

# How transformative justice can address abuse in Canadian sports

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In January 2023, dozens of scholars (ourselves included) signed an [open letter](#) to Prime Minister Justin Trudeau calling for an independent judicial inquiry into widespread allegations of abuse in the nation's sporting organizations.

Our movement, Scholars Against Abuse in Canadian Sport, encompasses experts on law, education, sociology, criminology, history, psychology, and numerous other disciplines, collectively tackling the issue of abuse in sport.

We have all drawn the same conclusion—Canada desperately requires an independent judicial [inquiry](#). Such an inquiry, as legal scholar [Daphne Gilbert](#) recently explained, can "support ongoing efforts, while creating a space to unpack the crisis and propose ideas to fix it."

Judicial inquiries can take many forms, but as Justice [Charles Dubin](#)—who led the 1990 inquiry into drugs and banned practices in sport—explained, inquiries "seek a way of correcting errors of the past so that they will not recur."

A judicial inquiry is an important first step to overhauling Canada's abusive sporting culture, laying the foundation for broader, [transformative justice](#).

Transformative justice pursues systemic change, by situating [survivors](#) and abusers within social structures, past and present. By addressing the root causes of violence, we can reimagine systems to allow for more supportive, safe and accountable communities. This can, and should, include sport.

Only when the full extent of the wrongdoing has been identified can real progress be made.

## Why calls for restorative justice are problematic

A different approach, however, is being floated as the only solution: [restorative justice](#). Conceptually, restorative justice encompasses a range of related practices and ideas for addressing specific instances of harms enacted against an individual or community.

At the core of most definitions of restorative justice is voluntarism. As legal scholar [Annalise Acorn explains](#), survivors and abusers meet, of their own free will, for "a reconciliation of meaningful—even strict—accountability for wrongdoing with compassion for both victim and perpetrator."

Restorative justice can provide an alternative to the more retributive and carceral aspects of the criminal justice system. Some members of marginalized communities, such as Black and Indigenous Peoples, who are [overpoliced and disproportionately incarcerated](#), may have a valid mistrust of the criminal justice system, and prefer a community-based restorative approach.

Although some survivors may benefit from restorative justice, limitations of restorative justice processes suggest that they must not be the *only* action taken to address and dismantle serious and systemic abuse in Canadian sport.

Restorative justice often relies on the assumption that there was a past ideal environment to begin with that can be restored. It also seeks to restore [interpersonal relationships](#), rather than effect broad, systemic change. It is a reactive tool that cannot fix the institutional failings and culture of violence that generated and normalized harm in the first place.

Two decades ago, justice reformer [Ruth Morris](#) argued, "restorative justice does not go far enough. It still accepts the idea that one event now

defines all that matters of right and wrong—it leaves out the past, and the social causes of all events."

Restorative justice can also be problematic because it can recreate a cycle of abuse, in which an abuser seeks reconciliation, only to then continue the violence. Although restorative justice processes do not necessarily require forgiveness, survivors can feel pressure to forgive perpetrators.

This is problematic as forgiveness asks survivors to relinquish their justified negative feelings towards the abuser, implying that the survivor has moved on, and suggesting that "[society has permission to do so as well.](#)"

Some survivors may not want to engage in restorative justice, for a number of reasons. For example, they might understandably not want to have any further communication with their abuser. Furthermore, perpetrators may not be sincerely remorseful. Whether or not individual athletes decide to engage in restorative justice, it is clear that such measures cannot redesign an entire system.

An inquiry would afford survivors an opportunity to use their voices to speak truth to power within a platform that can result in meaningful, structural change. Only after the stories have been told and the facts found can measures be taken that directly ameliorate the wrongs committed.

## **Listening to survivors**

Since Parliament's [Standing Committee on the Status of Women](#) stepped in to provide space for survivors to be heard, calls for a judicial inquiry by the sport and academic communities have been clear. However, to date, the Government of Canada has been slow to act.

Retired soccer player [Ciara McCormack](#)'s testimony at the Standing Committee was unequivocal:

"Systemic change means shining a light into the financial relationships that preserve power and uncovering and dismantling these relationships and systems that protect Canadian sport institutions at the expense of athletes' lives... Only a judicial inquiry into abuse in Canadian sport, with a broad scope, will shine a necessary light on the harm of the past while rebuilding trust for a better future."

On the same day as McCormack's testimony, boxer [Myriam Da Silva Rondeau](#) also urged the government to assemble an inquiry.

"There can be no rebuilding unless a judicial inquiry is conducted by a third party in order to hold the people who perpetuate abuses and the current sport culture in Canada to account."

Retired cyclist [Geneviève Jeanson](#) echoed their remarks. As did former Team Canada soccer captain [Andrea Neil](#): "Nothing can change until we turn the lights on and reckon with where we are."

Abuse depends upon the silencing of those impacted. Failing to listen to survivors can be retraumatizing and can minimize their agency.

An inquiry will uncover those responsible for failing the athletes and prevent them from escaping accountability for wrongdoings.

This is a key moment as conversations about the need for safer sport have captured public attention. We must ensure that survivors' voices are centered in decisions on how to move forward.

Relying solely on [restorative justice](#) would fumble a vital opportunity to repair a broken system. An independent judicial inquiry that allows for

sustainable, transformative [justice](#), must be part of the solution.

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