

# **Trauma-Informed and Anti- Oppressive Approaches to Family Court Support:**

**An Analysis of Power, Oppression, and Sexual  
Violence**

## PROJECT OVERVIEW

The ORCC undertook this project to identify common gaps in services dedicated to supporting people who have experienced sexual and gender-based violence. Our initial focus was around understanding the needs of family court support workers across Eastern Ontario, including Ottawa, Cornwall and Pembroke/Renfrew in their work to support survivors of intimate partner violence. e

The ORCC is currently undertaking its own renewal process and has been working to deepen its knowledge and practice of trauma-informed and anti-oppressive approaches. We know that many community serving organizations are stretched to the limit responding to intersecting crises and do not often have additional capacity to engage in research. We recognize that we are very fortunate to have the capacity to look back reflectively and think critically about our own approaches.

Through this project we have learned more about trauma-informed and anti-oppressive practice, while at the same time, deepening our understanding of how oppressive and retraumatizing discourses are unconsciously reproduced in our work despite our best intentions. The analysis that we have applied to family court support worker programs and resources is the same critical introspection we have applied to our own work. Our overarching finding is that we have a lot of work to do, as an organization, as a network of organizations, and as a society.

## PROJECT RATIONALE

There is a critical and immediate need to improve supports for survivors of intimate partner and/or sexual violence in the family justice system. Too often existing practices don't consider the intersecting needs of clients, and don't use trauma-informed, or anti-oppressive approaches.

As noted by Adkison-Stevens and Timmons (2018), though traditional violence prevention has been demonstrated to offer support to dominant cultural groups, conventional approaches fail to address issues of power and violence in marginalized communities. Practices that don't take a trauma-informed, anti-oppressive lens are neither safe nor inclusive of survivors (Garza et al 2019).

We face a justice system that is built on the foundations of exclusion and domination; settler colonialism shapes every institution and system for the purpose of Indigenous dispossession and extermination (Chartrand, 2019). White supremacy, a central feature of settler colonialism, normalizes marginalization and oppression of Black people and People of Colour (Smith, 2006). Patriarchy and

heteronormativity enforce gender and sexual power imbalances that marginalize and dehumanize women and 2SLGBTQQA+ people (Arvin et al., 2013).

These foundations are expressed through discrimination that people encounter while engaging in the justice system, and in the over- and mass-incarceration of Indigenous people, Black people and People of Colour, as well as 2SLGBTQQA+ people (Cotter, 2022; Armstrong, 2019; Owusu-Bempah et al., 2021; Department of Justice, 2022; Women and Gender Equality Canada, 2021).

For example, Barkaskas and Hunt (2017) found that “[i]n most cases, where courts considered the specific circumstances of Indigenous adult victims of sexual assault, it was revealed that ongoing and pervasive attitudes and beliefs informed by systemic colonialism, racism and sexism negatively impact the way that Indigenous adult survivors of sexual assault are treated within the Canadian justice system” (p. 4).

It is essential that that we work collectively to ensure that all survivors navigating the family justice system receive the supports they need and deserve. We know that these very systems are part of the problem and that many people who have experienced sexual violence have a rational distrust of the legal system (CICS, 2018; Palmater, 2016). Too often survivors are re-traumatized in the process of seeking support, particularly within the family justice system (CICS, 2018; McCauley et al., 2019).

The ORCC has undertaken this work to bring these pieces together; to help service providers, survivors, and even people working within these systems, understand how trauma-informed and anti-oppressive work can be done in a meaningful and transformative way. In this report, we hope to share our insights on the power relations that produce inequality and sexual violence, on the role of discourse as a tool of oppression and resistance in the justice system, and to share our visions for dismantling systems of domination and oppression.

## PROJECT OBJECTIVE

The objective of this project is to bring diverse and intersectional needs to the forefront of family court support workers’ practice and to strengthen the foundation of trauma-informed, anti-oppressive work in Eastern Ontario. Through this research, ORCC has focused specifically on how systems of power and domination impact Indigenous, Black, People of Colour, and 2SLGBTQQA+ people as well as various intersecting layers across these identities.

## REPORT SECTIONS

This report is separated into four main sections. The first section provides a theoretical foundation for our discussions of power and domination. This section is useful for understanding the logic model we used to approach this project; it informed our project design, methodology, analysis, and is reflected in our discussion of findings and recommendations.

The second section of the report outlines our methodology and unpacks our use of critical discourse analysis. We included this section because we believe that being transparent about our methods allows readers to better situate our report findings and offers them the tools to engage in their own critical discourse analysis. It is our hope that readers find critical discourse analysis to be a helpful tool in their own work, as it supports reflection on whether the messages we share accurately reflect our intentions, and helps us understand how to reframe our discussions towards anti-oppressive thinking.

The third section of this report is our analysis and findings. This section outlines the data produced by our critical discourse analysis which employed a coding dictionary to categorize and quantify key markers of oppressive and retraumatizing discourses. Though many of the findings of this analysis may be uncomfortable, it is important to remind ourselves that trauma-informed and anti-oppressive work requires us to understand and confront power, domination, and oppression, even when this is complexly entangled in our own privilege and positionality. Another important note is that these foundations of power, domination and oppression are so deeply engrained in society, it is easy to inadvertently reproduce oppressive discourse. This section is not intended to criticize, but to encourage critical thinking and reflect on the messaging we are sending to survivors. There is much to learn, and much work to be done but we are on this learning journey with you.

The fourth section of this report focuses on reframing our narratives so that we are thinking and working through grounded and profound understandings of trauma-informed and anti-oppressive practice. This section points to numerous resources from organizations that are using deep knowledge of power and oppression to support and inform readers and help pass on their learning. This section aims to demonstrate that with a few conscious changes to the way we think and communicate about power and oppression, we can begin to create a natural coalescence across our efforts to end violence in our communities.

# Section I: Theoretical Foundations

## A – Power, Oppression, and Sexual Violence

A concise and in-depth analysis of sexual violence as an expression and tool of power and oppression is provided by Chris Linder in *Sexual Violence on Campus: Power-Conscious Approaches to Awareness*, published in 2018. We begin this section with a summary of this work, including direct quotes, in order to set the overall framing for this report and to provide an understanding of ORCC's approach to sexual violence.

Linder begins this text by noting that though the concept of power “is frequently associated with sexual violence prevention and response”, this term is “rarely defined or examined” (2018, p. 7). This reflection is one we have noted many times in our work. In most cases, power structures and imbalances fall to the background of conversations about sexual violence.

More recently, power is rarely mentioned and in place, systems of oppression such as colonialism, racism, or heteronormativity are used instead of direct discussions of power. While these are important to discuss, too often the links between power, systems of oppression, and sexual violence are not made and it is left unclear as to how these ideas operate together.

Linder offers a concise example of how to clearly link these concepts, noting that systems of oppression “allow and encourage members of dominant groups” greater access to resources (2018, p.7). In other words, systems of oppression like colonialism, racism, and heteronormativity, ensure that power remains concentrated among dominant groups.

Though Linder is writing from the context of the United States, many of the historical examples provided by them equally apply to colonialism and slavery in Canada. Linder notes that:

*Examining the history of sexual violence in Western countries points to a number of ways that power is the root of sexual violence. Specifically, when Europeans colonized Indigenous lands in what is today considered North and South America, they used rape as a tool of power and control. Colonizers raped Indigenous people as a way to reward themselves for conquering villages and to keep Indigenous people living in fear so that white colonizers could control them (Freedom, 2013; Smith, 2005). Similarly, slavers used rape as a tool of power and control over enslaved people. Because the children of enslaved women became the property of the slave-owner, slavers frequently raped women as a way to increase their labor supply and therefore economic power (Freedman, 2013). These two examples illuminate some of the roots of the relationship between power and sexual violence – roots that continued to grow deeper over time. (Linder, 2018, pp. 8-9)*

Linder follows these historical threads and links these structures of power and domination from the past with violence we see today:

*In the US post-emancipation, white men, especially those with formal and institutional power like police officers, used rape as a tool to keep formerly enslaved people “in their place” (McGuire, 2010). By raping Black and Indigenous people with impunity, white men demonstrated their power to control other people’s lives and create a sense of fear in minoritized communities (Thompson-Miller & Picca, 2016). (Linder, 2018, p.9)*

Though Linder is writing about the United States, these same structures of power operate across Canada, and have been well-documented in research and numerous reports, including the report by Human Rights Watch entitled [Those Who Take Us Away, a study of police perpetrated sexual violence targeting Indigenous women and girls in Northern B.C.](#)

Sexual violence as a tool of power, domination, and oppression continues to be used by dominant groups who actively target minoritized people. Linder suggests that this is because “[m]embers of dominant groups have an investment in the status quo because they benefit from the ways systems are currently structured, including the ability to cause harm to people without fear of repercussion” (2018, p.10).

Though most social service industries are currently focused on recognizing minoritized groups and the oppression they experience, including diversity, equity, inclusion initiatives and discussions about intersectionality, it is important to keep dominant groups within our gaze and to reflect their privilege in the way we frame violence against minoritized people.

Too often, we allow perpetrators, the systems of oppression they enact, and the power imbalances they benefit from to go unnoticed. In other words, we let power slip from our view. As a result of this omission, we place a spotlight on people who are targeted, allowing perpetrators and power to fall into shadow. Linder emphasizes this point:

*When discussing sexual violence, scholars and journalists frequently make perpetrators invisible. For example, phrases like “women of colour are assaulted at high rates” remove any actor from the discussion. Who is responsible for the action of sexual assault? Using phrases like “perpetrators of sexual violence target women of color at high rates” puts the onus on the perpetrators and subtly calls attention to addressing the problem of sexual violence by emphasizing the role of perpetrators and naming the harm caused to victims. (Linder, 2018, p.13)*

When we fail to make clear links between power imbalances, systems of oppression, and perpetrators of sexual violence benefiting from these, while at the same time highlighting minoritized and oppressed people, we create an incomplete picture of sexual violence. This picture places people who are targeted at the centre, and by removing all other context, frames them as the problem.

In the example provided by Linder, which states “women of colour are assaulted at high rates”, a number of unconscious and unintended interpretations are possible (2018, p.13). This framing places the emphasis on the people who are targeted by violence but does so in a way that may indicate to some readers that victims are somehow responsible for disproportionate violence. Because we live in a society structured by systems of oppression, we need to be aware of how our framing may inadvertently reinforce these systems.

When we don't speak to systems of oppression like racism and sexism, and we omit them from our view, our framing can reinforce dominant and default assumptions that targeted groups are somehow at fault. These omissions benefit dominant groups and the power imbalances they enact by hiding them and their privilege.

These framings can also come together to reinforce discourses such as neoliberalism and patriarchy, also seen as anti-feminist backlash, that delegitimize and resist critical reflections on power and oppression in society. Neoliberal and anti-feminist discourses situate the problem of sexual violence at the individual level; these discourses focus on choice and consent and actively negate discussions of power and oppression because it is assumed that everyone is equal.

By keeping our gaze on power and oppression, we can enact a “power-conscious framework” that challenges us to think about “current structures and to consider ways for dismantling and restructuring systems to share power, rather than building structures that contribute to one group having power over another group” (Linder 2018, p. 19). This is a difficult task, not only because colonial, racist, heteronormative, neoliberal, and anti-feminist discourses are dominant and work continuously to conceal their power, but also because “[f]ocusing on the response to the problems of oppression is easier than addressing the roots of oppression” (Linder, 2018, p.20).

When we bring power and oppression into view in our anti-violence work, we are taking on a much larger task: “focusing on the roots requires addressing and altering power” (Linder, 2018, p. 20). This can be challenging for many reasons. We may believe that change at this scale isn’t possible, we may not be sure where to start, and we may have to invest time and effort into critical learning.

Linder also notes that addressing power at the root of sexual violence can also be personally challenging:

*Naming oppression and power requires people with dominant identities (e.g., power) to be uncomfortable, and they will likely resist this discomfort. For example, acknowledging that sexual violence is about oppression and the interlocking systems of it, rather than about women’s bad decisions related to alcohol, requires that people understand, acknowledge, and change their behaviors complicit with oppression (Linder, 2018, p. 21).*

Thinking critically about power and oppression may also set us against dominant discourses that are widely adopted in our sphere of work but which have not been critically assessed or investigated. For example, the concept of consent has recently become dominant in discussions of sexual violence. Despite its prevalence, very few organizations have stopped to think critically about the embedded assumptions that come with this concept:



*Consent campaigns illustrate this depoliticized framing by (mis)representing sexual violence as an interpersonal issue resulting from miscommunication and a lack of knowledge about consent (Beres 2018), which fails to acknowledge the power relations inherent in sexual violence and, in so doing, resembles the insidious neoliberal version of anti feminism that Messner (2016) describes. Representing consent as a negotiation between equal individuals who have the capacity to “just say no” (or yes) and have their “no” respected (Burkett and Hamilton 2012) leaves white masculine sexual entitlement unaddressed. It also fails to account for how certain populations are constructed as sexually available and always already consenting (Crenshaw 1991) while others are constructed as inherently threatening (Davis 1981) based on the intersections of privilege and oppression (Colpitts, 2020, p. 52).*

## **B – Trauma-Informed and Anti-Oppression**

Trauma-informed practice and anti-oppression approaches are about understanding how power and systems of oppression operate in society and how people are impacted, and impacted differently by these structures. As support workers and as community members, it is important to be aware of how pervasive trauma and oppression are, not only at inter-personal levels, but also within institutions, systems, and society.

The Klinik Community Health Centre Trauma Toolkit not only recognizes these coexisting layers of power and oppression, they also make clear links between them, noting that “[p]eople affected by trauma from abusive relationships will frequently encounter services that mirror the power and control they experienced in those relationships” (Klinik Community Health Centre, 2013, p.15). Because we are always working and living across intersecting power imbalances, it is important to keep the context of power in mind.

In developing a trauma-informed practice, it is essential to integrate trauma awareness at all levels. As service providers, as advocates working with systems, and as community organizations, we have a responsibility to recognize trauma and embed knowledge about trauma in our “policies, procedures, practices and settings” (Klinik Community Health Centre, 2013, p.16).

A profound trauma-informed practice requires in-depth knowledge, not only about trauma, but about the contexts of power and oppression that produce traumatic experiences. It is only through complex understanding of power and oppression that service providers and organizations can effectively reflect on power and control in the service context, offer real choices, and promote anti-oppressive support.

We must also think critically about how trauma-informed and anti-oppressive practices have become discourses themselves; ideas that can be used to present a veneer of progressive engagement that may be concealing policies or structures that perpetuate inequality. As noted by Becker-Blease (2017):

*Because trauma is inextricably linked to systems of power and oppression, history tells us to pay particular attention to how trauma is defined, who is and who is not defining trauma, and how victims/survivors are affected by those definitions, even when there is an apparent blossoming of societal awareness (Bloom, 2013; Moffat, 1991; Tseris, 2013). Without this critical engagement with the systems behind the trauma-informed movement, there is a risk of perpetuating the same victim-blaming, silencing, shaming, and retraumatizing practices “simply by another name” (Tseris, 2013, p. 153). (pp. 131-132)*

The foundations of trauma-informed practice and anti-oppressive work require us to confront power at all levels and in all space, and because of this, this work cannot be done in isolation or removed from the broader context of power and oppression in society. Though we may be focused on working with people as individuals, we are also responsible for speaking to and engaging in “community and policy responses that redress inequalities in power” (Becker-Blease, 2017, p. 133).

When we narrow our scope and focus on trauma, oppression, and violence as uniquely individual experiences, we risk falling into a trap that emphasizes “individual pathology” rather than “connecting personal experiences to broader social systems that give rise to trauma and oppression, victim/survivor empowerment, and relationship building” (Becker-Blease, 2017, p. 133). In other words, we isolate individuals from the context we live in and, rather than challenging power imbalances in that context together, focus on the individual who is isolated and made responsible for adapting to these imbalances.

Anti-oppressive practice cannot be undertaken without engaging in “the reflective and critical process of actively challenging domination and structural oppression at an interpersonal and structural level” (Gerassi et al., 2021, p. 3). Anti-oppressive work requires us to “engage in critical consciousness or the processes by which self-reflection is focused on social positionality, power differences, and subsequent action to address social injustice” (Gerassi et al., 2021, p. 3).

Unlike approaches that focus on and isolate individual actions and reactions, critical consciousness is a solidary approach that recognizes our connection to one another, and our responsibility to one another. Though we may typically be working at the individual level, through critical consciousness we are able to “address complex power dynamics that manifest” in our daily lives and work (Gerassi et al., 2021, p.4).

Anti-oppressive practice helps to reframe our understanding of sexual violence and connect individual experiences to their broader context: “Instead of seeing social identities as individual risk factors (e.g., race), [anti-oppressive practice] uses critical consciousness processes to consider broader systemic inequities (e.g., racism) and how they intersect with each other” (Gerassi et al., 2021, p. 4).

Just as ‘trauma-informed’ has become a buzzword in this sector, anti-oppression has a similar history in certain fields, such as social work, where the term has been used frequently but with little input from people who are affected by oppression (Wilson & Beresford, 2000). Challenging power imbalances and transforming society can also be counter-intuitive for workers who operate with or within systems of oppression and which have an element of “overt social control functions” in their work (Wilson & Beresford, 2000, p. 558).

Though Wilson and Beresford address the field of social work in their research, these insights are also true for services and organizations that operate within or close to the justice system. Because the justice system is itself a system of oppression and violence, it is imperative that trauma-informed and anti-oppressive work in this space be undertaken with a profound knowledge of power and a broad understanding of intersectionality and violence.

Collins offers a concise summary of these concepts and links them clearly to the role of violence in sustaining domination:

*Racism, sexism, heterosexism, capitalism, nationalism and similar systems of power all rely on violence to sustain domination. All systems of oppression rely on violence, yet the forms that violence takes varies tremendously. Violence is not only the conceptual glue that joins multiple systems of power, but, as a constellation of dynamic ideas and practices, violence is essential to organizing and managing political domination (Collins, 2017, p. 1466).*

## C – Thinking About Power

In the previous quote by Collins, power, domination, and violence are interwoven concepts; in order to understand sexual violence, we must also understand power. In our work at the ORCC, we have been using our process of renewal to deepen our understanding power in society and to develop a clear logic model that we hope to work through as we grow and change.

In this context, we understand that society and institutions in our society are based on systems of power that are hierarchical and which enact relations of domination and enforce inequality for the benefit of a privileged class, mainly white, heterosexual men. These structures are based in the colonial foundation of the imagined nation we know as Canada, and they did not exist before settler colonization which operates through the central processes of the dispossession and elimination of Indigenous peoples, lands, and thought (Wolfe, 2006).

At the same time that settler colonialism operates and seeks to consolidate complete power through the erasure of Indigeneity, the mutually constitutive process of constructing a new settler nation, the Canadian identity, takes place (Wolfe, 2006). This new national identity seeks to conceal colonial oppression and violence and reframes our understanding of our own society in more palatable terms, often stressing concepts like multiculturalism and democracy to undermine critical interrogations of colonial power imbalances.

Settler colonialism takes on many forms and requires numerous systems of oppression as it builds a hierarchy of value that places the white, male settler at its zenith. Racism, heteronormativity, classism, ableism, and numerous intersecting notions of inequality are embedded in settler colonial structures. Power as domination and oppression takes on many forms and is expressed through numerous imbalances that serve to dehumanize groups of people so that domination of a few can be rationalized and maintained through systems of oppression and violence.

In our own work to make the links between structures of power and sexual violence clear, ORCC has drawn on social sciences research, including political theory, to create a more complete picture of our world. While these theories do not necessarily provide answers, we have found them to be helpful tools in thinking through complex ideas and concepts.

In particular, we have invested time and effort in trying to understand how these structures of power are produced and reproduced in our daily lives. We have used Foucault's concept of power/knowledge to ground our discussions and direct our learning. In this theory, Foucault suggests that power structures influence what we can know about the world by determining what is accepted truth. As we accept these truths, we reproduce the power relations embedded in them and enact them in the world.

From this perspective, how we think and talk about the world can be a way to reproduce or resist power structures:

*Theories of ideology, hegemony and discourse have been used to explain the intersections between the social production of knowledge and the perpetuation of inequitable power relations. These bodies of theory attempt to link an understanding of social privilege and injustice with an account of the production and circulation of culture and knowledge. Here, the social production and dissemination of knowledge secures our consent to systematic social inequity (Stoddart, 2007, p.192).*

If we accept knowledge based in power imbalances, then we are consenting to these structures of inequality and systems of oppression. For example, Wolfe (2006) notes that settler colonialism is a structure, not an event. This knowledge resists the settler colonial discourse that colonization is an event that occurred in the past, that it is a historical truth we are not responsible for, and which cannot be changed.

By acknowledging that settler colonialism is a structure, not an event, we start to see settler colonialism operating today in every part of our society and can begin to think critically about possible ways to challenge this structure and engage in decolonization. Similarly, important anti-colonial and anti-racist theorists like Frantz Fanon (1963) note that it is essential to remember that race is itself a construct, a fabricated idea that is used to dehumanize and devalue people.

Though ideas of race are internalized and normalized in society, it is important to keep a critical distance in our mind and work, and remember that racialization, the process of constructing another person according to racist ideology, and white supremacy are the systems of oppression at play. When we let these structures fall from view, we also relinquish our ability to contest them by allowing them to appear as truths or natural and inherent features of society.

In our own research on how power and knowledge are intertwined, we delved into readings about symbolic power. Symbolic power, as defined by Bourdieu (1991) and explained by Loveman (2005), “is the power to ‘constitute the given’”, or in other words, “the ability to make appear as natural, inevitable and thus apolitical, that which is a product of historical struggle and human invention” (p. 1655).

Loveman notes that symbolic power naturalizes “certain distinctions” and constitutes “particular kinds of people, places, and things” (2005, p.1655). What we find most helpful about the concept of symbolic power is the idea that it operates most effectively “through the appearance that no power is being wielded at all” and that it is achieved when “the exercise of authority is no longer recognized as such” (Loveman, 2005, p. 1655).

When we remove power structures and systems of oppression from view, we are not only looking away from the roots of violence, we are also contributing to the normalization and naturalization of these structures. When we stop talking about power imbalances, we are allowing those power imbalances to exist without contestation, in other words, we are giving them authority through our passive consent.

The naturalization of inequality is fundamentally at odds with trauma-informed approaches and anti-oppressive practice which require us to think deeply about and challenge the contexts of power in which we live and work. When we are not working with a deep knowledge of power but employing these terms, we may be unintentionally contributing the very imbalances we aim to challenge.

As noted by Becker-Blease, “even the most progressive, well-considered trauma-informed models risk becoming cover for the status quo” (2017, p. 134). Drawing on an example from efforts to introduce feminist programs to women’s prisons in Canada, Becker-Blease provides the following caution:

*Even feminist programs that, at least rhetorically, go beyond individual responses to trauma victims/survivors have a history of morphing into programs just as damaging as or even more damaging than any other. One of the clearest examples is women-centered programming in Canadian women's prisons (Pollack, 2005). The prison's new program appeared ideal on paper, recognizing the high rates of child abuse, domestic violence, and sexual assault in the histories of incarcerated women. Administrators implemented reforms, such as providing dialectical behavior therapy, because it was viewed as empowering and less pathologizing. Still, in Pollack's (2005) analysis, the efforts (like similar efforts before them) failed because dialectical behavior therapy came to be just a different way of labeling and managing problematic individual behaviors in ways that were not sufficiently linked to social conditions that gave rise to those same behaviors. Although well intentioned, the prison system was able to continue to pursue its own goals over the needs of incarcerated women in ways that, if anything, led to more institutional betrayal and harm (Becker-Blease, 2017, p. 134).*

In our work, we see problematic parallels in sexual violence discourse, where efforts to address sexual violence remain entangled in anti-feminist and non-egalitarian assumptions that are unconsciously reproduced in the ways we talk about support and prevention. This has, in part, inspired our work and research, as we dedicate time and effort to understanding how structures of power, systems of oppression, and ideologies of inequality, such as neoliberalism and patriarchy, have become naturalized and embedded in anti-violence discourse.

## Section II : Critical Discourse Analysis : Theory and Methodology

Trauma-informed practice and anti-oppressive approaches are not only enacted through service delivery, program design, and advocacy, they are also enacted through the way we communicate about our work and the world. The messages we send out tell people a lot about us; how we think, how we see the world, how we understand or maybe fail to understand power and oppression, and how we might approach people who have experienced oppression and violence.

When community members visit, view, and read our websites, resource materials, and research, they are not only looking for information, they are also interpreting our approach and practices through the way we communicate. If community members do not see themselves in our organizations and if we don't recognize the systemic and structural challenges they face, it is unlikely that they will trust us with their experiences. We acknowledge that ORCC's own website and resources have not reflected trauma-informed and anti-oppressive approaches to the standard that it should, but we are dedicated to our learning journey and are actively working to incorporate these perspectives in our work moving forward.

It is our responsibility as service providers to ensure that we adopt robust and well-informed approaches, internalize and operationalize trauma-informed and anti-oppressive practices, and communicate this awareness and learning in clear and thoughtful ways. Our discourse matters; the way we participate in and talk about power, oppression, and violence demonstrates our commitment to anti-oppression and anti-violence and is in itself a political act that situates us within broader debates about power in society.

For this research, we adopted Critical Discourse Analysis as our methodology. Critical Discourse Analysis (CDA) is a research approach that "studies the way social-power abuse and inequality are enacted, reproduced, legitimated, and resisted by text and talk" (van Dijk, 2015, p. 466). Because the purpose of CDA is to "understand, expose, and ultimately challenge social inequality" (van Dijk, 2015, p. 466), we see CDA as a perfect fit with trauma-informed and anti-oppressive practice.

As a critical perspective, CDA focuses on social issues that are multi-disciplinary and is essential for understanding "the way discourse structures enact, confirm, legitimate, reproduce, or challenge relations of power abuse (dominance) in society" (van Dijk, 2015, p. 467). By looking at concepts like, "*power, dominance, hegemony, ideology, class, gender, race, discrimination, interests, reproduction, institutions, social structure, and social order*", CDA offers insights into the ways power "may be enacted in the myriad taken-for-granted actions of everyday life" (van Dijk, 2015, pp. 468, 469).

Understanding how discourse and power interact requires us to think critically about our own positions as social service providers and our ability to participate in and contribute to discourse. Participation in discourse "is itself a power resource" and the ability to reproduce or contest discourse is not available to all (van Dijk, 2015, p. 469). It is important to remember that people who are most often targeted by



domination and oppression are purposefully excluded from contributing to the discourses of the institutions and organizations that they are forced to be dependent upon (van Dijk, 2015).

With these complexities at the forefront, we began with a central research question that asks what discourses of power are being reproduced in family court support programs? Based on our knowledge of power and oppression in our society, we hypothesized that many of the structures of power and systems of oppression upon which our society is built are reproduced throughout the legal system, including within the work of family court support programs and resources.

From this theoretical perspective, we hypothesized that subtle and unconscious expressions of colonial, racist, sexist, heteronormative, neoliberal, and patriarchal assumptions, mainly in the form of anti-feminist backlash, could be found embedded within texts and documents intended to support survivors of sexual violence as they engage with the family court system. We proposed this hypothesis, not as a criticism of family court support services, but as a reflection of the pervasiveness of these assumptions within the legal system that court support workers engage with.

Though we are committed to, and are moving towards trauma-informed and anti-oppressive approaches in our work, we also hypothesized that despite adopting these principles, the structure of power as domination and the prevalence of systems of oppression remain deeply embedded in the legal system itself. As we work within these structures and systems, we are faced with the choices of either resisting and challenging these structures, or working with them and risk becoming co-opted into a default reproduction of the status quo.

To test our hypothesis, we created a coding dictionary that allowed us to coherently collate our data, analyze the coding, and present our findings through descriptive statistics. This method was chosen because it fits well with critical discourse analysis and because it allows us to maintain a robust framework throughout our qualitative analysis.

The coding dictionary was separated into four sections: silences, passivity, reproduction, and discourse content analysis. For the first section on silences, we listed numerous power structures and systems of oppression that are often hidden from view. This list included direct expressions of power and oppression such as colonialism, racism, sexism, heteronormativity, etc.

Our reasoning for this section draws on the idea that symbolic power is “exercised through the naturalization of the practices and cognitive scheme that make it possible for such messages to

resonate with their intended audiences [...] through that ‘which goes without saying’” (Loveman, 2005, p. 1656). When we are silent about structures and systems like settler colonialism, racism, sexism, or heteronormativity, we are inadvertently participating in a discursive practice that helps to conceal and normalize them.

Passivity is another discursive practice that can fall into the same trap. Van Dijk notes that “[p]assive sentence structures and nominalizations may be used to hide or downplay the violent or other actions of state agents (e.g., the military, the police) or ingroups” (2015, p. 474). This is seen when we “speak about discrimination without being very explicit about who discriminates against whom” (van Dijk, 2015, p. 474).

By failing to make the directed operation of domination and oppression visible, we allow those enacting oppression to fall from view and by leaving these spaces open, we risk contributing to problematic interpretations. For example, when statements about the disproportionate violence experienced by some groups do not clearly link this violence back to systems and structures, readers may interpret these statistics or statements as evidence of fault on the part of the targeted group, thereby reinforcing the very structures of power and oppression being discussed.

Collins (2017) offers an insightful summary of how these discursive practices can impact efforts to combat sexual violence:

*Yet merely mentioning power may do more harm than good. Within intersectional discourse, conventions that substitute “race” for racism, “sex” for sexism and “class” for capitalism foster abstract references to power that neglect how political domination operates. Relying on a series of shorthand terms to invoke intersecting power hierarchies, much as “race, class and gender” becomes reduced to a slogan through overuse, the phrase “intersecting systems of power”, itself a replacement for intersecting oppressions, may be headed for a similar fate. Phrases such as intersecting systems of power that circulate as hyper-visible signifiers render power as a descriptive, placeholder term with ostensibly minimal political impact. The hypervisibility granted abstract power-talk simultaneously limits the kind of politics that become possible within these abstractions (p. 1465).*

In the second section of our coding dictionary, we included numerous forms of passivity that we have seen in our own work in the field of anti-violence. Among this list were categories such as missing links, historicizing, tokenism, and mimicry/shrouding.

We defined missing links as statements that address oppressed and marginalized groups without making clear connections to structures of power or systems of oppression, while historicizing was coded as statements that may acknowledge these structures or systems but which situated as them as past events.

We defined tokenism as the inclusion of marginalized and oppressed groups, peoples, or identities without recognition or mention of broader structural or systemic contexts, and in instances where groups, people, or identities were subjected to broad generalizations or stereotypes. Under the category of mimicry/shrouding, we created a coherent code for instances where progressive terminology was embedded within or expressed alongside assumptions that reinforce the status quo.

The third section focusing on reproduction sought to identify text that went beyond the erasure of power imbalances to actively reproduce discourses that isolate and responsabilize individuals. By erasing structures of power and systems of oppression, our scope is reduced to the view that violence is something that occurs between two people of equal position and power in society. When the broader contexts of power and oppression are removed, individuals appear as the center of the problem.

To identify these discursive practices, we looked for texts and statements that emphasized that violence is an interpersonal issue, not a social issue, and which directly or indirectly stated that individuals are responsible for solving the problem violence in their life, and responsible for keeping themselves safe. These kinds of statements can be seen in texts that suggest that violence is resolved at the interpersonal level and that individuals can and should act in a certain way to mediate the violence they are subjected to.

Though it is uncomfortable to think about how we might be unintentionally contributing to these types of discourses, particularly when we aspire to be trauma-informed and anti-oppressive in our work, these types of statements are common in anti-violence fields. In our coding dictionary, we included categories such as victim blaming, endorsing structures or systems of oppression, emphasizing choice-based solutions, pathologizing, and rescue politics because these are categories that remain prevalent in anti-violence discourses.

Even though we are committed to anti-oppression, we recognize that we remain immersed and enmeshed in structures and systems that oppose equality. As a result, there will be times when our best efforts to be anti-oppressive may need to challenge the promotion of ideas or practices that are not anti-oppressive (Wilson & Beresford, 2000). Gerassi et al. (2021) provide an insightful example of how seemingly innocuous phrasings can have significant impacts:

*An “everyone-at-risk” approach. Sex trafficking education often falsely advances the idea that everyone is at risk of sex trafficking (regardless of race, economic standing, and sexual orientation), thereby ignoring the roles of structural oppression in heightening risk (e.g., racism, classism, heterosexism; Peffley & Nichols 2018). Discussions of sociodemographic risk factors often focus on sex (e.g., differentiating people as “male” and “female” without attention to gender diversity) and runaway status/socioeconomic standing only (Peffley & Nichols, 2018). Proponents of an “everyone at risk” model suggest that this approach is useful to raise general public awareness and financial or political support (Nichols, 2016). However, this approach may add to racialized assumptions or stereotypes that sex trafficking predominantly impacts white females. Racial coding of white victims who are trafficked by Black men has a long-standing history, which enforces racist ideas of white superiority and the sexualization of women and girls of color (Bryant-Davis & Tummala-Narra, 2017; Musto, 2009; Peffley & Nichols, 2018). Commonly viewed images of Black men’s hands covering young white girls’ mouths perpetuate white slavery ideas (Peffley & Nichols, 2018), while images promoting the sexual immorality, promiscuity, and aggressiveness of women and girls of color suggest their willing participation (Bryant-Davis & Tummala-Narra, 2017). These images further perpetuate racism and ignore the roles of structural oppressions that heighten the risk of sex trafficking. Lack of inclusive images across gender, race, and sexual orientation can also be a barrier for people to access services (Peffley & Nichols 2018; Gerassi & Skinkis, 2020). Thus, service providers must be inclusive of diverse racial groups while acknowledging and working to dismantle structural oppressions and racism (pp. 2-3).*

The fourth and final section of our coding dictionary focused on two prominent trends that we see within our current work addressing sexual violence: neoliberalism and anti-feminist backlash, which we view as a discrete and reactive expression of patriarchy. In our coding dictionary we listed words and phrases that are used to convey, normalize, and reproduce neoliberal and anti-feminist ideas in the

social services sector. Because of the contemporary prevalence and near dominance of these ideas, we dedicated a separate section to them.

Neoliberalism is an ideology that prioritizes “a reduced state, minimal social programmes, the end of universal entitlements and empower[s] markets” (Brodie, 2008, p. 154). Through the promotion of “privatization and commodification of social reproduction, and the valorization and incessant inscription of the self-sufficient Homo economicus”, neoliberalism erodes social safety net protections and policies intended to redress inequality in society (Brodie, 2008, p. 147).

Because neoliberalism emphasizes the responsibility and economically-based choices of individuals as solutions to inequality, this ideology has “disproportionate and deleterious impacts on women, especially those marginalized by economic and social difference” (Brodie, 2008, p. 148). In policy spheres, the delegitimization of equality-seeking groups has coincided with the advancement of neoliberal discourse, which constructs oppressed and marginalized peoples, groups, and identities as special interest groups whose needs stand “outside of and in opposition to the interests of ‘ordinary’ Canadians” (Brodie, 2008, p. 155; Gotell, 2010).

The ascendancy of neoliberalism in the early 1990s saw the rapid erosion of “feminist and social justice movements” as “[s]ocial and political problems were being redefined as individual problems, best managed through responsibility and self-regulation” (Gotell, 2010, p. 5). Alongside this shift in discourse, policies, programs, and organizations intended to promote equality were dismantled and defunded (Brodie, 2008; Gotell, 2010).

Gotell outlines the impact of this neoliberal shift on feminist anti-violence efforts:

*By the end of the 1990s, feminist anti-violence activists were recast as ‘special interest groups’ and excluded from policy networks (Gotell 2007; McIntyre 2000). The policy field signified by ‘violence against women’ was evacuated and replaced with degendered and individualized policy frameworks. One crucial institutional mechanism by which this has occurred is the elaboration of victims’ services bureaucracies. Now preoccupied with the rights of individualized ‘victims’, new policy discourses avoid systemic constructions linking ‘crime’ to context, signaling the disappearance of gendered policy discourses of sexual violence. The withdrawal of funding from feminist front-line and activist work is a crucial aspect of this reconfigured context. With the decline of federal support for Canadian women’s organizations, funding for anti-rape activism and front-line work has been decentralized to the provinces. Because new funding arrangements are increasingly contingent on the provision of services to generic victims of crime, feminist front-line organizations have had to redefine themselves as social service delivery agencies, affecting their capacity to intervene in national debate and to combat the pervasive re-privatization and individualization of sexualized violence (Beres, Crow & Gotell 2009). (2010, pp. 9-10)*

Brodie notes that between the late 1980s and 1990, drastic cuts to community organizations, shelters, and anti-violence services forced many women’s groups to abandon broader systemic advocacy efforts and shift their focus “to violence against women initiatives in order to secure at least some of the dwindling federal funds designated for gender-based initiatives” (2008, p. 156). Despite gestures made by governments in recent years, such as the introduction of gender-based analysis, Brodie cautions that “the language of gender mainstreaming has been used by governments that are not sympathetic to gender equality to legitimate the dismantling of units with expertise in promoting equal opportunity for women and designated groups” (2008, p. 157).

In our work to combat sexual violence in society, we see the impacts of neoliberalism very clearly. One aspect of this trend that we are all familiar with is the challenges we face around funding. Funding dedicated to this sector is minute and when it is considered against the massive cuts made over decades by successive governments, every opportunity appears as a drop in the bucket; it is never enough to make real change or to help us move beyond crisis-response mode.

This is a conversation anyone working in social services is very familiar with. But what we sometimes miss is how neoliberalism has crept into our work in other ways, altering our discourses about violence and redirected our efforts away from systemic thinking towards individualized solutions that parallel crisis management models.

Gotell describes how this shift can be seen in sexual violence discourses that emphasize consent, by:

*reflecting the way in which the systemic nature of sexual violence has been increasingly erased in a context of neoliberal governance, Canadian judicial discourses consolidating an affirmative consent standard reinforce a decontextualized construction of sexual assault. Emphasis is placed on discrete sexual transactions, consent-seeking actions and the quality of agreement. And while valuable in focussing attention on the demonstration of positive consent, sexual violence is atomized; its manifestations and consequences are never collected, never considered in a context where sexual assault is a mechanism for sustaining gendered power relations. Recent Canadian decisions recognize sexual autonomy, but in a form that is consistent with individuated norms of criminal law. Normative sexual interaction is reconceived as being like an economic transaction and good sexual citizens are reconfigured to resemble rational economic actors assuming responsibility for their actions and the risks that they take. Tied to this decontextualized framing, the production of risk managing subjects who diligently practice sexual safekeeping becomes privileged as a governmental technique for managing the once 'social' problem of sexual violence. (2010, pp. 15-16)*

As neoliberalism decontextualizes violence, removing all awareness of structures of power and systems of oppression, and placing the individual and their actions at the centre as our sole focus, this discourse creates fertile ground for anti-feminist backlash. Anti-feminist backlash is a “form of popular misogyny” and “normative social and political structure” (Colpitts, 2020, p. 47) that “has been set off not by women’s achievement of full equality but by the increased possibility that they might win it” (van Wormer, 2008, p. 324)

As a sort of “pre-emptive strike”, anti-feminist backlash can be seen in “highly coercive social welfare politics”, in the criminalization of women, and in discrete discursive practices such as the dissemination of “domestic violence statistics which purport to show that women initiate violence against their partners as often as men do” (van Wormer, 2008, pp. 324, 325). In Canada, anti-feminist backlash is

used to justify continued funding cuts amid overlapping crises and increasing levels of violence and exploitation (van Wormer, 2008).

## Section III : Analysis & Findings

Through our analysis, we found there are many areas of growth that we as an organization, and the anti-violence sector more broadly can work together on to improve. Overwhelmingly, our analysis found a singular focus on ‘victims’<sup>1</sup> of violence, and in particular, a focus on victims of violence as individuals and violence as uniquely experienced through inter-personal relationships. We understand that because these organizations and resources are dedicated to assisting people who have experienced violence, there is a need to balance identifying and addressing personal needs and experiences of violence with anti-oppressive messages.

At the same time, we found a notable absence of messaging or awareness that violence does not occur in isolation. From our work, we know that violence and abuse are normalized through systems and discourses that give more power to some people over others, yet this discourse was not found in any of the materials we reviewed. We consider this to be one of the most important findings of our analysis, because when we lose sight of systemic violence, the violence that people experience can appear to be purely inter-personal, and not an expression of structures and systems that devalue and dehumanize some while protecting and privileging others.

When we looked at family court resources, we found that all the materials collected were silent about these broader structures of power; none mentioned the role of patriarchy, colonialism, racism or heteronormativity in normalizing violence or connected these systems of oppression directly to the violence that individuals may be experiencing in their lives. For people navigating the court system and seeking to understand more about their experiences of violence, there were no clear messages indicating that this violence could be linked to systemic or structural imbalances in our society.

The messages that were consistently present across resources is that violence and abuse is an individual experience, which happens to some people more than others, there is no clear reason why this is the case. A common example of this was looking specifically at the violence Indigenous women

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<sup>1</sup> Note, we use the term victim here to reflect language commonly used in the resources we analyzed.



and girls experience, without making clear connections to the intersecting layers of oppressive structures that perpetuate this violence such as colonialism, heteropatriarchy and racism. Across the texts we reviewed, there were no clear links made between frequent mentions of violence and abuse and structures of inequality. What we perceived in our analysis is an underlying assumption that everyone has equal power and privilege, and that violence exists between equals when one person tries to control another.

We found this subtext to be at odds with other parts of the texts that provided direct examples of statistical disparities or marginalization. When these texts do not provide an explanation of how these disparities emerge, the underlying assumption of equality can lead readers to correlate the disproportionate levels of violence experienced to identity, behaviour, or choices of the group or individuals, as this is what's made visible in the statistics. Though these texts were talking about marginalization, the lack of context as to why certain groups are targeted and the focus on individual responsibility worked together to reinforce a victim-blaming narrative.

Because violence is seen as individual and the focus is on the victim, it makes sense that we commonly found that resources pointed to individualized solutions for addressing violence. These solutions focused predominantly on changing the ways victims act, think, and respond to violence. We found that this framing extended into two streams: those that address the individual's self-esteem and emotional regulation; and those that focus on the individual's economic stability and personal development.

While these can be important to address in a crisis or emergency, the idea that violence is exceptional and acute was also reflected in these framings. When the broader systemic issues that exist in society are removed from the context of violence, a number of interpretations can be applied to the texts. For example, it can be assumed that violence is rare and contained to interpersonal settings. It can also be interpreted that the victim is more responsible for both the violence they experience and for changing the circumstances in their lives that led to them experiencing violence, while the perpetrator and the power imbalances they take advantage of remain invisible, as do any responses by government or society to ensuring that these root imbalances are addressed.

Across the resources, we found that readers were directed away from thinking about systemic violence and systemic change, even when marginalization, discrimination, or oppression were mentioned. Often this was because there were no links made to broader systems alongside a strong focus on individual responsibility. We coded for instances where marginalization and discrimination were positively

identified without speaking to or challenging the system or power imbalances behind them and found this to be one of the most frequent examples of active reproduction across all the samples.

We also found the intense focus on individuals and choice-based solutions to violence, including those that emphasized individual financial choices, to be a strong indicator of neoliberal discourse. We correlated the frequency of neoliberal discourse keys with a pathologizing perspective that appeared through value judgments about coping strategies, people's responses and actions, and even about people's emotional and facial expressions. These texts placed the person's actions, responses, and emotional state at the centre of violence; the most common examples of this focused on low self-esteem as a variable relating to violence.

By making the victim most visible, and by failing to make clear links with systems and structures of power, and even by failing to emphasize the responsibility and accountability of abusers, these ideas work together to reinforce the belief that victims, not perpetrators, are the only site of anti-violence intervention. We found the most frequent examples of this in the direct emphasis on the 'individual', the role of the individual in ensuring their own safety, and an emphasis on the individual's responsibility to access services as a solution to violence and abuse they experience.

In our analysis, we found these subtle reproductions to be part of a larger discourse that framed the resources as progressive, feminist, and anti-oppressive. This overall framing was contradicted by frequent expressions of victim blaming, stressing the neutrality or gaps of systems of legal system without explanation or recourse, overt endorsements of legal practices even when marginalization or discrimination were noted elsewhere in the same text, and indications of anti-feminist discourses that frame people's responses to the justice system and the violence they experienced as part of the problem.

We also found examples of texts suggesting that anti-violence work is the responsibility of those who are targeted most frequently. We connected these discourses to texts that emphasized the responsibility of people who have experienced violence to keep themselves safe. These examples included lists of things people could do to stay safe and advice about how to identify and react to individual situations. Without any discussion of systemic or structural power imbalances, we found this emphasis on individual responsibility reinforced the idea that a victim's behaviour, choices, or character are at the root of violent experiences.

### *Luke's Place: Text in Focus*

We found many of these themes and discourses discussed above to be prevalent in the resources we collected from Luke's Place, a resource hub whose materials are used by organizations across Ontario and whose work is seen as being a leading example in the field. Because Luke's Place is used by many organizations to inform their own services, we see their resources as a helpful reference point that is representative of discourse in their field.

We are all working towards being more trauma-informed and anti-oppressive but sometimes we find in our own work that contradictions emerge, and we try to understand how and why this happens. As in many of the resources we found in our sample and more broadly, Luke's Place identifies power and control as part of violence and abuse but limits this perspective to the interpersonal level. These resources describe how men abuse others to gain power and control over them but they don't speak to the roots of this behaviour, nor do they speak to the power imbalances facilitating these acts of domination.

Because of the prevalence of this framing in anti-violence texts across sectors, we dedicated a section of our analysis to Luke's Place workbook titled *Family Court and Beyond: A Survival Workbook for Women*. In our analysis we found that this document presented a sort of textual alignment with progressive discourses, adopting terms and ideas like inclusion and the Duluth power wheel, despite there being little evidence of a paradigmatic shift in the grounding assumptions of the organization. In other words, we see the text adopting progressive discourses without a theoretical change in their understanding of violence or a deepening of their conception of power and oppression.

Why does this matter? We believe that in order to make profound change, we need to commit to a perspective that allows us to account for the greater complexity in which we work. In our own anti-violence work, we hope to move towards solutions that create systemic change. We want to be able to address violence in a way that promotes prevention and achieves sustainable change.

We see from these resources that support services tend to present the legal system as the horizon of change, but does not actively view the legal system itself as a structure of oppression. Without a systemic perspective, it is difficult to imagine ways that we can work to change the legal system. This view also isolates people and limits the possibility of understanding that violence is not an individual but shared experience. The absence of solidary consciousness can constrain healing and reinforce victim-blaming discourses. Though it is not often framed in these terms, solidarity is integral to trauma-

informed practice and anti-oppressive engagement because it allows us to recognize systems of oppression and act together to change them.

Though it can sound rather radical to say that failing to address oppression is a form of oppression itself, it is important to be aware of how silences make us complicit:

*Allowing a saturated site to remain uncontested can install social inequality as natural, normal and hegemonic. Alternately, political activism and resistance that unmasks how violence binds seemingly disparate systems of power can have impact far beyond tangible acts of political opposition. (Collins, 2017, p. 1467)*

In our analysis, we found many silences, examples of passive reproduction, and even some instances of active reproduction of oppressive discourse. For example, rather than challenge the oppressive structures of legal court etiquette that are classist, racist, or colonial, one section went so far as to actively discipline people who have experienced violence, criticizing and correcting their behaviour in oppressive and retraumatizing ways. This included telling them how to speak, how to dress, and how to restrain their emotional responses and facial expressions:

*Try to wear clothes that you would wear to a job interview. In other words, don't look like you just jumped out of bed and are still wearing your pyjamas, and don't look like you are on your way to a nightclub. (Cross & MacLean, 2021, p. 96)*

*Difficult as it may be, do your best to avoid showing extreme emotions, especially anger. You may have every right to be very angry, but try to avoid showing that this is how you feel. Keep your body language and facial expressions pleasant but neutral. (Cross & MacLean, 2021, p. 97)*

In other contexts, we can see that telling people who have been targeted by violence that what they said, how they looked, and how they reacted is part of victim-blaming and works to normalize and conceal the behaviour of those who marginalize and oppress them. Rather than framing court processes as re-traumatizing, the legal system itself is presented as given, unchangeable, and

unproblematic. We see this as part of a neoliberal ideology that erases systems and structures of power and places the individual and their choices at the centre.

We also saw these themes carried forward in the narrative that violence is used to produce power imbalances between two people. This framing suggests that there is no other imbalance, violence, or oppression between two individuals; there is no structure at work informing the perpetrators' actions, and the individual is where we should focus. From an anti-oppressive perspective, this is not the case; power imbalances are much greater than individuals and these power imbalances encourage violence against some in order to reinforce existing hierarchies and protect those who benefit from inequality.

When we are silent about these systems of power, we are complicit in them. We find this to be particularly true when we talk about Indigenous peoples' experiences of violence without talking about colonialism and the structure of colonialism in our daily lives. Again, we are focusing on this theme within the context and text of the Luke's Place workbook because this resource has a separate section for Indigenous women.

We found the framing of this section emblematic of discursive contradictions in a number of ways. Though this section acknowledges that Indigenous women "may face some additional issues because of the ongoing impacts of colonialism, the residential schools program and racism" (Cross & MacLean, 2021, p. 145), these are listed in relation without any additional explanation or information. Additionally, the content that is referred to as Indigenous, applies broad generalizations and assumptions about Indigenous women, families, and communities.

Where there are details provided, such as references to living on reserve or hunting and fishing rights, these ideas are only applied to First Nations women with status, thereby omitting the diversity of Indigenous peoples and their experiences. Rather than addressing settler colonialism, genocidal policies like Residential schools, or systemic racism experienced by Indigenous peoples in colonial systems, all of which are coherent structures that can be made visible, this text sets the readers gaze on stereotypical representations and colonial assumptions about Indigenous women and their lives, creating an overall impression of tokenism.

As noted many times throughout this report, it is essential to make clear links between power and oppression. When texts discuss people who are colonized, racialized, and marginalized without talking about how they are oppressed, our gaze remains on these people, identities, and groups, instead of the systems and structures that maintain inequality.

If we do not work to make these systems and structures visible, people who experience violence can also interpret these messages as being in support of broader discourses; that the violence they have experienced is about them, and not the product of a society that is built on hierarchical beliefs and relations of domination. Even more problematically, these discourses can be internalized, impacting people's perception of how violence operates in society and placing the onus for change on them.

Unfortunately, individuals cannot be safe in a society that is violent and no one individual can make all of society safe; it takes all of us to make change. But where do people go to learn about addressing systemic violence? Where can people learn more about the systems and structures behind the violence they have experienced? And how do we help create space for these critical conversations in our work?

The following section looks at examples of text, discourse, and framing that bring these ideas to the forefront and combines them with direct service delivery for people who have experienced violence. In particular, these texts combine individual, systemic, and transformative, solidary statements and messages, creating a foundation for discussing anti-oppression in profound but accessible ways.

## Section IV : Critical Interventions

In our work, we are always on the lookout for best practices. We believe there is a lot of opportunity to learn from people across sectors and endeavour to share our knowledge and experience. In our research for this project, we included a secondary document collection phase seeking texts that offered insight into how we can talk about power and oppression with greater depth and clarity.

During this document collection process, we reviewed dozens of websites and resources produced by organizations whose work intersects with the legal system and who are focused on service delivery and advocacy. From our sample, we chose three primary organizations whose communications and texts offered the widest range of messaging. For this research phase, we chose to highlight texts that responded to some of the trends we saw in our analysis.

The scale and scope of this section begins with texts that address power and oppression within the legal system broadly; for this theme we have included work from the Canadian Association of Elizabeth Fry Societies. The second set of texts focus on communicating the learning processes of an organization that is working to actively challenge colonialism and racism in society and the legal system. For these

themes, we draw on the resources produced by the Neighbourhood Legal Services team in Toronto.

The third set of texts addresses settler colonialism. We chose this topic because it aligns with our own professional experience and knowledge, and because we want to emphasize the importance of learning more about settler colonialism as a structure. The work of the Ontario Native Women's Association has consistently interwoven educating readers about colonialism while advocating for the Indigenous women they serve. All of these examples offer important insight into how we can reframe the way we talk about power, oppression, violence, and the legal system.

In our document collection, we looked for texts that offer direct alternative to the trends we saw in our analysis; speaking to power and oppression, making clear links and avoiding tokenism. We also sought examples of organizations that learn and advocate transparently so that their processes and positions are clear, nothing is implied, and the interpretation of their views are fixed. As readers, it is clear where these organizations situate themselves in relation to structures of power and systems of oppression.

#### Canadian Association of Elizabeth Fry Societies

On the website for the Canadian Association of Elizabeth Fry Societies (CAEFS), the organization uses its statement of purpose to define their work and to express the organizations' position regarding structures of power and systems of oppression within the legal system. Across their website and resources, CAEFS maintains clear links between power and violence and integrates these ideas into every statement.

##### *Our Statement of Purpose*

*The Canadian Association of Elizabeth Fry Societies (CAEFS) works to address the persistent ways in which women and gender-diverse people impacted by criminalization are denied humanity and excluded from community.*

In this text, CAEFS uses their messaging to convey information about their organization, their views on power and violence, and paves a visible path for change; combating the criminalization, dehumanization, and exclusion of women and gender-diverse people. In these short statements, CAEFS combines systemic advocacy with direct connections to individual peoples' lives.

These same themes are carried through all of the organization's messaging, demonstrating a coherent logic on how relations of power and oppression operate, are reproduced, and how they can be

challenged. This logic appears consistently throughout their work, including in their land acknowledgement.

### *Land Acknowledgement*

*... Every day, we work to acknowledge our relationship to this land and to colonialism, and to work in solidarity with Indigenous people towards decolonization – especially by paying critical attention to the ways that our work environments continue to reproduce colonial logics. [...] The path forward to stopping this crisis must address the root causes and put Indigenous self-determination at the centre of any and all solutions. We echo the demands from Indigenous communities to the Canadian Government to implement the calls to action from the reports released by the National Inquiry into Missing Murdered Indigenous Women and Girls (MMIWG), Royal Commission on Aboriginal Peoples (RCAP), and the Truth and Reconciliation Commission.*

Land acknowledgements have become very common, but few organizations view these statements as an opportunity to challenge settler colonialism and speak about decolonization. Without these critical interventions, land acknowledgements can become statements of fact that reinforce empty interpretations of reconciliation, statements that are made because they are expected but expressed without any intent to challenge or change the foundations of settler colonialism.

Land acknowledgements are not only an important opportunity to challenge settler colonialism, they are also a space to convey to Indigenous readers that an organization is aware of the settler colonial structure and is invested in learning more about how colonialism operates as a system of oppression. This can be an important indicator to readers that an organization will be open to an Indigenous person's experiences of structural and systemic violence. These statements are also an opportunity to advocate for decolonization and to support Indigenous demands for change.

### *Legal Advocacy*

One of the most striking differences we saw in texts from organizations that speak about power and oppression was the use of the word advocacy. Instead of focusing on support, accompaniment, or referral processes, which these organizations also offer, there is a much greater emphasis on actively advocating for systemic change so that every individual faces fewer barriers collectively.



Though the Canadian Association of Elizabeth Fry Societies is a national organization with dedicated advocacy activities, this same approach can be adopted at any level; where the onus to change is placed on the system that is oppressive, rather than the people who are directly impacted by that oppression. Advocacy can take many forms and can be integrated and normalized in the way we talk about our work and society. Making clear links is part of advocacy because it empowers readers with knowledge about what needs to change.

For example, in the CAEFS summary of one of their ongoing advocacy cases, the connections between individual cases and broader systemic violence are elucidated:

*Public Inquest into the Death of Delilah Blair*

*[...] The crisis of missing and murdered Indigenous women and girls is inextricably linked to the ways in which the state continues to disproportionately punish and incarcerate Indigenous women and girls. Blair's death makes the connection between these crises heartbreakingly clear and requires action on the part of all levels of government.*

In their recent report, *The Failure of Creating Choices: The need for binding oversight of the Correctional Service of Canada* (2022), CAEFS does not shy away from stating that Canada's prisons are "a system plagued by structural racism" (CAEFS, 2022, p.4) and states their position and advocacy goals with conviction.

*That these vast and comprehensive attempts at change by legislators, scholars, and advocates have had few positive results points us to an obvious conclusion, and one that has been documented by numerous experts for decades: prisons are inherently inhumane and cannot be reformed. (CAEFS, 2022, p. 5)*

*We can no longer spend our energy looking for the means to make prisons more effective. (CAEFS, 2022, p. 5)*

*We must take up a dual pronged approach of both the abolition of these harmful institutions while ensuring that the people who are currently incarcerated in them are not left without meaningful pathways towards effective advocacy and lawful treatment. (CAEFS, 2022, p. 5)*

Throughout this report, CAEFS offers historical context for their response and vision for change, drawing direct links between disproportionate rates of incarceration and systemic oppression.

*Despite the problem of overincarceration being well documented, CSC's policies continue to overclassify, neglect, and discriminate against Indigenous women. (CAEFS, 2022, p.11)*

Balancing individual service provision with a broader systemic focus, CAEFS defines their position while maintaining a comprehensive discourse:

*First and foremost, CAEFS advocates against the incarceration and criminalization of women and gender-diverse people. However, while prisons exist, we advocate for the rights and fair treatment of people within them. We do this while recognizing the limitations of this approach: that any intervention attempted within the prison system will at some point become co-opted, eroded, and used to harm people.*

*While there are people in prison, we feel that it is incumbent upon us to work simultaneously towards both effective oversight and systemic transformation. As it stands, federal prisons wield incredible powers over people's lives and liberty in a variety of ways that are beyond the purview and intention of the law." (CAEFS, 2022, p.13)*

Repeatedly throughout their report, CAEFS emphasizes that it is government actors, not criminalized women and gender-diverse people, who are responsible making necessary changes to end violence and oppression. CAEFS also outlines specific actions required to help make these changes, offering readers an understanding of how they can become involved in support these efforts, such as voicing support for the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

*The well-documented chronic inaction on the part of [Correctional Services Canada] to address pressing issues leads to a clear solution: the need for binding oversight and a systemic transformation of Canada's responses to crime and criminalization. (CAEFS, 2022, p.14)*

*We believe that by enhancing the oversight powers of the [Office of the Correctional Investigator], ratifying [Optional Protocol to the Convention against Torture], and by fully*

*utilizing evidence-based approaches, such as CAEFS relational advocacy model, we can create systems that are rooted in care, transformative change, and justice (CAEFS, 2022, p.15)*

### Neighbourhood Legal Services (NLS) Toronto

Neighbourhood Legal Services (NLS) in Toronto, Ontario offers legal resources for community members within their catchment area who meet certain eligibility criteria. Though the organization primarily offers legal services to community members, they go above and beyond to inform readers that they are committed to addressing structures of power and systems of oppression:

*NLS is committed to fighting racism within our community, our workplace and Canadian institutions. We recognize that Canada (Turtle Island) and Toronto (Tkaronto) were built on stolen Indigenous land, and that Canada was an active partner in the Trans-Atlantic Slave Trade. Our Black, Indigenous and People of Colour community members experience racism in their encounters with the justice system, education system, the economy, the health system and more. We consider this as a fact. We want our racialized community members to know that when they come to NLS, they will be treated with dignity and respect, and their experiences of racism will be believed and validated.*

In addition to providing legal advocacy services, NLS maintains an overt commitment to education and learning throughout their messaging. Their texts and resources are not only intended to share their learning journey with readers, NLS also invites and includes readers to participate in this education with them:

*We have made a list of resources to support BIPOC community members seeking racial justice, as well as White-identifying people to learn more about racism, privilege and White supremacy.*

NLS actively identifies opportunities within their information pages to include educational insights and to make connections for readers. For example, in a list of legal resources relating to the education system, NLS notes that “Black students are suspended and expelled at a much higher rate than non-Black students.”

The brief inclusion of this statement provides readers with information about systemic racism at the same time that it communicates NLS's awareness of how systems of oppression can impact individuals. Following this text, NLS notes offers an option for redress: "If you think your school or teacher treated you differently because of your race, gender, ability, or other personal characteristic, this may be a violation of the Human Rights Code".

NLS goes further to inform readers about systemic processes in the information they provide about responding to police violence. Unlike the legal support documents we collected in our first phase of research, which frame the police as neutral or necessary actors, NLS acknowledges systemic violence in policing and offers readers key insights into what they may expect to encounter in seeking redress.

*The Office of the Independent Police Review Director (OIPRD) receives complaints about police conduct. They investigate, make findings and recommendations, and can hold disciplinary hearings. Many people are critical of the OIPRD because complaints are handled by other officers, often within the same division as the officers complained of.*

*If you think the police treated you differently because of your race, gender, ability, or other personal characteristic, this may be a violation of the Human Rights Code. You may want to file an 'application' with the Ontario Human Rights Tribunal. You should get advice from a lawyer about whether it may be better to sue the police in court.*

*If you were harmed by police conduct, you may want to sue the police. You will need to collect evidence about what happened to you, such as hospital reports, photos of your injuries, or contact information for any witnesses. Some lawyers may be willing to take your case on a "contingency" basis – you won't have to pay them until you receive some money.*

A notable feature of NLS's discursive practice is their transparency about being a learning organization. NLS frames their knowledge as an ongoing process or journey. In our research, we found this framing to be unique because it combines strong statements of position with an openness to continued growth. These statements were most commonly found in NLS materials addressing incidents of violence that were publicized in news media.

Rather than simply responding to these incidents through statements of acknowledgement and sympathy, NLS framed these incidents as learning opportunities, and used their public statements to

make structures and systems visible, to connect these incidents of violence to systemic violence, and to reaffirm and deepen their commitment to anti-oppressive approaches.

*Our organization is learning and committed to taking steps to be anti-racist both within our organization and how we show up for and advocate alongside our Muslim clients. (June 06, 2021)*

*We acknowledge that these recent deaths are reflective of a very long history of anti-Black racism and anti-Black violence too often perpetrated by state actors, institutions and agencies. [...] NLS recognizes that when racism interlocks with other systems of oppression like poverty, gender identity etc., it heightens the likelihood of encounters of anti-Black racism and anti-Black violence. [...] However, NLS commits to being actively anti-racist by among other things, continuing to educate ourselves about implicit bias and systems of oppression as well as reflecting on how we can work internally and externally to dismantle systems of racism. (Summer 2020)*

*Neighbourhood Legal Services stands in solidarity with Indigenous peoples calling for justice in the wave of the recent news of 215 Indigenous children's remains found at a residential school in Kamloops. [...] We know that this tragedy is one of many examples of the continuing process of settler-colonialism. While Indigenous children make up only 7% of the youth population in Canada, they account for 52.2% of children in foster care. [...] The forces of colonial violence that took the lives of these 215 Indigenous children are the same as those that murdered seven Indigenous high school students in Thunder Bay between 2000-2011; the same as those that killed Joyce Echaquan; the same as those that killed Colten Boushie; the same as those that sanction the cruel practice of "starlight tours", and the same as those that perpetuate violence against Indigenous women and girls. [...] We commit to unlearning the framed histories we've been taught and learning the truth of these tragedies. (June 2021)*

*The data collected since March 2020 shows that structurally marginalized Asian community members are most often targeted with verbal attacks, being coughed on/spat on, or being physically assaulted. [...] We also implore our governments to establish laws and policies that dismantle white supremacy as all forms of racism are filtered through that hate-based prism. [...] NLS also recognizes that it too operates within a system and network of institutions grounded in white supremacy. To combat this, we hired an anti-racism and anti-oppression consultant to guide us in shifting the paradigm we use to service our clients, work with each other, and engage with community organizations. This has not been an overnight process, but a lengthy one that will continue and must continue to be uncomfortable as we evolve and challenge ourselves to do social justice work through an anti-racist and anti-oppressive framework. (April 2021)*

*A statement is not enough. Education, action, and advocacy can bring and have already begun to effect real change. (Summer 2020)*

### Ontario Native Women's Association

The Ontario Native Women's Association has produced two reports in the last few years that are essential reading for any organizations that work with Indigenous women who have experienced violence. The most recent is Reconciliation with Indigenous Women: Changing the Story of Missing and Murdered Indigenous Women and Girls (2020) and the other is Journey to Safe Spaces: Indigenous Anti-Human Trafficking Engagement Report (2019).

These two reports are incredible resources for learning about settler colonialism and violence against Indigenous women and Two-Spirit peoples. These resources outline ONWA's mission and principles in working with Indigenous communities and for challenging settler colonial violence. The reports also provide insight into how settler colonialism is normalized and operates in society and in Indigenous women's lives.

*The legacy of colonization disrupts, undermines, and ignores Indigenous women's roles and responsibilities. Colonization leaves Indigenous women and girls untethered from their identities, families, and communities. Patriarchal values replace Indigenous values. Colonization results in Indigenous women being spoken to, spoken for, and spoken about. (ONWA, 2020, p. 16)*

*Violence against Indigenous women and girls contributes to the normalization of violence and teaches young women to accept this as part of their lives. Systemic racism and discrimination against Indigenous people mean that mainstream institutions ignore violence or see it as somehow acceptable. (ONWA, 2019, p.7)*

*It is critical to understand that Indigenous women's voices have been left out and silenced in conversations that impact their safety, well-being, and livelihood. Substantive and meaningful solutions cannot be put forward until the silencing of Indigenous women's voices is understood, addressed, and remedied. (ONWA, 2020, p. 17)*

Through community engagement consultations, ONWA shares the voices of Indigenous women with readers, representing their views and experiences throughout their reports. These voices are essential for service providers and advocates to hear and understand, even though some of their messages may be difficult to acknowledge. Importantly, ONWA stresses the role of service providers in these structures of oppression.

*The most pressing issues identified by [human trafficking] survivors are safety and discriminatory treatment at the hands of some service providers” (ONWA, 2019, p. 18)*

*There are two ways to approach service delivery to Indigenous women. One way is to transform organizations, built on colonial values, towards culturally-appropriate, trauma informed values by rooting out the systemic racism that shaped their practice and policy; and that harms Indigenous women. (ONWA, 2020, p. 44)*

ONWA also specifically addresses the role of the legal system in their reports, including the role of family court support workers in providing information to Indigenous women and families who are involved in the system.

*Families of Murdered and Missing Indigenous Women and Girls repeatedly described their negative experience of dealing with the legal system whether it be the police or lawyers. The Canadian legal system needs to be made more responsive to the unique challenges and needs of Indigenous women. Ultimately, the legal system needs to be transformed into a culturally-safe justice system invested in Indigenous women’s well-being and free of discrimination and racism. (ONWA, 2020, p. 36)*

*Family law support for Indigenous women and families going through the court system needs information and support about family law. (ONWA, 2019, p.26)*

Though family court support workers understand the legal system and how it works, our critical discourse analysis stressed that there are few resources and organizations that are aware of the colonial dimensions of the system or who are willing to advocate on behalf of Indigenous peoples to



challenge these dimensions. As noted by ONWA, this silence prevents Indigenous women from receiving information that helps Indigenous women and families navigate this system with a critical lens.

Numerous family court support resources direct Indigenous women and families to Indigenous organizations without mention of how these identities relate to settler colonialism and the legal system. From a trauma-informed and anti-oppressive perspective, it is not only the responsibility of Indigenous organizations to advocate for systemic change or challenge colonial oppression. Every organization that works with the legal system is in a position to advocate for change and advance decolonization.

*Centuries of historical and ongoing colonialism disrupted Indigenous women's inherent rights. While efforts have been made to restore some of these rights—mainly manifested as the restoration of status through several legislative changes spanning decades—the discriminatory effects of Canada's laws continue. Traditional governance structures included women who held decision-making authority. Women were valued based on the merits of their experiences and for their contributions to society. Indigenous women had the right to self-determination since time immemorial as matriarchs of sovereign nations of Turtle Island (North America). We had jurisdiction to administer and operate our own political, legal, economic, social, and cultural systems including those that affected our bodies, lands, resources, families, memberships, identities, and well-being. (Chiefs of Ontario, n.d.) The right for Indigenous women to be equal participants in governance structures was never extinguished by treaty. The right was integral to Indigenous peoples' cultures and societies. Aboriginal rights under section 35 of the Constitution Act, 1982 applies equally to men and women. However, for Indigenous women's rights to be recognized by the courts, the burden is placed on Indigenous women to prove their rights, primarily through the courts. (ONWA, 2020, p. 28)*

*We cannot restore our communities, Nations, and broader societies that normalized violence against Indigenous women and girls by using the same colonized institutions and practices like a patriarchal belief system that created or contributed to the violence. (ONWA, 2020, p. 3)*

## GOING FORWARD: ADVOCATING FOR A TRAUMA-INFORMED LEGAL SYSTEM

Throughout our research, we noted that family court support resources predominantly focus on adapting clients' knowledge and behaviour to the legal system, without challenging power structures or systems of oppression. Working from a trauma-sensitive and anti-oppressive lens, we were surprised to find that some texts go so far as to actively seek to control the behaviour and emotional responses of people who have experienced violence, even telling them how they should emote and control their facial expressions.

These approaches and framings not only hide power and oppression, they are also reproducing inequality and imbalances that retraumatize and actively oppress people. In essence these texts are seeking to compel people who have experienced violence to accept and comply with oppressive practices of the legal system. In our secondary research phase, we sought out resources that spoke to these challenges and which offered progressive direction for change.

Across our reading, we found a common theme: moving towards trauma-informed and anti-oppressive approaches requires critical reflection on the ways in which family court support services extend and replicate oppression in their own work. In order to begin to truly work within these approaches, we all have to commit to some discomfort.

Adopting trauma-informed practice and anti-oppressive approaches means that we not only understand how power and oppression work, but that we also think about how we can challenge oppression and violence. Writing about the legal system in the United States, McKenna and Holfreter note that “[i]t is important that attorneys, judges, and other court actors receive training on trauma-informed care and are well-versed in the application of these practices to the courtroom” (2020, p. 15).

McKenna and Holfreter expand upon this, making clear connections between systems of power and individual experiences: “In the courts and sentencing literature, intersectional approaches involve moving beyond the recognition that dis-parities exist, to considering how different categories of disadvantage interact

to produce cumulative disadvantage (Gaub & Holtfreter, 2015). Individual, family, and community family factors intersect and influence how legal sanctions are experienced (Lowenstein, 2018). Historical trauma and discrimination also affect how individuals relate to the law (Hinton, 2016). For

example, mass incarceration has different meanings and consequences for people of color compared to white individuals (Hinton, 2016). Similarly, Native Americans have historically been victimized by the government and legal system, altering their interactions and perceptions of the legal system (Deer, 2018). A gender-responsive lens considers how individual identity has implications for treatment and decision-making processes, which may influence other legal system interactions. Increasing overall knowledge by court actors on how trauma and legal consequences interact with client identities can create healthier outcomes for court-involved individuals” (2020, p. 14).

At the later stages of our research, we reflected on our own work in the field of sexual violence. Are we placing the onus for change on survivors, or are we using our knowledge and positions to advocate for broader systemic change? Similarly, we wondered why so many family court resources emphasized the responsibility of the person who experienced violence and why so few victim and court support programs actively advocate for the legal system to adopt trauma-informed and anti-oppressive approaches?

McKenna and Holtfreter (2020) note that understanding trauma is an ongoing process of learning and change for many organizations: “[a]s researchers and practitioners begin to understand the complex relationship between trauma and criminal justice system involvement, there is an increasing need to evaluate courts and sentencing processes” (p.1).

From this perspective, we are all constantly learning and unlearning structures of power and systems of oppression. For family court support workers, part of this journey involves speaking truth to the power of the legal system and being transparent about systems of oppression that are normalized within it. When power and oppression are made visible, we can begin to work towards addressing these imbalances and even achieving systemic change.

McKenna and Holtfreter note that in the United States, research has found that:

“[c]ourt and legal staff who employ trauma-informed practices report they have increased awareness and understanding that guides intervention and actions with clients (Anyikwa, 2016; Drabble et al., 2013),

which reduces re-traumatizing clients and empowering them to cope with adaptive techniques and culturally competent responses (Anyikwa, 2016; Campbell & Raja, 2005; Drabble et al., 2013)” (McKenna & Holtfreter, 2020, p. 3).

These authors outline some of the strategies that have been applied in the American legal system:

*According to Covington (1999) individuals and institutions utilizing trauma-informed practices should avoid triggering individuals, adjust behaviors to be supportive, and allow survivors to manage their trauma successfully. This is achieved by creating a calm environment, respecting boundaries, and using language and behaviors that communicate empowerment. Trauma-informed practices reduce punitive and shaming approaches, avoid intrusive monitoring, and use negotiation for conflict management. This model stresses client choice, but requires buy-in from correctional staff (Drabble et al., 2013). (McKenna & Holtfreter, 2020, p.3)*

*Judges and other court actors can address power differentials in the courtroom, shifting to collaborative efforts and advocating for non-adversarial approaches to cases (Drabble et al., 2013). Trauma-informed courts should emphasize follow-up meetings and check-ins with clients. The stability of case-worker/client relationships is crucial. (McKenna & Holtfreter, 2020, p.3)*

*While employment and housing are valuable for success after involvement in the criminal justice system, barriers must be addressed before it is even possible for clients to achieve those goals. Community corrections officers can help clients by identifying state-sponsored programs and services that assist them with employment and housing (Holtfreter et al., 2004; Holtfreter & Wattanaporn, 2014). Courts can apply trauma-informed care principles in many processes including, but not limited to: intake, testimony, interventions, and sanctions (Arisco, 2014; SAMHSA, 2014b). (McKenna & Holtfreter, 2020, p.3)*

Adopting a trauma-informed and anti-oppressive practice also means recognizing that different people, groups, and identities are treated differently by the legal system, and because of people's experiences and histories of discrimination, oppression, and violence, it is important for court officials and workers to demonstrate fair treatment to individuals, through "opportunity for voice, neutrality of authorities, being treated with dignity, and being respected" (McKenna & Holtfreter, 2020, p. 4).

Trauma-informed and anti-oppressive approaches also require us to think beyond our immediate settings. For family court support workers, this means thinking beyond the court setting and proceedings and including a historical and socially aware holistic perspective. McKenna and Holtfreter draw similarities with gender-responsive services that "seek to understand and properly respond to the

influences of gender, relationships, environment, access and quality of services, socioeconomic status, and community on trauma manifestation” (2020, p. 6).

In the Substance Abuse and Mental Health Services Administration’s (SAMHSA) summary of Essential Components of Trauma-Informed Judicial Practice, the onus for change is placed squarely on the legal system itself, stressing that staff within the system must be welcoming, non-judgmental and open to modifying policies, procedures and environments to support this work.

SAMHSA also notes that some of this work is more subtle, requiring those working with and within the legal system to recognize and reframe response to trauma from abuse of power and oppression: “Someone who’s been beaten as a child expects that they’re going to be beaten. I saw the provocation all the time, with young men in particular. They provoke the court officers so at least they’re controlling when it happens. —Treatment Court Judge” (SAMHSA, 2013, p. 1)

The following are examples from SAMHSA demonstrating how reasonable responses to domination, oppression, and trauma can be reframed to avoid pathologizing, victim-blaming, and reproducing the structures of power in our own discourse.

*An essential component of being trauma-informed is to understand these behaviors not as character flaws or symptoms of mental illness, but as strategies or behavioral adaptations developed to cope with the physical and emotional impact of past trauma. This paradigm shift does not imply lack of responsibility for illegal behavior, but it does provide an opportunity to apply approaches that are most effective in promoting recovery and reducing recidivism. (SAMHSA, 2013, p. 3)*

*Many people are reluctant to talk about interpersonal violence and other traumatic experiences. In some cases, they may not think of their past experiences with abuse as trauma or victimization. In addition, both women and men who have been physically or sexually assaulted may be afraid to talk about their experiences for fear they will be mislabeled, mistreated, or simply not believed. In many cases, their fears are well-founded. One study found that people diagnosed with mental illnesses seeking assistance for domestic violence are often referred to psychiatric inpatient or outpatient treatment; their report of a crime is viewed as part of their mental health issues. (SAMHSA, 2013, p.3)*

*The courtroom setting can be intimidating, even for individuals who have not experienced violence and trauma in their lives. Many practices may be perceived as shocking and dehumanizing to someone experiencing the court for the first time. [...] Many of the signs serve to intimidate and separate participants, who may feel as if they are being treated with disdain. There is also concern about how to make the courtroom safe for participants when perpetrators and/or victims of their crimes are in attendance.” (SAMHSA, 2013, p. 7)*

*The stress of the courtroom environment may also affect the ability of trauma survivors to communicate effectively with you and court personnel. (SAMHSA, 2013, p. xi)*

*For a person who has experienced past trauma or may still be experiencing violence in their lives, a judge’s words can be potentially hurtful or potentially healing. (SAMHSA, 2013, p. 4)*

*It is important to be aware that many people who appear before you remain in harmful environments and relationships, even while they participate in treatment court programs. (SAMHSA, 2013, p. 2)*

The more we contribute to the normalization of unequal power structures and systems of oppression within society and the more we communicate that these are expected, inevitable, or neutral conditions, the more we entrench the belief that people who experience, resist, and respond to oppression and violence are themselves the problem. If we are going to prevent, rather than simply respond to violence, we need to begin talking openly about how power, oppression and violence operate in the spaces we share.

It is not only on us to learn more about power and oppression, and to advocate for change; it is also our collective responsibility to invite others on this journey of transformation. As noted by SAMHSA, “[j]udges who understand trauma and its consequences are in a better position to advocate for the development of trauma-specific services and trauma-informed service systems” (2013, p. 9).

Contrary to the neoliberal emphasis on individual safety, trauma-informed and anti-oppressive approaches recognize that no one can be safe until we are all safe. ONWA shares a vision of safety that speaks to us all in their 2018 Community-Based Missing and Murdered Indigenous Women and Girls Submission to the National Inquiry:

*Safety looks like a whole community caring for Indigenous women, loving Indigenous women, uplifting their voices, protecting their children, educating their children, feeding their children. Safety looks like love multiplied. Safety is found at the end of colonial violence. Let's stop the violence, the trauma. Let the women lead. (ONWA, 2020, p. 15)*

For those who are interested in learning more, the ORCC will be developing a resource library to facilitate our own learning and to share this learning with others. These resources will be available at [orcc.net](http://orcc.net) within the next several months.

We are on this journey together.

## References

- Adkison-Stevens, C. & Timmons, V. (2018). *Prevention through liberation: Theory and practice of anti-oppression as primary prevention of sexual and domestic violence*. Oregon Coalition Against Domestic & Sexual Violence.  
[https://www.ocadsv.org/sites/default/files/resource\\_pub/Prevention\\_Through\\_Liberation\\_-\\_Paper.pdf](https://www.ocadsv.org/sites/default/files/resource_pub/Prevention_Through_Liberation_-_Paper.pdf)
- Armstrong, A. (2019). *Les crimes haineux déclarés par la police au Canada, 2017* Statistique Canada.  
<https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00008-fra.htm>
- Arvin, M., Tuck, E., & Morrill, A. (2013). Decolonizing feminism: Challenging connections between settler colonialism and heteropatriarchy. *Feminist Formations*, 25(1), 8-34.  
<https://doi.org/10.1353/ff.2013.0006>
- Barkaskas, P. & Hunt, S. (2017). *Accès à la justice pour les adultes autochtones victimes d'agression sexuelle*. Ministère de la Justice du Canada.  
[https://publications.gc.ca/collections/collection\\_2018/jus/J2-484-2017-fra.pdf](https://publications.gc.ca/collections/collection_2018/jus/J2-484-2017-fra.pdf)
- Becker-Blease, K. A. (2017). As the world becomes trauma-informed, work to do. *Journal of Trauma & Dissociation*, 18(2), 131-138. <https://doi.org/10.1080/15299732.2017.1253401>
- Brodie, J. (2008). We are all equal now: Contemporary gender politics in Canada. *Feminist Theory*, 9(2), 145-164. <https://doi.org/10.1177/1464700108090408>
- Association canadienne des sociétés Elizabeth Fry. (2022). *L'échec de La création de choix : La nécessité d'une structure de surveillance contraignante du Service correctionnel du Canada, par l'organisme cocréateur de La création de choix*. [https://caefs.ca/wp-content/uploads/2022/05/2022-05-03-RP-The-Failure-of-Creating-Choices\\_FR.pdf](https://caefs.ca/wp-content/uploads/2022/05/2022-05-03-RP-The-Failure-of-Creating-Choices_FR.pdf)
- Secrétariat des conférences intergouvernementales canadiennes. (2018). *Réunion fédérale-provinciale-territoriale des ministres responsables de la justice et de la sécurité publique*. <https://scics.ca/fr/product-produit/communique-reunion-federale-provinciale-territoriale-des-ministres-responsables-de-la-justice-et-de-la-securite-publique/>



- Chartrand, V. (2019). Unsettled times: Indigenous incarceration and the links between colonialism and the penitentiary in Canada. *Canadian Journal of Criminology and Criminal Justice*, 61(3), 67-89. <https://doi.org/10.3138/cjccj.2018-0029>
- Collins, P. H. (2017). On violence, intersectionality and transversal politics. *Ethnic and Racial Studies*, 40(9), 1460-147. <https://doi.org/10.1080/01419870.2017.1317827>
- Colpitts, E. (2020). Addressing sexual violence at Ontario universities in the context of rising anti-feminist backlash. *Atlantis*, 41(1), 46-58. <https://doi.org/10.7202/1074015ar>
- Cotter, A. (2022). Perceptions et expériences relatives à la police et au système de justice au sein des populations noire et autochtone au Canada. *Centre canadien de la statistique juridique et de la sécurité des collectivités*. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00003-fra.htm>
- Cross, P. & MacLean, R. (2018). *Family court and beyond: A survival workbook for women*. Luke's Place. <https://familycourtandbeyond.ca/wp-content/uploads/2022/02/LukesPlace-Workbook-2022.pdf>
- Ministère de la Justice. (2022). *Comprendre la surreprésentation des Autochtones dans le système de justice pénale*. <https://www.justice.gc.ca/socjs-esjp/fr/ind-aut/uo-cs>
- Fanon, F. (1963). *The wretched of the Earth*. Grove Press.
- Garza, M.R., Rich, K. & Omilian, S.M. (2019). A trauma-informed call to action: culturally informed, multi-disciplinary theoretical, and applied approaches to prevention and healing, Part II. *Journal of Aggression, Maltreatment & Trauma*, 28(5), 519-525. <https://doi.org/10.1080/10926771.2019.1610129>
- Gerassi, L. B., Klein, L. B. & Rosales, M. (2021). Moving toward critical consciousness and anti-oppressive practice approaches with people at risk of sex trafficking: Perspectives from social service providers. *Affilia: Journal of Women and Social Work*, 37(3). <https://doi.org/10.1177/08861099211025531>

- Gotell, L. (2010). Canadian sexual assault law: Neoliberalism and the erosion of feminist-inspired law reforms. In *Rethinking Rape Law* (1<sup>st</sup> ed.). Routledge-Cavendish.
- Klinic Community Health Centre. (2013). *Trauma-informed: The trauma toolkit*. [https://trauma-informed.ca/wp-content/uploads/2013/10/Trauma-informed\\_Toolkit.pdf](https://trauma-informed.ca/wp-content/uploads/2013/10/Trauma-informed_Toolkit.pdf)
- Linder, C. (2018). *Sexual violence on campus: Power-conscious approaches to awareness*. Emerald Publishing Limited.
- Loveman, M. (2005). The modern state and the primitive accumulation of symbolic power. *American Journal of Sociology*, 110(6), 1651-1683. <https://doi.org/10.1086/428688>
- Neighbourhood Legal Services. *Anti-Racism & Anti-Oppression Work*. <https://www.nlstoronto.org/anti-racism--anti-oppression-work.html>
- McCauley, H. L., Campbell, R., Buchanan, N. T. & Moylan, C. A. (2019). Advancing theory, methods, and dissemination in sexual violence research to build a more equitable future: An intersectional, community engaged approach. *Violence Against Women*, 25(16): 1906-1931. <https://doi.org/10.1177/1077801219875823>
- McKenna, N. C. & Holtfreter, K. (2020). Trauma-informed courts: A review and integration of justice perspectives and gender responsiveness. *Journal of Aggression, Maltreatment & Trauma*, 30(4), 450-470. <https://doi.org/10.1080/10926771.2020.1747128>
- Ontario Native Women's Association. (2019). *Journey to safe spaces: Indigenous anti-human trafficking engagement report 2017-2018*. [https://www.onwa.ca/files/ugd/33ed0c\\_1a2b7218396c4c71b2d4537052ca47cd.pdf](https://www.onwa.ca/files/ugd/33ed0c_1a2b7218396c4c71b2d4537052ca47cd.pdf)
- Ontario Native Women's Association, (2020). *Reconciliation with Indigenous women: Changing the story of missing and murdered Indigenous women and girls*. [https://www.onwa.ca/files/ugd/4eaa9c\\_be059fe0cd844671839aef58558d893d.pdf](https://www.onwa.ca/files/ugd/4eaa9c_be059fe0cd844671839aef58558d893d.pdf)

- Owusu-Bempah, A., Jung, M., Sbai, F., Wilton, A.S., & Kouyoumdjian, F. (2021). Race and incarceration: The representation and characteristics of Black people in provincial correctional facilities in Ontario, Canada. *Race and Justice*, 1-13. <https://doi.org/10.1177/21533687211006461>
- Palmater, P. (2016). Shining light on the dark places: Addressing police Racism and sexualized violence against Indigenous women and girls in the national inquiry. *Canadian Journal of Women and the Law*, 28(2), 253-284. <https://doi.org/10.3138/cjwl.28.2.253>
- Smith, A. (2006). Heteropatriarchy and the three pillars of white supremacy: In A. Smith (Ed.), *The color of violence: The incite! anthology*. Cambridge, MA: South End
- Stoddart, M. C. J. (2007). Ideology, hegemony, discourse: A critical review of theories of knowledge and power. *Social Thought & Research*, 28(2007), 191-225. <https://doi.org/10.17161/STR.1808.5226>
- Substance Abuse and Mental Health Services Administration (SAMHSA). (2013). *Essential Components of Trauma-Informed Judicial Practice*.  
[https://www.nasmhpd.org/sites/default/files/DRAFT\\_Essential\\_Components\\_of\\_Trauma\\_Informed\\_Judicial\\_Practice.pdf](https://www.nasmhpd.org/sites/default/files/DRAFT_Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf)
- van Dijk, T. (2015). Critical discourse analysis. In *The Handbook of Discourse Analysis* (2<sup>nd</sup> ed., pp. 466-485). Wiley Blackwell.
- van Wormer, K. (2008). Anti-feminist backlash and violence against women worldwide. *Social Work & Society*, 8(2), 324-337.
- Wilson, A. & Beresford, P. (2000). 'Anti-oppressive practice': Emancipation or appropriation? *British Journal of Social Work*, 30(5), 553-573. <https://doi.org/10.1093/bjsw/30.5.553>
- Wolfe, P. (2006). Settler colonialism and the elimination of the native. *Journal of Genocide Research*, 8(4), 387-409. <https://doi.org/10.1080/14623520601056240>
- Women and Gender Equality Canada. (2021). *Fiche d'information : Violence entre partenaires intimes*. Gouvernement du Canada. <https://femmes-egalite-genres.canada.ca/fr/violence-fondee-sexe/violence-entre-partenaires-intimes.html>