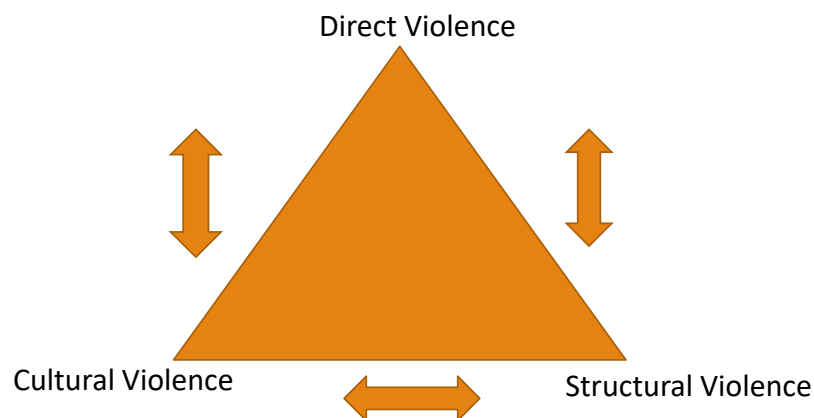


Mapping Law's Role in Gender-Based Structural Violence

JANET MOSHER, OCTOBER 8, 2019

Structural Violence

Johan Galtung



Direct Violence:

- Use of physical force
- Intentional, direct
- Largely visible
- Attributed to particular persons / perpetrators
- Harm is largely centred on the body
- Privileged in discourse (in law, this is primarily this form of violence that is legally actionable)



Photo by [Carles Rabada](#) on [Unsplash](#)

Structural Violence:

- No clear perpetrator
- Normalized, routinized = invisible
- Ongoing, pervasive
- Manifests in unequal distribution of power, resources
- Includes ableism, classism, colonialism, heterosexism, racism, sexism, xenophobia and their intersections
- Prevents people from meeting basic needs and from developing their capabilities causing multiple forms of harm to individuals and communities including poverty, hunger, homelessness, stigmatization, death, discrimination, psychological and spiritual pain
- These structures shape the way systems and institutions function, and they in turn reinforce structural violence



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Cultural Violence:

- Aspects of the symbolic sphere
- Ways of thinking and meaning-making that render only some forms of harmful conduct as “violent” and that justify or legitimate particular forms of direct violence (including when carried out by agents of the state)

Connecting Structures and Gender Based Violence

“In response to intensification in calls for [an] inquiry resulting from discovery of fifteen-year-old Tina Fontaine’s (Sagkeeng First Nation) body in the Red River in Winnipeg in August 2014, Prime Minister Harper refused on the basis that “we should not view this as a sociological issue,” but as “crime.” ... he is wrong in claiming it isn’t a sociological issue: this contemporary phenomenon of missing and murdered Indigenous women and girls...is the direct by-product of dominant social systems of oppression, such as colonialism, racism, and patriarchy that hierarchically order the social world and ensure the distribution of privilege and the fruits of citizenship accordingly.”

Robyn Borgeois, “Generations of Genocide: The Historical and Sociological Context of Missing and Murdered Indigenous Women and Girls” in *Keetsahnak* (Kim Anderson et al, eds)

	Criminal Law	Child Welfare Law	Immigration Law	Social Assistance Law	Family Law
Individuals who require reform	√	√	√	√	√
Surveillance Measures	√	√	√	√	√
Credibility Discount	√	√	√	√	√
Legal Process Experienced as Re-victimizing	√	√	√	√	√
Creates precarity/vulnerability	√	√	√	√	√