on Creative Interventions exemplify, community accountability processes should operate with transparency and reflexivity. The type of internal critique that Kim demonstrates in her work remains absent in all public accounts offered by the facilitators and participants of the RJ process. While many of the concerns raised about the Dentistry RJ process are buried (to use Ahmed’s [2021] language), what is immediately observable is the ways through which documentation of RJ becomes a signifier of the institution’s competency to undertake RJ, entitling it to more funding and resources.

Llewellyn, who facilitated the Dalhousie Dentistry RJ Process, received the National Ron Wiebe Restorative Justice Award from Correctional Services Canada (Doucet, 2015). She went on to organize another symposium at Dalhousie (Kelly, 2017). Llewellyn and MacIsaac both contributed to the Restorative Inquiry for the Nova Scotia Home for Colored Children (Province of Nova Scotia, 2019), and led the restorative review into LeBlanc’s in-custody death (Llewellyn et al., 2018). In 2020, Dalhousie launched its Restorative lab, with the Dentistry RJ process facilitators in its leadership. The President of Dalhousie praised the Donald R. Sobey foundation for their “generous support” of the RJ lab (Staff, 2020, para. 4). The foundation, named after the man charged for sexually assaulting Derek Powers (Kimber and Castaldo, 2022), also funded an RJ chair. It hosted a variety of events and initiatives, including an evening (sponsored by Sobey’s) with Angela Davis, Margaret Burnham, and

Fania Davis (Glover, 2022).<sup>25</sup> The lab was granted \$644,508 by the Department of Justice for RJ development (Department of Justice Canada, 2022).

Looking through the trajectory of RJ at Dalhousie post-2015, James' words about "some derivative of a desire of being free that we can no longer articulate" rings out (Brown University, 2019, p. 39:44). At the time, feminists and abolitionists were tasked with the positive duty to uncritically celebrate the use of RJ for a group of men slated to become high-earning professionals, when years after the implementation of NSRJ, Black and Indigenous people continue to be disproportionately subjected to the punitive carceral system (Luck, 2016). Regardless of whether this particular instance of RJ has successfully rehabilitated the perpetrators, the process has certainly enabled the institution to reconcile with itself, as it steadily accumulates accolades, resources and funding. For many of those who worked to oppose gender violence in the community, there were no resolutions, no impartial investigations, and no accountability beyond platitudes. Thus, the site for restoration moves further into academic and professional institutions. The state and the academy retained the authority to define what RJ, or even abolition, entails.

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<sup>25</sup> At the event, Davis recounted her court victory, proclaiming that it is proof "we can win" to ringing applause from the room. It left a strange feeling in my chest, as I thought of James' (2020; Brown University, 2019) observation how narratives about Davis' legal victory overshadowed appeals from other incarcerated intellectuals and their critiques of the limits of the criminal legal process. Sitting in the front row in the audience was Premier Tim Houston. No one pressed him about the deaths in Nova Scotia's provincial jails, or defunding the Halifax Regional Police (Ajadi et al., 2022), or abolitionist advocacy regarding conditions inside Nova Scotia's prisons (Beach et al., 2022). When I approached Davis after the event, I spoke about my admiration of her work, but also the fact that I wish the event focused more on incarcerated people's struggles in Nova Scotia. Davis assured me: "We have time. We have time". I still ruminate on this, and the way the Restorative Lab has structured this event. On one hand, we *do* have time. Building abolition is slow work. But on the other hand, for so many incarcerated people, or people facing enforced disappearances and genocide, there was no time. Certainly none to gather just for the sake of re-telling victory stories, while current struggles retreat into the backdrop.

## Conclusion

Throughout this thesis, my thoughts constantly return to James' (2021) call to "[redirect] abolitionism back to the source" (Captive Maternal in Abolitionism and Academia section, para. 4). Abolition feminism is fundamentally antagonistic to the carceral expansion and state violence. In developing communal responses to harm, abolition feminists are engaging in a series of experiments in hopes of rendering prisons obsolete. RJ, in its most radical forms, is positioned as a strategy to limit the rampant violence of the carceral system. As it enters the mainstream, it is imperative for abolition feminists to critically reflect on its applications. It is necessary to ask, in all our abolition feminism experiments, how are we returning to the source? How are we contending with the most egregious forms of carceral violence and social death?

While this thesis is being finalized, a judge has ruled that Columbia student Mahmoud Khalil can be deported for his pro-Palestine advocacy (Goodyear, 2025). Across the US and Canada, there are rising trends of surveillance and punishment against student activists (Andres and Rutland, 2025; Drenon and Levinson-King, 2025; Lennard, 2025). In response to pro-Palestine student organizing during the summer for 2024, many Canadian universities immediately mobilized private security, court injunctions, and armed police to discipline and criminalize students (Basu et al., 2024). These patterns lay bare the intensifying symbiosis between academic institutions and the carceral state. Moreover, it compels me to ask: Where has our campus efforts towards restoration gone? Where are the lessons we have learned about mediation and reconciliation? Where are the calls to protect the academic careers of the student protestors?

In May 2024, a coalition of students from Dalhousie University, Saint Mary's University, Mount Saint Vincent University, University of King's College, and the Nova Scotia College of Art and Design (NSCAD) launched an encampment called "Al-Zeitoun University" on the Dalhousie campus (Philips, 2024a). The encampment lasted for 78 days, with the Dalhousie administration initially supporting public protests but ultimately issuing a Notice

of Trespass and dismantling the encampment (Enticknap-Smith, 2024).<sup>26</sup> The encampment represented a space for emancipatory learning and community collaboration, offering free food, teach-ins, art programs, children's spaces, a garden, etc.. One would think that this is the perfect time to apply the lessons learned from the Dentistry RJ process, and encourage the administration to engage in good faith negotiations with the students regarding their demand to divest the University's investments from genocide. However, the administration responded with a lack of urgency and transparency, eventually forcing the students to escalate their actions (The DSU Executive Team, 2024; Enticknap-Smith, 2024).

Those present at the encampment recounted that campus security started wearing body cameras full-time when engaging with campers (Philips, 2024b).<sup>27</sup> The President of the NSCAD Students' Union, who was a vocal presence at the camp, was identified and informed by an officer that he was banned from Dalhousie campus and would be charged if he returned (Philips, 2024b). Another Palestinian Dalhousie student was also informed of similar restrictions on their campus presence (Rutland and Andres, 2025). Eventually, Dalhousie cut off the camp's electricity and washroom access (Philips, 2024b).

According to Dalhousie professor Ajay Parasram, the community rallied in support of Al-Zeitoun when the Notice of Eviction was served: "...There was a massive, beautiful community gathering. Hundreds and hundreds of people came out to support the encampment, speeches from all kinds of different communities, teachings were offered on various subjects. It was really a beautiful evening" (Enticknap-Smith, 2024, The Final Days of the Encampment section, para. 7). Nevertheless, Dalhousie brought in private security to dismantle the encampment.<sup>28</sup> In an email sent out to the campus community, the President and Vice Provost of Student Affairs alleges that the encampment had become threatening. In

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<sup>26</sup> The administration's announcements are co-signed by the Vice Provost of Student Affairs Rick Ezekiel, the Vice Provost of Student Affairs., who MacKay is assistant to (Dalhousie University, 2025a).

<sup>27</sup> MacIsaac is now Assistant Director of Dalhousie's security services (Communications, Marketing and Creative Services, 2021).

<sup>28</sup> Llewellyn did not sign the faculty letter condemning the removal of the encampment (Parasram, 2024).

the aftermath, Dalhousie followed other Canadian universities' footsteps in applying increasing restrictions upon student organising and hiring more private security (Rutland and Andres, 2025). Later in 2024, when students occupied a building after divestment motions were struck down at Board meeting, Dalhousie immediately announced a lockdown of the building and called a private security firm (Philips, 2024c; Andres and Rutland, 2025). The Board members were escorted out, and campus security coordinated with private security and the Halifax Regional Police to seal off the entrances, preventing the flow of supporting people and supplies to the students inside (Andres and Rutland, 2025).

It is difficult to reconcile between witnessing a university's overt repression towards students organizing against genocide *while* writing a thesis about the same university's so-called groundbreaking use of RJ. Is this not the most crucial time to advocate against surveillance and punishment? What is restoration if it cannot confront the most grotesque forms of organized violence?

In this thesis, I have outlined RJ's institutionalization, the role of the neoliberal university, and the contesting feminist discourses regarding the use of community justice processes. In doing so, I am contextualizing the University's usage of RJ in response to the Dentistry scandal, and articulating an abolition feminist critique of how radical language becomes co-opted as a mode of governance. In disrupting the plausible history (Enke, 2018) and opening the filing cabinet (Ahmed, 2021), I aim to offer a counterpoint to the dominant narrative surrounding this process. As I track the nonperformative acts (Ahmed, 2021) generated in the wake of this process, I seek to encourage abolition feminists to confront the limitations and contradictions that arise from our liberatory experiments.

I wrote this thesis in an attempt to clarify the stakes, and to demonstrate how even language and practices we consider to be radical can be mobilized in service of power. But I do not intend for this to be construed in a pessimistic way, where nothing we do or say is our own, and everything becomes absorbed into the structures of racial capitalism and heteropatriarchy. Instead, I want to showcase how a burial can be refused (Ahmed, 2021). Thus, I hope this thesis encourages more counter-archives (Springgay et al., 2020) and

collective storytelling, especially about abolitionist and feminist organizing in Nova Scotia. I also hope that it compels us to be intentional about where we direct our faith and our energy, which will inevitably transgress the boundaries of the academy, and go where we must — to the roots.

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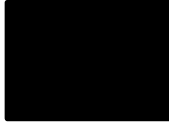
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## Appendix 1: FOIPOP Request Responses



Via e-Mail: helen.yao@msvu.ca

May 10, 2023



Dear Helen Yao,

RE: Dalhousie University FOIPOP Request # FOIPOP-2023-508 – Decision Letter

Your application for access to information under the Nova Scotia *Freedom of Information and Protection of Privacy Act* ("the Act") was received by Dalhousie University's Privacy Office on March 21, 2023. You requested the following information:

*"Publicly released information about Dalhousie's application and usage of restorative justice and/or restorative approaches from 2010 to 2023. Institutional documentation (including letters, reports, briefs, press releases, etc.) regarding the usage of restorative justice and/or restorative approaches for Student Code of Conduct/ Sexual Harassment Policy violations, or any complaints processed by the Office of Human Rights, Equity and Harassment Prevention. Data from 2010 to 2023 regarding the number of times restorative approaches/restorative justice has been utilized by the Office of Human Rights, Equity and Harassment Prevention. If available, anonymized data from 2010-2023 on the type of cases where restorative approaches/RJ are used (e.g. sexual harassment, noise complaint, discrimination, etc.)."*

Dalhousie University's Human Rights and Equity Services team does not track instances of restorative justice so we are not able to readily provide stats on restorative justice instances. However, the attached document outlines the use of restorative justice within HRES and provides some statistics on its use under different policy areas. You can find more information on Dalhousie University's HRES and restorative justice applications at the following public-facing websites:

<https://www.dal.ca/dept/vpei/hres.html>

<https://www.dal.ca/dept/restorative-justice/q-and-a.html>

Kind regards,



LEGAL COUNSEL OFFICE

Henry Hicks Academic Administration Building, Room 225 | 6299 South Street | PO Box 15000 | Halifax NS B3H 4R2 Canada  
902.434.2184 | dal.ca/legal

DAL\_CA

#### Human Rights & Equity Services (HRES) Response:

Human Rights & Equity Services provides a trauma informed, survivor centered confidential advisory service to members of the Dalhousie community seeking advice, support, and reporting options in relation to the following Dalhousie policies: Sexualized Violence, Personal Harassment (employees), Prohibited Discrimination and, until 2018, Hazing Policy. HRES consistently employs a restorative approach to our work, considering the impact on the people who have experienced the harm and their relationships at interpersonal, social, and institutional levels. As such, HRES does not track individual instances of restorative approaches being employed in relation to our case conduct; it should be assumed that all contact with HRES Advisors is performed in a restorative manner.

Restorative justice, aimed at understanding and addressing the harms caused, takes a relational approach to offer an alternative process response to address the harm caused by an offence and restore the needs of the affected person(s). For record keeping purposes, HRES considers restorative justice processes used as a response to an incident(s) to specifically include conditions where we have worked with all involved parties to (1) explore and address harms caused, and (2) come together to participate in at least one restorative justice circle.

Nova Scotia currently has a moratorium on restorative justice for offences of sexual assault and domestic/intimate partner violence offences; HRES' support of people who have experienced sexualized violence considers and reflects this moratorium. However, with thoughtful consideration, HRES staff have worked in conjunction with other restorative justice experts to respond to reported incidences of sexual harassment as a mechanism to restore community relations.

When considering the above context, HRES can only provide case data regarding the number of times Restorative Justice has been employed as a response to a Report under one of our policy areas. Data included in this response reflects case records from January 2010 to December 2022, inclusive.

Policy Area (with noted policy changes)	Number of times Restorative Justice has been engaged as an alternate process resolution.
Sexualized Violence Policy (pre-Sept. 2018: Sexual Harassment Policy)	3
Personal Harassment Policy (employees)	0
Prohibited Discrimination	2
Hazing Policy (now processed via Student Code of Conduct)	1



Via e-Mail: [helen.yao@msvu.ca](mailto:helen.yao@msvu.ca)

April 25, 2023



Dear Helen Yao,

**RE: Dalhousie University FOIPOP Request # FOIPOP-2023-509 – Decision Letter**

Your application for access to information under the Nova Scotia *Freedom of Information and Protection of Privacy Act* ("the Act") was received by Dalhousie University's Privacy Office on March 21, 2023. You requested the following information:

*"Communication (e.g. press releases, memos, letters, emails, etc.) from President Florizone, the Deans, the Faculty of Dentistry administration, the Board of Governors, Jennifer J. Llewellyn, Jacob MacIsaac, and Melissa MacKay concerning the Dalhousie Dentistry (DDS2015) incident and the subsequent restorative process. This refers to communication from December 2014 to June 2015 that contain the terms "restorative justice", "RJ", "restorative approach", "restorative process" or make otherwise explicit reference towards the restorative justice process adopted for the DDS2015 as outlined in the "Report from the Restorative Justice Process at the Dalhousie University Faculty of Dentistry" published May 2015."*

After performing a thorough search of all identified areas of the University, we have found that no responsive records exist. The reason for this is that the records reached their retention period and were destroyed as per Dalhousie's records management process.

If you have any questions, please contact me.

Kind regards,



LEGAL COUNSEL OFFICE  
Henry Hicks Academic Administration Building, Room 225 | 6299 South Street | PO Box 15000 | Halifax NS B3H 4R2 Canada  
902.494.2184 | [dal.ca/legal](mailto:dal.ca/legal)  
DAL\_CA



Via e-Mail: helen.yao@msvu.ca

May 15, 2023



Dear Helen Yao,

**RE: Dalhousie University FOIPOP Request # FOIPOP-2023-510 – Decision Letter**

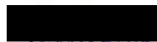
Your application for access to information under the Nova Scotia *Freedom of Information and Protection of Privacy Act* ("the Act") was received by Dalhousie University's Privacy Office on **March 21, 2023**. You requested the following information:

*"Publicly available information from 2010 to 2023 regarding Dalhousie University's collaboration with Nova Scotia's Department of Justice, the provincial/federal government, and the provincial/federal corrections system on the subject of restorative justice/restorative approaches. Annual amount of funding Dalhousie University has received since 2010 from public and private entities towards the research/application of restorative justice/restorative approaches. The number of times since 2010 individuals have been referred to a restorative process as a result of the collaboration between Dalhousie, Halifax Regional Police, and the Nova Scotia Department of Justice. The number of cases Dalhousie has referred to the NS Restorative Justice Program from 2010 to 2023. Anonymized data on the nature of all referred cases from 2010 (e.g. sexual harassment, assault, noise complaint, etc.)."*

After performing a thorough search of all identified areas of the University, we have found that **no responsive records exist**. The reason for this is that the records reached their retention period and were destroyed as per Dalhousie's records management process.

If you have any questions, please contact me.

Kind regards,



FOI OP @dal.ca

LEGAL COUNSEL OFFICE  
Henry Hicks Academic Administration Building, Room 225 | 6299 South Street | PO Box 15000 | Halifax NS B3H 4R2 Canada  
902.494.2184 | dal.ca/legal  
DAL.CA

## Appendix 2: Millet Letter of Consent



Aberdeen Business Centre  
610 East River Rd, Suite 260  
New Glasgow, NS B2H 3S2

T 902 752 8441  
F 902 752 7010

90 Cochrane Street  
PO Box 750  
Pictou, NS B0K 1H0

T 902 493 4347  
F 902 493 8867

December 7, 2020

Dalhousie University  
PO Box 15000  
Halifax NS B3H 4R2

**VIA EMAIL & REGULAR MAIL**

Attention: Dr. Francoise Baylis

Dear Dr. Baylis:

**Re: Our Client Ryan Millet – Dalhousie Dental School**

I am pleased to confirm in writing my advice that you have the consent and authority of our client, Ryan Millet, to deliver to Dalhousie Archives the materials I forwarded to you on Mr. Millet's behalf. In that regard, let this be your sufficient authority.

Yours truly,

**MACINTOSH, MACDONNELL & MACDONALD**



Encl.

Direct Line: (902) 753-3303  
Email: [lmacintosh@macmacns.ca](mailto:lmacintosh@macmacns.ca)

BTA/MS  
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### Appendix 3: Application for Restricted Access



### RESTRICTED ACCESS Application for access

Researcher's name	Helen Yao
Research subject	Dalhousie Dentistry scandal

#### Description of material

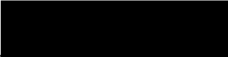
Title of fonds/collection	Françoise Baylis fonds
Reference code	MS-2-807


#### Regulations

1. Any personal information relating to a living person, the disclosure of which would constitute an unwarranted invasion of privacy of that person, must not be disclosed in any manner that could reasonably be expected to identify the individual concerned except with the permission of that individual.
2. Researchers must comply with the requirements of the *Canadian Copyright Act*.
3. Permission to consult the records does not necessarily include permission to obtain copies. When copying is permitted, these copies may not be published nor passed to a third party without written authorization.
4. The following specific regulations must also be observed when consulting these records:

Digital archival files may not be published or passed to a third party without written authorization.

I agree to abide by the regulations stated above. Date: 2024-04-03

  
Signature of researcher

  
Approved by University Archives

Copies permitted:  Yes  No

## Appendix 4: Research Ethics Board Authorization



University Research Ethics Board  
(UREB)

### CERTIFICATE OF RESEARCH ETHICS CLEARANCE


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clearance	Secondary Data Clearance	Renewal	Modification	Change to Study Personnel

REB Protocol #:	2024-081			
Effective Date:	October 25, 2024	Expiry Date:	October 24, 2025	
Title of project:	Institutional Responses to Gender Violence: A Discourse Analysis of the Dalhousie Dentistry Restorative Process			
Researcher(s):	Xinyu Helen Yao			
Supervisor (if applicable):	El Jones			
Co-Investigators:	n/a			
Version :	1			

The University Research Ethics Board (UREB) has reviewed the above-named research proposal and confirms that it respects the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and Mount Saint Vincent University's policies, procedures and guidelines regarding the ethics of research involving human participants. This certificate of research ethics clearance is valid for a period of one year from the date of issue.

Researchers are reminded of the following requirements:	
Modification to Protocol	Any changes to the approved protocol must be reviewed <u>and</u> approved by the UREB prior to their implementation. Form: REB.FORM.002      Info: REB.SOP.404      Policy: REB.POL.003
Changes to Research Personnel	Any changes to approved persons with access to research data must be reported to the UREB immediately. Form: REB.FORM.002      Info: REB.SOP.404      Policy: REB.POL.003
Annual Renewal	Annual renewals are contingent upon an annual report submitted to the UREB prior to the expiry date as listed above. You may renew up to four times, at which point the file must be closed and a new application submitted for review. Form: REB.FORM.003      Info: REB.SOP.405      Policy: REB.POL.003
Final Report	A final report is due on or before the expiry date. Form: REB.FORM.004      Info: REB.SOP.406      Policy: REB.POL.003
Privacy Breach	Researchers must inform the UREB immediately and submit the Privacy Breach form. The breach will be investigated by the REB and the FOIPOP Officer. Form: REB.FORM.015
Unanticipated Research Event	Researchers must inform the UREB immediately and submit a report to the UREB within seven (7) working days of the event. Form: REB.FORM.008      Info: REB.SOP.404      Policy: REB.POL.003
Adverse Research Event	Researchers must inform the UREB immediately and submit a report to the UREB within two (2) working days of the event. Form: REB.FORM.007      Info: REB.SOP.404      Policy: REB.POL.003

\*For more information: <http://www.msvu.ca/ethics>

  
brenda gagne  
Research Ethics & Compliance Officer  
University Research Ethics Board