
Cojoining the Witch and the Cyborg in Feminist Theory: Revisiting Gender Related Violence through Old and New Materialism

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Abstract

This article brings 'old' and 'new' feminist materialist insights into conversation, exploring their respective conceptualisations of gender through the motifs of the 'witch' and the 'cyborg'. The witch emphasises economic structures and capital's penetration into all spheres of life, foregrounding the material conditions of oppressed groups. The cyborg offers a more dispersed critique across entangled issues of economy, technology, and ecology, seeking transformative potential from within existing power relations through ambiguous affinities and everyday resistance. We apply these materialist lenses to examine law's framing of Gender Related Violence (GRV). Despite decades of legal measures addressing gender violence, fundamental questions remain unresolved: how to capture violence as both a specific, embodied experience and a phenomenon reproducing broader gender power; how to acknowledge violence's pervasiveness without conflating feminised subjects with passivity; and what forms of state intervention and redress are appropriate. These debates have intensified amid contemporary calls for a binding international convention on GRV. We explore how re-thinking GRV through old and new materialisms can contribute to feminist legal engagement with the definitional parameters of gendered violence, particularly regarding the normative framing of 'gendered violence', 'subjectivity and victimhood', and 'the role of state intervention'.

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I. Introduction

The growing attendance to matter and objects within the study of law is broadly understood as signifying a ‘new materialist’ turn in legal scholarship (Kang 2018). While the contours of the field remain contested, two main trends have emerged. Against a backdrop of increasing anxieties about the entanglement between the human and non-human world, one strand of ‘materialism’ has sought to challenge the anthropocentric focus of law and foster a new understanding of ethics, one embracing of non-human entities. A starting point for this new ethico-political consideration is the displacement of human-centred logic, and the demand for respect and care of organic and in-organic beings on their own terms (e.g. Haraway 2007; Braidotti 2013; Grear et al. 2021). The second ‘materialist’ focus has sought to highlight the significance of law’s ‘objects’. This includes not only how abstract legal norms acquire a physical embodiment, or how law makes objects material through legal arguments (Constable 2007, 2014) but also, as Hyo Yoon Kang expresses, “the ways in which law is or is not spoken, written, depicted, organized, performed and recorded” (Kang 2018: 465). Here the discursive relation between legal hermeneutics and organic and non-organic matter is brought to the foreground to explore law’s material conditions in space and time (Dolphijn and van der Tuin 2012; Grosz 2017).

This material reconsideration of law and justice indicates a welcome theoretical direction in legal critique, opening new paths for discussions of power and subjectivity in law at a time when a polycrisis of economic distribution and environmental catastrophe necessitates a foregrounding of the material. Yet these insights and concerns are not entirely new within legal scholarship. ‘Older’ materialism in law has long drawn attention to material effects of law’s unequal subjectivities and structures, as well as more post-structuralist enquiries into law’s subjects. Drawing on the Marxian tradition, work within historical materialism and law has centred on critiques of law’s complicity in structures of capitalism and imperialism (Brabazon 2017; Baars 2019; Tzouvala 2020; Schwöbel-Patel 2021). More recent work has centred on new forms of technology and non-human entities within bio law, property and environmental law (Anker 2005; Godden 2007; Hildebrandt and Rouvroy 2011). Feminist legal scholars have similarly centred a material focus in their work. This includes underlining the ways in which law manifests and privileges a particular kind of legal subject (male, rational, able bodied) to the detriment of the many forms of embodiment, as well as the

manner in which gender relations in law shape people's material realities (Pateman 1989; Smart 1990, 1995; Hunter 1996; Otto 2006, 2013). This theorising builds on a broad tradition of feminist political economy which acknowledges law's complicity in the historic and existing mutual dependence of patriarchy and capitalism (see eg. Eisenstein 1981).

In recent decades, however, the linguistic or cultural turn in feminist legal theory (see e.g. Nicholson 1990; Murphy 1997; Loizidou 1999) has left many of these more outward material concerns sidelined. Writing in 1997, Nancy Fraser noted that by the 1990s the focus of feminist political struggle had moved away from issues of redistribution towards a new politics of recognition, resulting in the 'decoupling of cultural politics from social politics and the relative eclipse of the latter by the former' (Fraser 1997: 2). The limits of the postmodern turn in attending to material realities has been one of the motivating factors behind the new materialist turn, particularly in feminist legal research (see e.g. Drakopoulou 2000; Munro 2007; Conaghan 2013; Arvidsson 2018; Jones 2018). As Sara Salem has argued, the ontological stretching of feminist research, particularly through the intersectional project, has had the effect of representing feminism "as a field that is simply 'diverse,' rather than (also) conflictual", which undermines its radical potential (2018: 406). Similarly, Johanne Conaghan has argued for the reintegration of materiality into legal feminism given that "close attention to the material lives of oppressed groups is a necessary task of any political project" (Conaghan 2000: 385). And yet, attempts to infuse critical feminist thinking with a renewed focus on materiality have not automatically meant a return to or engagement with 'older' forms of feminist materialism, or indeed historical materialism more generally. This ambivalence to historical materialism is not limited to feminist new materialism but is widespread across new materialist research (Steans and Tepe-Belfrage 2016; Hohmann 2021). This can in part be attributed to criticisms of the 'economistic' and anthropocentric reading of older forms of feminist materialism (Käll 2021). Yet, viewed through the lens of recent criticisms of new materialism, including its limitations in integrating explicitly structural critiques into its analysis, along with a lack of a specifically political project emerging from its central insights (Pellizzoni 2014; Washick et al. 2015; Cole 2018) – this baby with the bathwater approach, appears to be short-sighted.

With this critical contention as our common vantage point, our article seeks to draw ‘old’ and ‘new’ feminist materialist insights into conversation. We seek to establish a connection, however ambiguous, between our respective positions on old and new materialism. The intention is not to dwell on points of departure (which are many), but to offer a framework for exploring the potentialities presented by these differing ideas of materialism and materiality. We do not posit a comprehensive account, rather we frame our reflections on old and new materialism exemplified through the motifs of the ‘witch’ and the ‘cyborg’. These are intended to present prefigurative conceptions of the respective schools’ transgressive and transformative reconceptualisations of gender. For the witch, an attention to wider economic considerations and structures underpins the engagement with gender and law, as part of a broader political project of economic transformation. The material here provides a frame through which to conceptualise the interpenetration of capital into all spheres of life and foreground the material lives of oppressed groups. For the cyborg, the critical attention is more scattered across entangled issues such as economy, technology, and ecology, as it is committed to drawing less linear cartographies of power. Furthermore, the feminist critique is not envisioned as situated outside or below social and economic webs of domination but seeks to open up transformative potential from within. The orientation of the cyborg is ethical and not merely onto-epistemological, as it is motivated by making more sustainable and response-able worlds through ambiguous affinities and everyday resistance.

The suggestion that new materialism could extend its insights by entering into a dialogue with older materialisms has already been raised by a number of scholars (Bennett 2010; Coole and Frost 2010; Tepe-Belfrage Steans 2016), including in law (Conaghan 2013; Tomlins 2019; Hohmann 2021; Hohmann and Schwöbel Patel 2024). To explore these convergences and potentialities in more depth, we have chosen to explore the question of law’s framing of Gender Related Violence (GRV) through the respective materialist lenses.

The past decades have seen a range of legal, policy and other measures attempt to address gender violence, most prominently the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women (DEVAW). Despite the centrality of gender violence to feminist theorising, however, there remains disagreement amongst feminist legal scholars and activists about how to define, frame and

problematise gender violence through legal and governmental action. In particular, the question of how to address the ways in which gender violence is at once a specific, embodied and personal experience, but also a phenomenon that reproduces broader patterns of gender power, remains a prominent conceptual challenge. Similarly, issues such as the shifting and constructed forms and experiences of violence, particularly in a temporal frame, the question of how best to capture gendered violence's pervasiveness "without inadvertently reproducing connotations of feminized subjects with weakness or passivity" (Hall 2023: 321), as well as the modes of redress offered by legal frameworks and forms of state intervention, remain largely unresolved. These discussions have been raised once again against the backdrop of contemporary calls for the creation of a binding convention regarding GRV to fill the normative and legal gap that currently exists in international law concerning gendered violence (Manjoo 2016). Concerns regarding how to approach the normative aspects of GRV, namely the framing of 'gendered violence', 'subjectivity and victimhood' and 'the role of state intervention', are at the focal point of our article. We are especially interested in exploring the extent to which re-thinking GRV within old and new materialisms can add to feminist legal engagement with the definitional parameters of GRV.

We begin, in Section II, by highlighting efforts by scholars of both 'old' and 'new' materialism to integrate materialist concerns in feminist scholarship in law. In Section III, the article draws insights from both new and old feminist materialist theory to analyse central concepts of GRV, revisiting some of the ways in which feminist materialisms have engaged with the issue of gendered violence.

II. Old and New Feminist Materialism and Law

The Witch: Feminist materialism/political economy

"[Marx's] materialist concept of history has not supplied us with any ready-made formulas concerning the women's question" argued Clara Zetkin in 1903, "yet it has done something much more important: it has given us the correct unerring method to comprehend that question" (in Foner 1984: 93). Extending Marx's theoretical insights on historical materialism and primitive accumulation, feminist materialists have spent the last few decades revealing the 'material' base of women's oppression under capitalism (Hartmann 1981). Much of this theorising has centred on making care and domestic work in the home ('women's work') visible as value-producing labour in

the chain of production and accumulation through a modified theory of ‘social reproduction’ (Dalla Costa and James 1972; Cox and Federici 1975; Hartsock 1985). Challenging the characterisation of social reproductive labour (domestic labour, caregiving, emotional labour) as natural or biological, feminist materialists have sought to resituate this work not only as a core value-producing labour within capitalism, but also as central to upholding women’s subordination. The concept of ‘social reproduction’ would not only emerge as a central element of feminist materialist theorising but also a key political strategy, congregating in movements such as Wages for Housework, as a way to think “about how, collectively, to resist or reorder such work” (Mac and Smith 2020: 55).

In the globalised and neoliberal era, feminist materialists have turned to how dynamics of social reproduction play out across different sites and activities as part of ongoing processes of enclosure (Ferguson 2016, 2019; Mezzadri 2020). Dubbing women “the last colony” (Mies, Bennholdt-Thomsen and Von Werlhof 1988), feminist materialists have linked gendered labour exploitation to “new enclosures” like subsistence farming in the Global South (Federici 2012) as well as the feminisation of female labour, characterised by precarious, part-time and undervalued labour particularly within the privatised care sector (Marchand and Runyan 2000; Meehan and Straus 2015) and linked to patterns of global migration (Hochschild 2000). In contemporary metamorphoses of capitalism, foregrounding social reproduction also allows us to detect new interpenetrations between capital and life, and new forms of enclosures, such as those which Christian Marazzi dubs “the biopolitical turn of the economy” (2000). As Antonella Corsani and Maurizio Lazzarato explain:

[W]e are confronted with a capitalist accumulation that is no longer founded on the exploitation of labor in the industrial sense of the term, but on the exploitation of knowledge, living entities, health, free time, culture, relational resources between individuals (communication, socialization, sex), the imaginary, personal development, habitat, etc. (2002: 178-179)

For feminist materialists, the dialectical relationship between patriarchy and capitalism (“capitalism has to use, to strengthen, or even to invent, patriarchal men-women relations if it wants to maintain its accumulation model” (Mies 2014: 170)), leads them to locate gender violence at its core. In this analysis, gender violence emerges as a central mechanism for the biological and social conditioning

of bodies as gendered/racialised subjects within capitalism. As both Maria Mies and Silvia Federici have explored, the production of the female subject is the result of a historical shift in economic organisation, whereby hierarchies built upon gender, as well as ‘race’ and age, become constitutive of class rule and the formation of the modern proletariat (Federici 2004: 63; Mies 1986). Both raise the persecution of witches, who represented disordered femininity, as a key moment in this process. As Mies writes, “The witch hunt had not only the direct disciplinary effect of controlling women’s sexual and reproductive behaviour, but also the effect of establishing the superiority of male productivity over female productivity. These two processes are closely connected” (1986: 70). The goal was to require a “transformation of the body into a work-machine, and the subjugation of women to the reproduction of the work-force” (Federici 2004: 63) establishing a sexual division of labour that was enforced by extreme violence; a dynamic that was also played out in the subjugation of Black and indigenous bodies during colonialism. Gender violence is thus deeply imbricated in capitalism’s core structures. As Mies notes: “If violence against women is not accidental but part of modern capitalist patriarchy, then we have to explain why this is so. If we reject a biologicistic explanation—as I do—we have to look for reasons which are central to the functioning of the system as such” (1986: 27). This extends to the ways in which patriarchal capitalist violence plays out across multiple spheres, from the home to the labour market and the institutions of the welfare state, to the global system, to the body itself (Ferguson 2016), but also across mechanisms of power concealed within discourses on gender, science and culture.

Feminist political economy and legal research

Numerous legal scholars have drawn upon feminist materialism’s social-reproductive theory of capitalism, together with a belief in relational, overlapping forms of oppression, to highlight the role and function of law as not only reinforcing gender relations, but as “deeply imbricated within the very basis of productive relations” (Thompson 1975: 261). Central to the feminist law and political economy (LPE) approach is a broad conception of law in which legal norms and discourse stand in a dialectical relationship with structural forces, such as the economy and political processes. “Law is not only something ‘out there’ - an independent body of principles - but a product of society, acted upon and responsive to political and cultural forces” (Fineman 1992: 11). Feminist LPE analyses therefore also share a concern with scalar analyses which link dynamics and processes across local, regional, national and global levels, such as between the household and the global economy (see

Mies 1986; Benería and Roldán 1987) – to identify the wide array of material structures underpinning the global system of capital and how they impact women’s lives. This theorising has helped legal scholars to not only highlight the numerous deficiencies of liberal-feminist approaches to women’s equality (Eisenstein 1981; Fineman 2004; Suk 2018), but to ground contemporary analysis of economic and distributive dynamics “within wider trends of globalisation, privatisation, and economic privation” (Boyd 1999: 370; see also Kotiswaran 2013, 2023; Bak McKenna and Grasten 2022).

The law’s devaluation and obscuring of care work, both paid and unpaid, has been a central concern for feminist LPE scholars (Silbaugh 2001; Conaghan 2007; Harding 2017). Scholars have also pointed to the role of law in entrenching the gender division of labour in the home by reinforcing women’s categorisation as ‘carers’ and ‘secondary workers’ (Barlow 2007; Shamir 2010), as well as embedding the notion of housework as not value-producing labour (Silbaugh 1996: 1). While this is most prominent in family and welfare law, scholarship has explored the privileging of ‘productive’ labour across areas such as torts, property, tax, immigration, employment and bankruptcy law (Conaghan 2007; Halley and Rittich 2010). Law’s facilitation of the undervaluation of women’s reproductive labour, also extends to market-based reproductive labour, such as surrogacy and sex work (Kotiswaran 2013). Within market settings, feminist LPE scholarship has explored how labour law remains marked by the ‘production boundary’ in its treatment and organisation of work (Fudge and Cossman 2002; Fudge 2011, 2013). This approach crucially highlights the need to explore law’s distributive effects in overlapping and interlocking legal areas, rather than confining analyses to a single regulatory area (Halley and Rittich 2010).

While early feminist LPE scholarship largely focused on the issue of care work within the home, more recent analyses have turned to the way the law has been used to discipline and exploit women (and other marginalised groups) across space, time and subjectivities (Roberts 2017). In the context of the gendered dynamics of globalisation, for example, researchers have highlighted the manner in which the exploitation of female labour has been facilitated by transnational laws and institutions, notably the World Bank and International Monetary Fund, and through development initiatives such as micro-finance and poverty reduction strategies (Fudge 2011, 2012; Harcourt 2012). The interconnectivity of legal regimes regulating social reproduction, particularly how ‘large-scale’ world markets are built on and sustained by material conditions within the ‘small’ scale sphere of family

and intimate relations (including labour exploitation and unpaid domestic labour) is particularly encapsulated within the concept of ‘global care chains’ (Hochschild 2000; Yeates 2004; Fudge 2011). In this context, the rise of female employment in the west has been sustained by the flow of global labour, particularly the use of female migrants for domestic labour and care work. As scholars have revealed, law facilitates this flow of cheap and informalised labour through repressive immigration laws and weak and discriminatory employment protections, along with the impact of structural adjustment programs (Stewart 2007) to create marginalised legal subjects (Bak McKenna and Grasten 2022). These analyses also highlight the importance of integrating the links between global and local exploitation at the intersections of gender, class, race, sexuality, and nationality.

The Cyborg: Feminist new materialism

A renewed interest in matter or materiality, including the body as well as non-human agents or ‘actants’, as affecting the enactment of various phenomena has come to define the new materialisms and posthumanism that are emerging as new scholarly paradigms. The new materialist and posthumanist research tends to theorise the subject in a more radically relational manner than is often the case within liberal and humanist philosophy. This entails that gender is conceived as emerging in relation to the world and various affects in assemblage across time and space, with both discursive and material implications.

As such, new materialism infuses social constructivism with a materialist dimension, as materialisation, including materialisation of sex/gender and the bodymind, is not merely understood as the materialisation of discourse (Butler 1990), but as a process in which discourse and matter are entangled (Barad 2007). It is not a return to ‘old’ materialism, as for example related to Marxism, but a move towards understanding how matter comes to matter in relation to discourse in the enactment of various subjects and objects. This is neither a relativist nor essentialist position to sex/gender, but an acknowledgment that our material conditions influence our possibilities of becoming, along with discursive practices. It also entails that biological sex and social gender are inseparable as it is not possible to distinguish material elements from discursive dimensions in complex encounters. Every distinction entails an agential cut where the object or phenomenon, such as biological sex, is contingently isolated from the apparatus or the agencies of observation and measurement (ibid). The assumption that we can analyse or look at phenomena from the outside or neatly isolate them from

each other involves a kind of “God trick” (Haraway 1988) that is not particularly fruitful for our emerging understanding of and encounter with e.g., gender relations. As Barad emphasised more generally in relation to the inseparability of ontology and epistemology, practices of knowing and being are mutually implicated, as we do not see the world from outside. Therefore, they replace these concepts with that of ‘ethico-onto-epistem-ology’, i.e., “the study of practices of knowing in being”, in acknowledgement of the intertwinement of ethics, knowing and being (Barad 2007: 185).

The basic point is that there are no separately determinate entities preexisting interaction or “intra-action” (Barad 2007: 185), as each element comes into being in relation to the others in encounter. Notably, bodies are marked in intra-action, materialising differentially with the specific cuts and reconfigurings that are enacted in these various encounters (ibid). This entails that agential separability, as between the subject and the object, the mind and body, gender and sex, etc., is not a matter of interiority versus exteriority but a matter of exteriority within material-discursive phenomena, wherein neither materiality nor discursivity have prevalence in the enactment of the phenomenon. Matter, along with discourse or meaning, has agential capacity in its iterative materialisation, as intra-actions momentarily “cut ‘things’ together and apart” (ibid: 179). In this relation, matter is not a fixed essence, but a dynamic substance in intra-action, while it takes certain forms through the “congealing of agencies” (ibid: 183-184).

The conception of intra-action widens the space of agency or affect within new materialism as compared to other critical social theories (Barad 2007), including both social constructivism and ‘old’ materialism. It is a way of avoiding determinism and essentialism as well as relativism in our thinking practices, through the acknowledgment that intra-actions always entail exclusions and thus also inherent potentials, along with the insight that not anything or everything is possible at any given moment (ibid). These configurations are not the result of either free choices reflecting the inner convictions of the subject or casually deterministic power structures that are outside of the subject, but a differential becoming of the world that each subject is implicated with in their knowledge practices as part of the world (ibid).

Intra-actions iteratively enact the real and the possible – as well as enacting what is impossible (at the moment), thereby reconfiguring what matters and what is excluded from “mattering” (Barad 2007:

177-178), hence the ethical dimension of knowing and being or mattering. In this regard, exclusions are not determinate but are dynamically reconfigured along with the iterative enactment of the real. As mentioned above, this entails that sexed/gendered subjectivities are not determinate and essential but are continuously reconfigured or reenacted within discursive-material relations, which also encompass subversive potentials, through the “iterative differentiations of spacetime mattering” (ibid: 179).

Furthermore, the conception of “intra-activity” expands agency across various human and non-human continuums, as opposed to other philosophies that delimit agency to human actions and intentions (Barad 2007: 178). Thus, the analyses are not centred on the ‘human’, but focus on what is rendered non-human or inhuman from the perspective of humanist and anthropocentric subjectivity (Braidotti and Hlavajova 2018). In this regard, Haraway has theorised the cyborg subject position, which agitates various boundaries e.g., between human and machine, human and animal, subject and object, and reality and fiction (Haraway 1985, 1991). In this conception, the subject, or various subject categories, are not stable entities with clear boundaries, but dynamic and diffuse entanglements of various entities in relation. As Barad conceptualised it, entities emerge from their “relating” (Barad 2007: 137-141). Notably, the figuration of the cyborg connotes a hybrid organism/machine and an image of both imagination and material reality, and as such is a figure to confuse the boundaries between various dynamic categories. This shifts the focus of inquiry from identity to affinity, or from individuals to relations.

The new materialist research practices, *inter alia*, consist of drawing “cartographies of power” (Braidotti 2022: 212-213) and “feminist figurations” (ibid: 213) to enact alternative power formations or worlds, while contesting the old worlds (Haraway 1997). In Arvidsson’s words, “feminist posthumanism is a method of sensing and making the world differently with a hope towards more inclusive and less destructive futures” (Arvidsson 2024). Feminism is curious and heterogeneous, not in a naive sense, but as a practice of endurance and resistance to hegemony and suppression (regarding e.g., binary sex distinctions and other oppressive dichotomies). It is a kind and committed practice of connecting and collaborating to make life possible and liveable for oneself and others (Henningsen 2023).

Posthumanism and new materialism in legal research

Feminist posthumanism (which is closely related to new materialism) has been employed as a theoretical and methodological approach to law in the posthuman convergence, which is characterised by three elements, namely the height of technological advancement, advanced capitalism, and the sixth extinction of the Anthropocene (Braidotti 2019; Arvidsson 2024). More importantly, as to the orientation of this article, feminist posthumanism and new materialism may be engaged to analyse the relation between discursive and material agencies in the enactment of international law as well as its potential for transformation (Arvidsson 2024). Furthermore, posthumanist and new materialist legal scholarship has engaged critically with liberal and humanist legal conceptions and normativity, infusing the legal discipline with entangled concepts such as “natureculture”, “eco-legality”, etc. that enables another kind of thinking about the law that is more aligned with the normativities of various posthuman and new materialist agendas and ethics (Davies 2021: 13-14, Käll 2022: 631). This also entails an aspiration of enacting and affirming “alternative worlds”, in theory and practice, with the potential of contesting negative aspects of the current forms of society and law (Braidotti 2013: 35; Barad 2007; Käll 2022). Thereby, posthuman and new materialist legal analysis entails a prefigurative moment in its ongoing reconfiguration of legalities, as they are engaged diffractively in relation to posthumanist and new materialist philosophies and theories (Davies 2017; Henningsen 2023). The law that is analysed is situated within a new ethics, and thus moved towards and by it, in a gesture of reconfiguring the inside and outside of the law, while illustrating how the law is always moved by the bodies that it comes into contact with (Douzinas and Gearey 2005; Philippopoulos-Mihalopoulos 2014; Käll 2022). As such, posthumanist and new materialist jurisprudence, along with ditto philosophy, entails a specific orientation and reorientation of law to counter the negative forces and materialisations of, *inter alia*, anthropocentrism and capitalism (Braidotti 2013; Käll 2022), or what Haraway has characterised as “the informatics of domination” (Haraway 1991: 161-162).

The posthumanist and new materialist legal movement is oriented towards the broader interdisciplinary debates in posthuman theory, while it is still a rather small, however growing, crowd (e.g. Deckha 2010; Grear 2015; Grear and Bollier 2020; Grear et al. 2021; Davies 2017; Käll 2017, 2021, 2022; Jones 2018, 2021, 2023; Arvidsson 2018, 2020, 2023; Kang 2018; Heathcote 2018; Pugliese 2020; Gandorfer 2021; Hohmann 2021; Petersmann 2021). While much of this research has

been concerned with analysing law in relation to various ‘natural’ (organic) and technological bodies, the posthumanist and new materialist positions also enable a new legal approach to analysing and transforming gendered relations in and beyond the law (Arvidsson 2022; Henningsen 2023).

As a variation from other posthumanist, new materialist and other sociological, anthropological, etc. analysis of the law, legal scholars are more entangled with the legal field and logic, thus critically analysing the law from within, and at times inhabiting a sort of insider-outsider position to the law (Henningsen 2023). This split researcher position enables new forms of knowledges of the law, without creating an antagonistic position towards it (ibid). Thus, it is a troubled position that does not resolve the trouble or ambiguity between various positions within and towards the law but rather forms a sort of in-between affiliation from various situated positions in and beyond the law (ibid). The movement of feminist posthumanism and new materialism productively feeds from diverse and eclectic approaches to the law and other phenomena, with its commitment to softening rather than enacting and tightening theoretical and disciplinary boundaries.

III. The Witch and the Cyborg Revisit Gender Related Violence

While we are wary of trying to claim any form of unity between the various strands of materialism, and at the risk of simplifying their many points of disagreement (which are numerous and beyond the scope of this article to explore in depth), in the following we seek to explore what it could mean to draw upon several aspects of their feminist legal theorising in order to explore the framing of gendered violence in law. Our point of departure is the hope that the differing strands of materialism can provide new directions in recognising the specifics of embodied experiences of violence and the varied nature of gender violence across subjectivities in law, while also addressing how gender violence is itself embodied and perpetrated by structures of capitalism and imperialism across the global plane.

“Gender violence”

The manner in which gender violence is defined, framed and problematised remains deeply contested across legal and non-legal settings. Within most legal frameworks, violence continues to be grounded in the traditional paradigm of physical violence, including in its gendered dimensions.

In recent years the sharp and often exclusionary definitional and conceptual lines have been expanded to encompass other forms of physiological, emotional and sexual harms and cultural violence, which throw light “onto the reach, and complexity, of violence in women’s daily lives” (Munro 2013: 236). Yet the shifting paradigm of violence, while rooted in a commitment to progressive change, has also faced criticism. Concerns have been raised about the risk of conceptual confusion or equivalence between different kinds of violence which may arise from the “extreme broadness” in definition (Arat-Koc 2001: 9), which can obscure individual experiences and may in turn dilute and divert the normative perception and condemnation of violence (Munro 2013: 236). Other scholars have raised concerns that broader definitions of violence do not go far enough in recognising structural or systemic harms that are not outwardly violent or gendered in nature, but which still disproportionately affect women (Edwards 2009, 2010). The tension in capturing broader patterns of GRV, particularly as they are located within trends of social and structural inequality, and individual experiences of violence across a spectrum of gender identities, remains ever-present.

Adopting a ‘new’ and ‘old’ feminist materialist approach may aid us in addressing these concerns. Through a feminist materialist lens, gender violence is seen as both structural and embodied. Embodied violence is experienced, material and (inter-)personal forms of inflicted harm located across axes of individual identity. Structural violence encompasses ideologies, structures and materialities of harmful, exploitative, and oppressive power relations. These varying dimensions of violence are deeply enmeshed and often indistinguishable. This does not, however, demand a conflation between the categories, but rather a recognition that attending to one without the other fails to address the realities of gender violence. Against a ‘sliding scale’ of harm, whereby the metric of severity remains fixated upon extreme physical violence, and violence tends to be identified as specific, discrete events, feminist materialist theorising on violence attends to the different modes and subjectivities of everyday experiences of violence against a wider backdrop of assemblages and complexities.

For ‘older’ feminist materialists, gender violence cannot be understood apart from the multiple systems of power, meaning, and production which it both operates in and exemplifies. In opposition to radical feminists’ tendency to treat gender violence as a discrete, albeit endemic problem of patriarchy (MacKinnon 1989), for feminist materialists gender violence cannot be decoupled from

socio-economic patterns and variables of labour, poverty, reproduction and the disciplining of bodies within capitalism in daily lives (True 2012; Goldblatt and Rai 2020). Through this optic, gender violence is a problem that cannot solely be explained by dynamics of patriarchal domination, but is integral to dynamics of racialised and imperial capitalism, helping to reinforce the divisions of production and reproduction, the gendered division of labour and relations of paid and unpaid feminised labour (Mies 1986; Federici 2004). Economic inequalities do not only generate particular vulnerabilities to gender violence, but are a root cause of it (True 2012). Seeking to redress gender violence by focussing solely on gender equality without attending to this broader backdrop and the power dynamics it sustains, therefore, will never address the realities of gender violence. Nor will focussing on the power relations maintained under patriarchy alone. Instead, a feminist materialist analysis attends to the interlocking sites and systems of oppression and expressions of diverse systems of power that form the backdrop to violence.

The ‘liminality’ of social reproduction as a space both inside and outside capitalism, a site of resistance and oppression, where the everyday contradictions of capitalism play out, becomes a key conceptual tool for understanding gender violence through an older feminist materialist lens (Hall 2023). Within these spaces, the tensions and contradictions related to the disciplining of reproductive and productive activities are linked to wider processes of enclosure which generate particular harms upon feminised bodies (Hall 2023) – what Jacqui True and Aida A Hozic have dubbed “gendered circuits of violence” (2020). Through this lens, gender violence operates on a continuum across sites and bodies of social reproduction, from domestic violence to economic coercion to reproductive violence to violence against migrant care workers to sustenance farmers affected by the effects of financial crises, macroeconomic policies, and trade liberalisation. Redefining the legal categorisation of gender harm across broader patterns of socio-economic violence and abuse not only challenges the narrow definition of violence in law, but also seeks to ground gender violence more firmly in lived realities and across scales.

For legal scholars this demands an attendance to the fact that these patterns can be reproduced across legal regimes, for example, the decision to define au pairs as ‘non-workers’ and therefore outside of the remit of labour law protections, thereby opening them up to greater risks of abuse (Bak McKenna and Grasten 2022). Racialisation (particularly for those enmeshed within

immigration rules) only adds to this precarity and potential for abuse (Fudge 2013; Cruz 2013, 2018). As Katie Cruz demonstrates in examining the organisation of migrant sex workers' socially reproductive paid and unpaid labour, immigration law sets "limits on a migrant worker's ability to commodify her labour power", while also threatening arrest, detention, and removal and severely restricting access to public funds (Cruz 2018: 80). Similarly, anti-trafficking laws intersect with immigration law to increase the legal and social precarity of (migrant) sex workers (Munro 2005). Other legal mechanisms, like changes to tax allowances and reduction in welfare or childcare benefits, can also lead to greater vulnerability to violence (Seguino 2010; Rubery and Rafferty 2013). Indeed, the tendency of legal definitions to focus upon the corporeal nature of violence, without attendance to the context in which violence and abuse occurs, often clouds the hidden or naturalised elements of abuse, for example emotional, economic or financial abuse. Economic concerns are often one of the main contributing factors to inter-partner violence, and also contribute to the inability of women to leave abusive situations (Strube and Barbour 1988; Sanders and Schnabel 2006; Vyas and Watts 2008). These dynamics are often hard to detect, not only because these economically abusive patterns can be conflated with the wider economic insecurity women experience, but also because "means and effects ... are easily confused with the range of sacrifices women are expected to make in their roles as homemakers, parents and sexual partners" (Stark 2007: 230). Therefore, redrawing the definitional boundaries of harm and violence in law, for example including "subsistence harms" – deprivations of subsistence needs – as a discrete form of violence are central to capturing the complexities of modern gender violence (Sankey 2014).

Defining gender violence also risks reverting to narrow subjectivities (Halley 2006), which risks flattening or marginalising individual experiences of violence experienced in different contexts and locations. Feminist new materialism approaches the phenomenon not as a binary between (hegemonic) masculinity and femininity but rather through the multiple dominant and alternative genders that interact, co-producing the global gender order. From a new materialist position, the conditions of materialisation or becoming differ across these variables. In this regard, GRV is the flow of violent affects within assemblages of materialities, some of which are gendered and human. The violent affects might be physical, psychological, sociocultural, or symbolic. Such violent affects re-distribute capacities within assemblages. Thus, through these affects, or rather a complex 'affect economy', including violent and non-violent affects, gendered bodies might be assembled within

specific GRV events. This approach acknowledges the intersectionality of gendered, racialised, classed and homo-/trans-phobic violence within such ‘affect economies’, which entails a thousand or a trillion tiny intersections constituted by differences in becoming (Fox and Alldred 2022).

What is distinctive about GRV as compared to other kinds of violence is that “the shift is gendered and/or sexualised, either in terms of the genders or sexualities of the humans involved, or in terms of how the micropolitics of the violence-assemblage territorialise or aggregate bodies to shift or sustain the balance of power between genders or sexualities” (Fox and Alldred 2022: 10). In this regard, the affect economy at stake in the encounter enhances the capacities of one party within the assemblage, while constraining the capacities of the other party (*ibid*), or perhaps they rather affect the possibilities on behalf of all parties involved, i.e. what they can do and become. As Fox and Alldred argue:

What bodies can do is always contingent upon the specific combinations of affects within a particular event (assemblage). Consequently, violence must be explored not as a manifestation of human agency acting on another human body, but as a more-than-human assemblage of affective materialities. (2022: 11).

In this conception, GRV cannot be isolated to its immediate context nor to a single social cause or mechanism but is enacted through gendered or sexualised affects within everyday assemblages that are entangled in a complex web of affects. Thus, it is implicated in more comprehensive social and societal relations and norms such as gender binarism, gendered dual standards of sexual conduct, monogamy and the nuclear family, etc., enacting “a pervasively patriarchal, misogynist, heteronormative, binarist and inequitable gender order” (Fox and Alldred 2022: 12). New materialism focuses on the flows of affect in everyday life that constitute this endemic gendered violence of contemporary society. It emphasises that “GRV is ingrained in the fabric of daily life, and as such (it is...) everybody’s business” (*ibid*: 13).

From this position, gendered violence cannot be understood as either a purely psychological phenomenon (in the perpetrator and/or victim) or a purely sociological phenomenon (in the structure of society, the patriarchy, etc.). Rather, various micro, meso and macro dimensions are

entangled in the enactment of gendered violence that has no single underlying cause or explanation. It is the effect of multiple entangled affects at various levels of encounter. This entails that the legal responses to gendered violence must be multifaceted and response-able to its multiple relations and enactments. An instance of gendered violence cannot be isolated to a single event. As is stated in the preamble to the Istanbul Convention (however connoting a binary logic), “*de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women”, as violence against women is a manifestation of historically unequal power relations between women and men and structural inequalities. However, it is simultaneously recognised that even though domestic violence affects women disproportionately, men may also be victims of domestic violence, which indicates the contours of a more multifaceted phenomenon. The new materialist approach enables an analysis of violence as gendered even when it is not directed at women, as elaborated below. As such, the new materialist conception of gender deviates from the general legal conceptualisation of gender and “gender-based violence (against women)”, as this is, *inter alia*, expressed in the Istanbul Convention as “violence that is directed against a woman because she is a woman or that affects women disproportionately” (Article 3.d). This upholds gender as a rather stable and binary phenomenon, pointing to the reaction to gender in the form of oppression and violence as the issue of legal encounter. However, in the new materialist analysis, the imposition of sex/gender, in itself, entails a form of violence that cuts off possibilities of subjectivity and life as well as enacting certain gendered relations. This shifts the analysis from a focus on the delineation of violence in its various forms and instances to an analysis of the gendered and gendering aspects of the violent relations as well as the affective encounters or assemblages that potentiate such relations and effects. Moreover, the process-oriented analysis complicates the sharp distinction between victims and perpetrators of gendered violence, as discussed below.

The new materialist position entails that gendered violence is not a phenomenon out there to be studied by us from above or below. We must study it from within “the belly of the monster” (Haraway 1988: 181), while paying particular attention to the ways in which we ourselves are implicated in its possibilities of enactment, as well as how we can unravel the knot from within to enable other and less violent legal figurations and lives. Thus, from the new materialist position, to address this violence, it becomes difficult to establish an antagonistic position towards for example the patriarchy because we are deeply implicated in these matters. There is no outside position to

observe the phenomenon from, either above or below. This also entails the uncomfortable realisation that our knowledge practices are not innocent, and that our lives too are enabled by violent gendered and racialised relations. These relations are not merely abstract and systemic as, for example, conceptualised in global inequality and postcolonial power structures, but unpleasantly concrete and present in our everyday lives. Everybody is implicated in global inequality and violently oppressive relations, through e.g., gendered workplace hierarchies, reliance on underpaid care and service work, unequal distribution of food and resources, global industrial disparities, etc. While this makes it difficult to assume innocence, it does not entail that we cannot enact resistance and transformation from within, or that we should not fumble towards various ways of doing so together.

This is a common endeavour of old and new materialists, whereby new materialism has a genealogical relation to the old materialist project of expanding our conception of subjectivity, as well as shifting our understanding of what and who contributes to (economic) life or survival, and how we can act collectively to foster economic, social and ecological sustainability. While such issues are conceptualised as issues of recognition and redistribution (e.g. Fraser 2003) within old materialism, new materialist thinkers tend to reorient their analysis towards concepts such as ‘becoming with’, ‘getting a life (among others)’ (Braidotti 2022), ‘making kin’ (Haraway 2016) and ‘collaborative survival’ (Tsing 2015), in part, as a way of avoiding antagonisms and cultivating response-abilities towards various others. These conceptions imply that resistance and transformation are matters of (ambiguous) affinity and collaboration rather than identity and contestation (Haraway 1985). The cyborg embodies such an ambiguous affinity as a kind of disassembled and reassembled subjectivity, which is both enabled and disabled by patriarchal capitalism, and may simultaneously have subversive and transformative feminist potentials. Likewise does the witch, as a kind of monstrous and inappropriate(d) femininity, with both real and imaginary powers of transformation.

Subjectivity and victimhood

Another recurring challenge in the legal framing of gender violence is the question of how to articulate that women and feminised subjects are more vulnerable to certain forms of violence without reproducing essentialised subjectivities and erasing differences in experience (Mardorossian

2002). One of the glaring problems that arises from legal framings of gendered violence are essentialised articulations of masculinity and femininity and the tendency to reinscribe feminised subjects with weakness or passivity (Shepherd 2008). As Carine M Mardorossian writes, “we need to resist the facile opposition between passivity and agency that has motivated popular and academic discussions of violence against women” (2002: 771). Other scholars have struggled with the issue of how to represent the politics of difference and the lived experiences of differently situated individuals when it comes to gender violence without recourse to broad, reductive categories (Weldon 2006).

The figurations of the witch and the cyborg might be helpful in this regard. Escaping the dichotomies of human/machine, nature/culture, feminine/masculine, magic/real, the witch and the cyborg in their feminist figurations open up imaginative space for other modes of envisaging and becoming as inappropriate(d) others (Haraway 1992) or in-between subjectivities (e.g. Braidotti 2019, 2022). Their relational understanding of violence and power, moreover, move us beyond reductive notions of victimhood.

For older feminist materialists, focussing on the sites and relations that characterise social reproduction prompts us to examine the ways in which global capitalism reproduces patterns of abuse beyond fixed identities and gendered binaries. Social reproduction theory attends to the question of the body within capitalism, locating these material social relations across axes and structures of power. In this context, gender inequality cannot be uncoupled from its intersection with these other modes of domination and control, and therefore gender cannot exist as a monolithic or self-contained category, rather it produces relations of control which may vary in design and effect. The effects of gender violence must therefore also be understood within their specific historical contexts, as the subjects of violence are also constructed by and signify resistance to specific social relations. Collapsing patterns of gender violence within fixed modes of understanding gender or subjectivities therefore will fail to capture the ever-changing nature of gender violence. To do so, as Silvia Federici so archly notes, “greatly underestimates the ability of capital to continually dis- and re-articulate gender relations and the sexual division of labour on new grounds” (Federici 2012: 98). Instead, social reproduction offers a manner of conceiving how certain bodies and activities, particularly those which “threaten normalised relations of exploitation and

oppression are targeted” (Hall 2023: 327). Violence here is not only used to assert domination, but also to suppress any form of resistance, thereby blurring the lines of power, resistance, and passivity. Within a feminist political economy analysis of gender violence, sites of social reproduction are also best understood as a “heterotopia” (Foucault 1986: 24)

To understand gendered violence in new materialist feminist terms, one first must understand the perception of gender as something that is always enacted in relation to various instances and circumstances. We are in a continuous process of becoming with one another, and the ethical aspiration that new materialism poses is that we engage in an affirmative practice of becoming *well* together, which is also expressed in the accountability to cultivating response-ability towards different positions and points of encounter (Haraway 2016). New materialists are oriented towards the entanglement of old knowledges and practices e.g., of gender, with new technologies and imaginaries, like that of the cyborg. However, both old and new materialists share the analysis that some forms of femininity or performativity are subject to violence and discipline within dominant legal and social relations (and that feminist practices enact the subversive and transformative potential beneath or within these relations). In this sense, gender is always violent, as a force that not merely orientates but also directs our possibilities of becoming, i.e., of life, making some lives more liveable than others.

While old materialists have been committed to speaking from below, the new materialist conception of situated knowledge is less pure, merely claiming to see (and listen, smell, sense, etc.) from somewhere (Haraway 1988). This entails a more complex relationship to the concept of victimhood, as the feminist position is not assumed to be a position of innocence. As Haraway poses the question: “With whose blood were my eyes crafted?” (ibid: 585), she among other things draws our awareness to the entangled and parasitic relationship with others that we ourselves as corporeal beings are part of. She also reminds us that even our feminist visualising practices are implicated with violence, also in ways that we are not ourselves immediately aware of. But we may participate in revisualising transformative worlds (ibid). This requires ‘splitting’, in Haraway’s most obvious conception of repositioning and fracturing, and in the sense of sharing as a mode of connecting. This is not about becoming one and the same but about what Braidotti terms as “we-are-all-in-this-together-but-we-are-not-one-and-the-same” (Braidotti 2019: 52; Braidotti 2022: 8). It enables

affirmative theoretical and practical collaboration between different and differently gendered subjects through ambiguous affinities and partial connections (Haraway 1988), as a form of kin-making that is defined not by blood but by choice or rather connection in order to confront domination (Haraway 1985, 1992, 2016) and unlearning masculinity as it has been appropriated historically, *inter alia*, through fusions with animals and machines (Haraway 1985). In this sense, the animality of the witch and the machinability of the cyborg may be appropriated to embody new forms of gendered subjectivity that cannot be neatly categorised as either feminine or masculine, thus disturbing gender (and ‘race’, species, etc.) hierarchies.

Furthermore, as an addendum to ‘old’ feminist materialist approaches, new feminist materialism entails a more extensive questioning of who can be human, and who can be woman. In new materialism, ontology is figured as entangled with epistemology, like sex and gender are not considered distinct categories of analysis. This unsticks the distinction between bodies and social relations, as the material and the social are perceived as intertwined in their becoming. As sex/gender is not a static or essential category, hate crimes against various minorities may be accounted for as gendered violence through the analysis of the genderedness of these forms of abuse. Similarly, extinction of animals and insects and the commodification of ‘nature’ has been conceptualised as a form of gendered violence against “feminised others” to the masculine subject of law (e.g. Grear 2015: 231-232). Thus, from the new materialist position, gendered violence emerges as a multifaceted phenomenon that is not merely oriented towards women. Furthermore, as hooks has done, it could also be conceptualised as a form of psychic self-mutilation that men are expected to perform to cut off their feminine parts and potentials (hooks 2003). This could also be perceived through Grear’s argument that the liberal legal subject or “anthropos” is not merely a masculinist conception, it is inhuman (Grear 2015: 237). Likewise, gendered violence is enacted not by a single perpetrator but in gendered relations that consist of various human and non-human agencies that constitute and enact the phenomenon. Thus, we cannot point to a single perpetrator or victim, as we cannot reduce these complex relations to a single cause or effect. However, we can patiently try to unravel the many entangled threads that make up the phenomenon and thereby stitch together new forms of gendered or ungendered relations that are less violent to all of us. In this regard, we need both ‘old’ and ‘new’ materialists and everyone else. Exactly because there is no ‘outside’ to gender or gendered violence, no safe space where it does not mark our bodies, we must

eradicate it together from within, by writing a thousand monstrous texts of difference, bringing the witch and cyborg and all the other monsters into discursive and material articulation, and cobbling all our monstrous bodyminds together.

Violence and the neo-liberal state

A feminist materialist approach also posits a wariness towards the state as a trusted ally in the elimination of gendered violence. Much feminist theorising has cautioned against the co-option of the feminist political project to address violence in pursuit of carceral, repressive ends (Smart 1989). Extending this analysis by the additional of a materialist lens, we can further examine the role of the neo-liberal state with the issue of violence against women. Scholars, for example, have explored how contemporary laws addressing gender violence are implicated with disciplining tactics of neo-liberal governmentality (Bumiller 2008). These efforts further embed a detached and discrete depiction of violence, encouraging individualised responsibility (“why didn’t she leave him?”) rather than addressing the broader conditions in which gender violence flourishes (Fine and Weis 2000). Moreover, they are also tactics which may be coopted for political gains (i.e., surveillance or racial profiling). As Vanessa Munro notes:

Such agendas rely on punitive, carceral interventions that extend the surveillance and control to which citizens – including vulnerable women – are subject, while reducing the state’s responsibility to provide the socio-economic conditions required for genuine safety and empowerment. (Munro 2013: 242)

Criminal justice responses also tend to entrench subjectivities of victimhood and gendered relations, as well as notions of the ‘good’ victim or ‘credible’ witness (Bumiller 2008).

As we have seen in the example of the consent-based rape legislation in Denmark, state regulation may be one agency among others in the process of transforming violent gendered relations, but it is not a comprehensive or even efficient solution. It is focused on a few perpetrators who are punished for their alleged abnormalities, but the normalcy of gendered violence as an integrated aspect of our everyday relations is not addressed or destabilised in and through the law. In fact, the law is in itself founded upon violence and relies on violence for its enforcement (e.g. Derrida 1992; Black 2011; Jones and Otto 2018; Kapur 2018). This tension is apparent in the public debate about the recently

enacted rape legislation in Denmark, that illustrates the difficulty in drawing a limit between normalised sexual encounters and abnormal rape, as well as the limitations of the law of combating violence with violence, *inter alia*, in the form of confinement. The legal and public debates have been centred around what kinds of bodily movements and sounds constitute a consent to sex (see e.g. Danish Criminal Law Council 2020: 189; Malacinski 2023), as well as to what extent some relations, such as cohabitation or marriage (e.g. Danish Criminal Law Council 2020: 180-181), or certain conduct, such as undressing and cuddling (e.g. Danish Criminal Law Council 2020: 136, 181), may give a presupposition of consent to (further) sexual encounters, even though the victim is passive under these following incidents. In case law, preceding textual and digital messages may be presented as evidence, as for example in a recent high court decision (see UfR 2022.3585), where the alleged victim had sent an audio file to the defendant prior to the incidence, in which she performed a song that might be interpreted as having sexual connotations or inviting to ‘rough sex’. Furthermore, there has been a vigorous debate lately on processual injustices against defendants in rape cases, which has been enacted as a substantive critique of the consent-based rape legislation (e.g. Malacinski 2022; Stage 2023). While these debates have legal relevance, particularly regarding procedural matters, they rarely lead to better knowledges about consensual sexual relations or better adjudication, but rather further oppositional thinking about rape, violence, and gender in and beyond the law.

A new materialist encounter with the issue could explore uneasiness with the violence of the law against perpetrators, without disregarding the violence experienced by the victims of rape in its various forms. Rather than encountering legal concepts, such as consent and compulsion, as neatly delineated categories, a feminist new materialist position is more concerned with the relations that are at stake in gendered violence. Relevant questions could engage with the relational conditions of consent, the complexity of gendered relations as always already implicated with power, and the accountability of creating affinities across various positions, however ambiguous they may seem. Indeed, it would require a legality that was less concerned with desire and conflict and more committed to passion and response-ability. In this regard, ‘old’ and ‘new’ materialist feminisms may contribute to stitching together in new ways what patriarchal law and society has cut apart, through a continuous process of (self) mutilation. It might be time to create a law of recovery, at least that

might be a common endeavour of the witch and the cyborg, who have always been concerned with healing and reviving.

IV. Conclusion

While ‘old’ and ‘new’ materialisms have radically different onto-epistemological commitments, they may assemble around an ethical commitment of enacting resistance to gendered violence through and beyond the law. In this regard, antagonistic philosophical and scientific disputes may be set aside to the aspiration of academic friendship and collaborative revival or survival, which is the hope of responsive and affirmative ethics (Haraway 2016; Braidotti 2022). In the end, the pacifist commitment of feminist posthumanism and new materialism is that of creating just a life among others (Braidotti 2022) and living and dying well on a planet already irreversibly damaged by violent patriarchal capitalism (Haraway 2016). This is a shared commitment across old and new feminist materialism, regardless of the discrepancies in terminology.

As a common trait, the monstrosity of the witch and the cyborg opens a potential for transformation that appears as threatening to masculinity or the patriarchal order. It may also be reflected in systemic as well as concrete instances of gendered violence, where the perpetrators react to monstrous or unruly femininity. In this regard, the perceived danger of the monstrous is connected to the power of performativity or articulation as a transformative process of de- and reconstruction. As in the example of midwifery and witchcraft, this feminine or feminist potential was violently excluded during the witch hunts in Europe and the subsequent privileging of masculine science in relation to, *inter alia*, childbirth, throughout the Enlightenment era and beyond. However, in the Derridian sense of hauntology, it seems to have been lodged as a trace or a ghost within the text/structure, so that it can now be reenacted as a sort of feminist potential (see Derrida 2006). Both literally (see Kivi 2019) and more abstractly, the practice of witchery is increasingly becoming part of feminist and anti-patriarchal activism. This potential consists of bringing the ghosts or monsters into discursive and material articulation from within, thus creating a different pattern or rhythm of e.g., philosophy or law or legal responses to gendered violence.

Derrida wrote of “the text [that] produces a language of its own, in itself, which while continuing to work through tradition emerges at a given moment as a monster, a monstrous mutation without tradition or normative precedent” (Lather 1991: 10), and in Deleuzian terms “(d)ifference is monstrous” (Deleuze 1994: 29). In the same vein, but within a more explicit turn to matter, in “The Promises of Monsters”, Donna Haraway disembowelled the matter of articulation in its monstrous capacity as a discursivematerial practice of “worlding” (Haraway 1992: 501-502). Likewise, her famous statement that “I would rather be a cyborg than a goddess” (Haraway 1985: 68) privileges the hybrid figure of the cyborg over a divine and pristine feminine/feminist goddess or truth, as a position of good knowledge creation. Like the witch, the cyborg inhabits a superhuman aura or code that transgresses patriarchal phantasies about femininity and humanity, but not in a supernatural fashion. Both the witch and the cyborg situate the transgressive potential within everyday practices of stirring and tapping for collaborative survival. This approach to knowledge creation entails a refocus on situated and dynamic materialisations, rather than mere significations, in our research encounters (Puar 2013). It also entails a more dynamic and contingent understanding of gender in its becoming and thus “the utopian dream of the hope for a monstrous world without gender” (Haraway 1991: 181), and in turn gendered violence. The proposition is that to eliminate gendered violence, we also need to change the gendered relations that make it possible.

Notably, neither the witch nor the cyborg is an innocent position of knowledge creation. As Haraway figures, the cyborg can both be imagined as a violent terminator of life and a prefigurative position of making new connections and creating novel possibilities for collaborative survival, as it holds both potentials at the same time. It is a dis- and re-assembled subject, constituted by both technological and ecological elements, the enactment of which depends on various affects in encounter. Envisioning a many-headed monster, Haraway encourages us to engage various perspectives simultaneously as they enable different possibilities of resistance and transformation (Haraway 1991). Thus, also in this sense, the cyborg connotes a kind of monstrosity akin to the conception of the witch by holding both a divine and a profane potential, which can or should not necessarily be seen as separate features. Like the witch as an iconic/ironic figure, the cyborg is committed to partiality, irony, intimacy, and perversity, in its utopianism and non-innocence and its aspiration to avoid appropriation, or commodification, of a constructed other (ibid).

Thereby, the witch and the cyborg both flow with the potential for new modes of femininity and life. While upsetting the patriarchal order, they embody endurance and resistance to patriarchal violence in all its forms. As these feminist formations and positions may be instigative to masculine power and provoke misogynist violence, they function to display and enact mobilisation against gendered oppression. As such, they are subversive or transformative figurations and enactments of feminine subjectivity and performativity, unperfect and unfinished as they are. They are not here to eradicate other forms of feminism or life but to engage in playful and powerful collaborations. In all cases, to combat gendered violence and patriarchal oppression, we need more than one monstrous figuration. Witches, cyborgs and other monsters alike need each other, and all our organic and technological inappropriate(d)ness, to push for transformations towards more equal and diverse, and less violent, futures.

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