Do Good Intentions Beget Good Policy? Two Steps Forward and One Step Back in the Construction of Domestic Violence in Ontario

by

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Abstract

The construction of domestic violence shifted and changed as this issue was forced from the private shadows to the public stage. This dissertation explores how government policy initiatives - Bill 117: An Act to Better Protect Victims of Domestic Violence and the Domestic Violence Action Plan (DVAP) - shaped our understanding of domestic violence as a social problem in the first decade of the twenty-first century in Ontario. Specifically, it asks whose voices were heard, whose were silenced, how domestic violence was conceptualized by various stakeholders. In order to do this I analyzed the texts of Bill 117, its debates, the DVAP, as well as fourteen in-depth interviews with anti-violence advocates in Ontario to shed light on their construction of the domestic violence problem. Then I examined who (both state and non-state actors) regarded the work as ‘successful’, flawed or wholly ineffective. In particular, I focused on the claims and counter-claims advanced by MPPs, other government officials, feminist or other women’s group advocates and men’s or fathers’ rights group supporters and organizations. The key themes derived from the textual analysis of documents and the interviews encapsulate the key issues which formed the dominant construction of domestic violence in Ontario between 2000 and 2009: the never-ending struggles over funding, debates surrounding issues of rights and responsibilities, solutions proposed to address domestic violence, and finally the continued appearance of deserving and undeserving victims in public policy. This exploration is important because it speaks to issues of power, given that within and between these advocacy groups certain voices are privileged and silenced to varying degrees, and the outcomes of these complex processes contribute to the shaping of public policy and perceptions outside the state apparatus.
Preface and Acknowledgements

I was born into a family that thrives on taking up causes through volunteer and advocacy work. We volunteer our time and other resources in a number of areas including aiding those with special needs, shoveling driveways, protesting to save parks, ending the corruption in unions and eliminating violence in families. It is no wonder then that I came to be the person I am.

My own passion for advocacy came shortly after the sudden death of my father. Left with a number of unanswered questions and flooded with information about his childhood history of family violence, I had a desperate need to try to ‘make sense’ of the world. Coupled with my own experiences with violence as an undergraduate and volunteer work with victims of violence, I was determined to apply my predisposition towards activism and my new found love of research to this very problematic issue.

Although not initially interested in policy, knowing that my work could somehow make a difference was always important to me and manifested itself quite clearly in the positive response I received for my honours thesis on attitudes towards sexual assault and date rape drugs (see Girard & Senn, 2008). This interest in my work left me wondering if more could be done and if I could somehow use the research that I do to inspire change. I simultaneously started to notice, through my firsthand experience volunteering with a shelter for abused women, shifts in the development of my position as a feminist thinker. Having only read academic work that focused on the need for one collective women’s movement that spoke with one voice in order to fight gender inequality, sounded like an inspirational utopia. However, it did not take long before I started seriously questioning feminism and what it meant to me. As a white, middle-class, well-educated, able-bodied,
heterosexual woman, I recognize my position of privilege and find it essential to maintain an open mind and recognize the diversity of experiences that surround me. Therefore the first time that another woman told me that I was not a feminist because of a position I chose to support, I was left reeling. How could someone advocating anti-violence use a form of violence? Of course, it did not take long for the second, third and fourth encounters of a similar nature to arise, at which point I stopped letting things get to me and refused to be bullied into a narrow framework I did not support. I believe these experiences were important to my development as a feminist in order for me to recognize the varied positions within and outside feminist movements, particularly that men are not the sole source of oppression, bullying and various forms of violence. This led me to the recognition that although the experiences of violence for men and women are often different, men’s violence against women is not the only source of violence experienced by women (or men for that matter). My conflicting interpretations of ‘reality’ often leave me oscillating between various positions and feeling like I do not have a ‘home’ from which to espouse my position. I see violence as something that needs to be eradicated in all its forms without creating a hierarchy of those deemed more or less worthy of support.

However, it is not just fighting within and between groups of women that concerns me, but the exasperation with attempts to be heard by all levels of government to address the complexity of this violence and the frustration with the lack of long-term sustainable progress to end violence in intimate relationships. Women’s anti-violence organizations have fought long and hard to be heard and it still amazes me that, although there has been some progress, change has been mind-numbingly slow and often not very progressive. For instance, I still see women blamed for being sexually assaulted or failing to be ‘good’
mothers when they are being abused, while men are excluded from any and all discussions of violence.

These experiences have inspired my doctoral work on policy development in Ontario. I have always found it interesting that advocacy groups seem to be constantly battling provincial and federal levels of government, and unfortunately each other, for the same things. With the varied and rich histories of social movements, their relationship to violence in intimate relationships and how this shapes government policy making is important. Equally important is how these constructions and battles shape how domestic violence is perceived outside government, advocacy and community organizations impacting how the majority of people will respond to the problem. For these reasons, I find this incredibly fascinating and feel that by recognizing how we have constructed domestic violence and the battles waged over this social problem can aid in determining new courses of action for the future.

However, a project such as this does not take shape without a number of people. Before explaining who these important individuals are and the role they played in the development of my dissertation, I should comment on the ‘life events’ that have sometimes propelled and other times stalled the development of my work over the last five and a half years. For the first time in my life I moved away from my support network and found myself hundreds of kilometers away from those who helped me make it this far. This was a hard transition for me, one which fed the ‘burn out’ that later resulted and was incredibly hard to overcome. After completing my coursework at one post-secondary institution I found myself without a committee and felt the need to relocate for the sake of my research. This was a wise move, but resulted in a commute between my home in
Ottawa and Queen’s University. Over the course of these past five and a half years I have married an incredible man, bought my first home and recently discovered that I am going to be a mother. I also spent 2011 driving between Windsor and Ottawa to care for and spend time with my terminally ill mother-in-law. These experiences - for better or worse - have shaped my life and work and despite everything I am very proud of what I have accomplished while at Queen’s University.

As a result of my work at Queen’s I am indebted to a number of people who helped make this possible, though I am not sure ‘thank you’ is enough. I need to start first by thanking my committee, particularly for their commitment the last few months to ensuring I could get this done by the deadline that I had set for myself thereby allowing me the opportunity to tell my mother-in-law that I was in fact ‘finally’ going to get my doctorate before she passed away. A big thank you first to Gillian Balfour for quickly agreeing to take part in my defence and taking the time to be there. Thank you to Abbie Bakan for providing a much needed perspective outside Sociology and for your willingness to look over other projects I was working on. Much thanks to Roberta Hamilton for her very speedy and thorough editing skills. Your feedback was always very detailed and thought provoking. My thanks to Cathie Krull for always being honest with me about my work to ensure it was the best that it could be. And last but certainly not least, my endless thanks to Laureen Snider for tolerating such a ‘high maintenance’ woman for five and a half years! You had absolutely no idea what you were getting yourself into but you survived it (we both did!). Thank you for getting me into Queen’s (twice!), for listening, letting me cry and vent about life when I needed it, turning edits around quickly so that I could stay focused and, of course, your detailed edits themselves.
All of you played a special role in my life while at Queen’s and I recognize how incredibly fortunate I am to have gathered together such an incredible group of women for my committee. My work is so much better as a result of having feedback and support from each of you - THANK YOU!

Beyond those who served directly on my committee there are a number of other people in my life who are deserving of recognition within these pages. The first person that deserves more thanks than words can adequately express is Michelle Ellis. You were my security blanket while at Queen’s and I know I would not have finished without your support (this is not an exaggeration!). I promise I will still email you updates (I expect some in return) and stop by to visit the department. Thanks to Christine Hughes my PhD Sociology student ‘partner in crime’ who stopped me from procrastinating on many occasions by enlisting me for day long ‘homework parties’. If it was not for you I would probably still be laying on the couch watching Seinfeld reruns and Detroit Tigers baseball games wondering when I would get around to writing that pesky dissertation. Many thanks also to other PhD students for many nights out to commiserate (you know who you are). I should also thank my family and friends for their support and constantly asking me if I would ever finish my dissertation and ‘get a real job’. You were also there to listen to me complain endlessly about being a student for the rest of my life and to remind me that there are other things in life beyond academia - thank you for that. While I thanked my ‘partner in crime’ I also need to thank my partner in life, Jeff Brown. I do not know how you managed to find time to read over countless versions of my dissertation, listen to me work through different ideas and issues with my work, let me cry on your shoulder when I was so burnt out I did not think I could go on, all while
taking care of your terminally ill mother that lived at the other end the province. You truly are an incredible man and I am reminded everyday how unbelievably fortunate I am to have had your love and support to guide this work. Thank you for encouraging me to see this through - and for your keen editorial skills too (I swear despite my eye rolling I really did appreciate all your comments). All of you helped inspire confidence that I was not sure that I had and reminded me that this is not the hardest thing that I have ever done, though it definitely ranks up there on the list!
Abbreviations

BWS - Battered Woman Syndrome

BILL 117 - An Act to Protect Victims of Domestic Violence (also known as the Domestic Violence Protection Act).

CANPAN - Canadian Panel on Violence Against Women

CAS - Children’s Aid Society

CTS - Conflict Tactic Scale

DVAC - Domestic Violence Advisory Council

DVACR - Domestic Violence Advisory Council Report

DVAP - Domestic Violence Action Plan

DVAP Update - Domestic Violence Action Plan Update

DVDRC - Domestic Violence Death Review Committee

FACT - Fathers are Capable Too

FFQ - Fédération des femmes du Québec

LGBTQ - Lesbian, Gay, Bisexual, Transgender, Queer

MPP - Member of Provincial Parliament

MP - Member of Parliament

NAC - The National Action Committee on the Status of Women

NCWC - National Council of Women of Canada

NDP - New Democratic Party

OAITH - Ontario Association of Interval and Transition Houses

ODARA - Ontario Domestic Assault Risk Assessment.

OWJN - Ontario Women’s Justice Network
PAR - Partner Assault Response (program)

PC - Progressive Conservative

StatsCan - Statistics Canada

VAW - Violence Against Women

VAWS - Violence Against Women Survey

VOW - Voices of Women
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Chapter 1

Introduction

The first attempt by an Ontario provincial government to address domestic violence in a ‘comprehensive’ way came from the Progressive Conservative (PC) Government in 2000. Bill 117: An Act to Better Protect Victims of Domestic Violence (also known as the Ontario Domestic Violence Protection Act) gave Ontario’s first definition of domestic violence and was legislation designed to better protect victims through protection orders. In Bill 117 the PCs aimed to strengthen the criminal justice response to domestic violence in Ontario by retooling intervention orders, making them easier to obtain and enforce. The goal of this neoliberal law-and-order initiative was to create tougher restrictions for perpetrators, allow victims and their children to remain in their home and to create a ‘better’ overall criminal justice response to the domestic violence problem. Despite receiving Royal Assent Bill 117 was never proclaimed into law and has since been repealed by the Liberal government that later took power.¹

In 2004 the Ontario Liberal government introduced an ambitious Domestic Violence Action Plan (DVAP). Its purpose was to “free women from violence” by

¹ My emails to members of the Ontario PC party in April 2010 were not returned. I was hoping to hear from them why they chose to put forward legislation and why, even though it was given Royal Assent, it was never proclaimed into law. I have gleaned from media accounts and website commentary a number of reasons for the creation of Bill 117 (see Chapter 5).
creating a strategy that endeavoured to cover all major aspects of woman abuse. The DVAP’s central tenet was that “all women have the right to live in safety and dignity, free from intimidation and the threat of violence” (Ministry of Community and Social Services, 2007, p. 5, emphasis added). This action plan aimed to prevent violence against women and to improve the supports available when abuse did happen. The Liberals called this a ‘balanced’ approach because it covered both justice system initiatives and community supports. Many feminist advocates and Members of Provincial Parliament (MPPs) claimed that Bill 117 only dealt with the former. Through the DVAP, the Liberal government claimed they would strengthen community supports with more funding and better access to services, increase training for both government and non-government actors working with victims of abuse, and educate the public, particularly school-age children to focus on healthy relationships and change attitudes and behaviours regarding domestic violence (Ministry of Community and Social Services, 2005). My research aims to account for how government policy initiatives - Bill 117 and the DVAP - shaped our understanding of domestic violence as a social problem in the first decade of the twenty-first century. Specifically, it asks whose voices were heard, whose were silenced, how domestic violence was conceptualized by various stakeholders and what each believed to be the way forward to eradicate violence in intimate relationships.

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2 Although the title of the DVAP and the document itself uses the word domestic violence, all references in the body of the action plan are gender specific making reference to abused women and children (see Chapter 11 for more on this issue).
My research parallels Gillian Walker’s *Family Violence and the Women’s Movement* (1990) in which she examined how feminist and non-feminist discourses on family violence contributed to the construction of policies in Canada in the 1980s. In response to women coming forward publicly with their experiences of violence in their homes, feminists began opening shelters across Canada. As more and more women sought refuge, these shelters began seeking funding from governments. As a result, they were then obliged to legitimize their claims to governments, agencies and the public in language that would be ‘acceptable’ to government funders. As part of this process, Walker documented the discursive shift from the gender specific ‘wife battering’ to the all-encompassing term ‘family violence’. Walker examined how discursive struggles produced conceptual shifts in the way we discuss violence against women. She argued that these were not innocent shifts over time, but were created and manipulated through discussions with various state actors, social workers, other community organizations and individuals.

For many feminists, abuse was seen as an instance of women’s oppression stemming from a patriarchal order that shaped families and other social institutions. These feminists believed that the only way to eradicate violence against women was to overthrow patriarchy and capitalism and to build a society based on social, political and economic equality between men and women. However, many healthcare and social work professionals, informed by liberal feminism (see Comack, 2006), defined the problem of violence against women more narrowly, locating it in outdated sex roles, traditional
attitudes, and inadequate legal and institutional procedures. Their solution was to pursue and achieve gender equality through education and legal reform, while accepting that, as a temporary measure safe houses needed to be established and women needed to be assisted in becoming economically independent. Walker’s examination of the various discourses involved in the creation of policies helped researchers and activists understand how the language and intent of legislation and other government programs and policies take shape and the impact they have once implemented. She concluded that in the battle over concepts, definitions and solutions, there were those who came out as ‘winners’ - their desired policies were implemented, their voices heard - while others came out as ‘losers’, those whose voices were not heard.

Collier also explores shifts in the construction of domestic violence, shifts that emphasize the need to move beyond “whether spending increased or decreased to determine how well the policy output addressed long-standing women’s movement demands in the particular policy arena” (2008, p. 22; see also Collier, 2005). While government funding and resource allotment are important to combat domestic violence, it is equally important to recognize the ways governments construct social problems and how that shapes the actions and reactions of stakeholders within and outside the state apparatus.

By examining Bill 117 and the DVAP, this study explored provincial government policies that addressed domestic violence in Ontario from 2000 to 2009. My research examined how competing groups and interests presented the problem of domestic
violence and what they saw as necessary to help victims live free from the threat of violence. I analyzed the texts of Bill 117, the Bill 117 debates and the DVAP to shed light on their construction of the domestic violence problem. Then I examined who (both state and non-state actors) regarded the work as ‘successful’, flawed or wholly ineffective. In particular, I focused on the claims and counter-claims advanced by MPPs, other government officials, feminist or other women’s group advocates and men’s or fathers’ rights group supporters and organizations who had their voices heard or who were silenced in these policy initiatives. This exploration was important because it spoke to issues of dominance and power, given that within and between these advocacy groups certain voices are privileged and silenced to varying degrees, and the outcomes of these complex processes contribute to the shaping of public policy and perceptions.

This study also helped fill a gap in the literature on domestic violence policies by examining provincial domestic violence initiatives that directly affected victims of violence and the way different people involved (or not) in policy-making constructed the problem of domestic violence. At the federal level there have been a number of specific projects that aimed to reveal the scope and types of violence against women that exist, including the Family Violence Initiative (1988) and the Violence Against Women Survey (1993). Provincial initiatives have, with the exception of funding shelters and related services, focused predominantly on criminal justice solutions including mandatory arrest, pro-charging policies, specialized police units and courts (see Johnson and Dawson, 3

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3 The majority of policy and advocacy activities are created with victims in mind. Offenders are assumed to be covered by Criminal Code provisions.
Though still focused on the criminal justice system, Bill 117 was Ontario’s first attempt at legislation intended to define and address aspects of domestic violence. Four years after the demise of Bill 117, the DVAP was created and billed as the first all-encompassing holistic attempt to address a number of issues relevant to the domestic violence problem.

My study of Ontario’s attempts to address domestic violence makes an important contribution because scholars have attended much more closely to federal initiatives (see Collier, 2008), despite the fact that the provinces are primarily responsible for community supports and services, education, custody and access, housing, enforcing laws and a number of other complex components of the domestic violence problem. Studying these issues in Ontario is particularly important because activists in this province have often been leaders in addressing aspects of ‘family violence’ in a large and diverse population (Collier, 2005). Moreover, this analytic focus is sorely needed given the men’s rights argument that we are in a ‘post feminist’ era (DeKeseredy & Schwartz, 2003; Faludi, 1991; Girard, 2009; Mann, 2008; Minaker & Snider, 2006; Rowe-Finkbeiner, 2004; Steenbergen, 2001), a current minority Liberal Government in Ontario, and ongoing fiscal restraints following recent financial crises (Cossman & Fudge, 2002; Ferguson, 2008; Mosher, 2006; Scott & Myers, 2002; Snider, 2006, 2011).

This study is informed by poststructuralist perspectives on gender, power, and governance (Carrington & Watson, 1996; Foucault, 1991; Garland, 1997, 2001; Macleod & Durrheim, 2002). A feminist poststructuralist perspective recognizes that power is
manifested through both dominant and counter positions at specific moments in time through multiple sites including the state, various agencies, and other organizations. From this perspective, the focus of analysis becomes not the direct power of the state but how populations are governed through state and non-state entities (Rose, 1999). My theoretical framework is designed to situate a feminist poststructuralist perspective within an analysis of the socio-political economic developments in the construction of domestic violence as a social problem in Ontario policy-making circles over the first decade of the twenty-first century.

In order to accomplish these goals, the thesis begins with the histories of Canadian feminism(s) as a social movement, its struggles and claims. The third chapter examines the links between these feminist movements and the recognition of domestic violence as a social problem. Chapter four sets out the positions of men’s rights supports, anti-feminist and backlash movements that developed. These chapters explore claims in feminist and non-feminist literatures and address the silences of ‘common-sense’ positions (see Minaker & Snider, 2006). Chapter six provides an elaboration and justification of the methodologies used in this thesis, exploring both the textual analysis and interview techniques employed. The seventh through tenth chapters present the findings, the key themes derived from the textual analysis of documents and the interviews. These themes encapsulate the key issues which formed the dominant construction of domestic violence in Ontario between 2000 and 2009: the never-ending struggles over funding, debates surrounding issues of rights and responsibilities, solutions
proposed to address domestic violence, and finally the continued appearance of deserving and undeserving victims in public policy. The final chapter situates my findings in light of feminist understandings of power, gender and social processes and discusses their implications, as well as future directions.
Chapter 2
Locating the ‘Waves’\(^4\): A History of Feminist Movements in Canada

There is a long history in Canada of feminist claims-making and policy building that has led to the feminist movements we see today and their influence on government initiatives like Bill 117 and the DVAP. This chapter explores the varied and complex histories of feminist movements in Canada from some of their initial efforts to organize in the nineteenth century to current endeavours for political, social and economic change. The first section locates the beginnings of feminist organizing in Canada during the nineteenth century, elaborating on key moments and critiques of their efforts. Following that, the next section discusses feminist positions that began to emerge in the 1960s including movements such as liberal, radical and socialist feminisms as well as anti-racist, Francophone and Aboriginal feminist movements. The final section delves into the beginnings of the third wave and focuses attention on poststructuralist feminist movements and the noticeable shift from welfare to neoliberal forms of advocacy and reform. In order to later situate the emergence of domestic violence and how it became seen as both a social problem and a feminist issue, the goal of this chapter is to gain a better appreciation of the movements that have emerged over the last century, to better

\(^4\) ‘Waves’ is in quotes here to denote the debates that continue to take place in feminist circles over whether there has always been feminist activism and not ‘waves’ of advocacy, while others argue that there have been periods marked by stark expressions of activism and social change with quiet periods in-between. Further, although feminist movements are separated here into different categories, it should be noted that the lines drawn between them have never been this clear cut. Many feminists utilize concepts from a variety of perspectives in order to advance their claims.
understand where they came from, what they have been through and the directions they might be headed as separate but often overlapping advocacy voices.

Feminist Movements Then and Now

The first ‘wave’

In Canada, women have always been the subjects of some form of moral and sexual regulation by the law. Historically women and children were the property of their fathers and, once married, women became the property of their husbands under the doctrine of marital unity (Backhouse, 1991; Chunn, 2006; Sheehy, 2002; Wilson, 1991). For instance, Backhouse (1991) observed that only a woman’s father or husband were considered victims when charges of seduction, rape, or a breach of promise to marry were made, because they deserved payment for the lost value of that woman. Only the father or husband could be compensated, not the woman. In the rare instances where a woman was able to bring about charges on her own account, issues of consent, her character, chastity, and the ability to provide witnesses were used against her to lessen her credibility (Backhouse, 1991; see also Sheehy, 2002).

In what has been dubbed ‘first wave’ maternal feminism, efforts to forge legislation to protect some women coincided with efforts to advance women’s legal

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5 I would add that race, class and sexual orientation are important factors in determining eligibility for assistance from the criminal justice system as well, then and now.
6 Backhouse (1991) explains that the silence of marginalized women’s voices in her examination of women in the nineteenth century was due primarily to a lack of resources and access to knowledge by women who are ‘othered’ in society. Also, these battles were fought on behalf of all women - the maternal reformers were very concerned about the morals and lives of working class women, prisoners amongst others. It is later theorists who criticized these movements, pointing out that the improvements primarily benefited
rights (recognition as persons) in family law and policy, as wives and mothers in the private sphere (Chunn, 1999; Pleck, 1987; Sheehy, 2002; Snell, 1992) - hence the inclusion of ‘maternal’ to distinguish feminist during this era.\(^7\) To end the subordination of women, first wave feminists created many organizations, the most widely recognized being the National Council of Women of Canada in 1893 (NCWC). The main goal of the NCWC was to improve women’s condition in Canada. Early efforts focused on underprivileged women including prisoners, women working in factories and immigrants. Through these efforts, significant legal reforms were achieved, including the *Married Women’s Property Act* (1884 in Ontario) and the *Ontario Deserted Wives’ Maintenance Act* (1888) (Chunn, 2006).\(^8\) Based on assumptions that men and women are inherently different - men in the public sphere providing protection and resources for the family, women in the private sphere managing the house and children - maternal feminists argued that women’s contributions in the private sphere should be recognized as much as those of men in the public domain. After extended struggle, women earned the right to vote in Canada in 1918 - although Aboriginal women could not vote until 1960 (Sheehy, white privileged heterosexual married women (Comack, 1999; Pleck, 1987; Smart, 1992a; Snell, 1992; Snider, 1994, 1998, 2003).

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\(^7\) Though legal rights were a primary concern, nineteenth century feminists also focused on child labour, improving working conditions, and health and welfare reforms (Wilson, 1991).

\(^8\) The Married Women’s Property Act in Ontario gave married women the same legal standing as men in relation to legal agreements and buying property. Under the Deserted Wives and Children’s Maintenance Act, a married woman who could prove that her husband had deserted her could apply to the court for support. Concerns were raised over the issue of desertion particularly around women who would leave their homes for the sake of their own safety or that of their children. If the courts decided that she had no choice but to leave she would be granted support, if it was shown that she left voluntarily no support would be awarded.
Overall, their efforts helped establish family related policies that recognized the obligation of the state to help ‘deserving’ women (mostly through financial means); obtain basic legal rights, and help establish the beginnings of the Canadian welfare state (Chunn, 2006; Ursel, 1992; Wilson, 1991).

Feminist movements in the nineteenth century have been criticized for their unquestioning acceptance of the nuclear family form and of a ‘natural’ sexual division of labour. These aspects reinforced conventional understandings of good and bad women with ‘good’ women being those who married and remained in the private sphere. A second criticism is that maternal feminists saw the state as a neutral entity that would protect everyone equally. Only decades later was it recognized that changes would have to be made to the state to improve women’s position in more substantive ways. Third, many new laws, even including voting rights, created new ways to govern women. For example, they had to prove they were ‘good’ women and mothers - that is, chaste and monogamous - during their marriages to get state support which also included heightened governance of their behaviours, while men had no such requirements. In addition, women who did not adhere to the ‘traditional’ European family form (such as Aboriginal

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9 Women gained the right to vote in Ontario provincial elections in 1917 (Wilson, 1991).
10 As Margaret Little (2005) explains, historically (and presently) the welfare system has ignored the impact of the global market, those with dependents, and that most who require assistance do have jobs that still leave them below the poverty line. She further argues that “poor single mothers who are considered worthy constitute one of the first groups to receive government aid [and] most provincial governments established welfare for single mothers in the early 1920s. These welfare cheques were minimal, and only those deemed most deserving were eligible, namely, white Anglo-Saxon widows with more than one child” (Little, 2005, p. 8). These women were encouraged to get gender specific (i.e. domestic) work but it could not interfere with their primary role of being a mother. This is further complicated by the difficult task of proving monogamy if a husband deserted you and your children, was abusive, etc (see Mosher, 2006). Accordingly women had to prove that they did not have any other means of support.
women) were frequently seen as ‘immoral’. Many of these criticisms demonstrate that while some women’s voices have sometimes been heard throughout history, this has had mixed consequences. However, what remains clear is that in the nineteenth century many women worked together to secure several important basic rights for women.

**The birth of the second ‘wave(s)’**

Following the alarming realization that gaining the vote and other legal rights did not end women’s oppression and subordination, a variety of feminist voices began to emerge in the 1960s. The first voices to publicly emerge were those of an organization in 1960 called Voices of Women (VOW), a group of middle class women who used a feminist perspective to advocate for global harmony and peace (Hamilton, 1996; Rebick, 2005; Vickers, 1992; Wilson, 1991). According to Vickers (1992), VOW was a link between the first wave of feminists and the second (often refered to as the women’s liberation movement), demonstrating that the ‘gap’ between feminist waves of activism may not have been as large as some have argued (see Hamilton, 1996).

Second-wave liberal feminists, unlike their feminist foremothers of the nineteenth century, began focusing on similarities between men and women rather than differences (see Chunn, 2006; Comack, 2006; Hamilton, 1996). From the liberal feminist position, women would be equal when they gained equal standing with men. This could only be accomplished if women became economically independent and able to make their own decisions. According to Comack (2006), liberal feminists attributed women’s inequality to two variables: culture and socialization. Culture, they argued, created and reinforced
specific gender roles with men in the public sphere which relegated women to the private
domain. Through socialization men and women are taught to conform to these traditional
gender roles which reinforce male dominance and female subordination.

Liberal feminists, like their maternal feminist ancestors, believed that changing
law and state policies would be the vehicle for achieving and maintaining women’s
equality. Feminist pressure at this time led the federal government to establishment and
write the *Report of the Royal Commission on the Status of Women* in 1970 (Chunn, 2006;
Hamilton, 1996; Rebick, 2005; Wilson, 1991). In 1967, in response to feminist advocacy
around women’s issues and needs, this Royal Commission was set up to examine the
treatment of women in a variety of settings and report back with recommendations to
improve the condition of women across Canada. The final report included 167
recommendations on issues pertaining to maternity leave, the *Indian Act*, day care, birth
control, law, work and education (Morris, 2008). It emphasized gender neutrality, which
liberal feminists at the time thought would mean ‘true’ equality, and equality in all laws
and policies (Chunn, 2006). This document was a “rallying point for the emerging
women’s movement” (Rebick, 2005, p. 6) because it recognized the engrained,
longstanding subordination of women in Canada. Its continued use for policy initiatives
today, more than 30 years later, reflects its important position in feminist history.11

11 However, O’Neil (2003) argues that it might be time for another Royal Commission to address issues
overlooked or not implemented by the first Royal Commission on the Status of Women including a
national day care strategy, guaranteed annual income for single-parent families, addressing persistent
cutbacks by governments to social services, the feminization of poverty, the intersection of various forms
of oppression with gender and violence against women (see also Collier, 2005). I would add the
feminization of migration as a pressing issue to be examined as well.
Status of Women Canada (1971)\textsuperscript{12} was established after the Royal Commission to give women a vehicle and voice within the federal government by positioning women, as a singular unit, within these governmental relations of ruling (Walker, 1990; see also Smith, 1999). Along with an official mandate to promote gender equality, Status of Women Canada moved beyond symbolic politics by attaining government funding for research on women’s interests and needs. This led to the creation of The National Action Committee on the Status of Women (NAC) in 1971, a national organization with regional offices across the country established to ensure that the 167 recommendations made by the Royal Commision would be implemented. Liberal feminists thought that these initiatives would make women’s equality with men a reality, creating a more egalitarian society. However, persistent inequalities between men and women continue to exist today (for example, no universal daycare, pay inequity, continued violence against women), making it glaringly obvious that women and men are still not substantively equal in Canada.

The positive effects of the liberal feminist approach, including less overt sexual discrimination, should not be overlooked. Among other contributions, these changes have shifted the focus (on paper anyway) from mothers as the only caregiver to shared responsibility for parenting (see Chunn, 2006). The negative implications of liberal feminism have also been revealed over time. First, the lack of recognition of alternatives

\textsuperscript{12} The creation Status of Women Canada was one of the first initiatives implemented by the government that recognized the efforts of many second wave feminists. It was originally created by the federal government as an organization to promote women’s full equality and remove all barriers women face in all areas of life in Canada, including violence against women.
to the traditional family form was an issue since it assumed that most women would still get married (to men) and have children (see Comack, 2006). Second, the shift in discourse from a welfare model to an egalitarian model of the family (Chunn, 2006), emphasized (on paper anyway) equal responsibility for both men and women before, during and after marriage. Because of the emphasis on gender neutrality, the dominant discourse in government policies and legislation became one of equality. Examples of this shift include the move from the ‘man in the house’ rule to ‘spouse in the house’ and ‘wife abuse/battery’ to ‘domestic violence’, ‘spousal violence’, ‘intimate partner violence’ or ‘family violence’. All of these give the impression of equality in relationships despite the fact that women experience more severe persistent forms of violence, still earn less than men on average and still assume more responsibility for care-giving and household maintenance (Krull & Sempruch, 2011). This emphasis on equality has also been used against women by backlash movements (see Bala, 1999; Boyd & Young, 2002; DeKeseredy, 1999; DeKeseredy & Schwartz, 2003; Girard, 2009; Mann, 2008; Minaker & Snider, 2006; see also Chapter 4). Similarly, changes to sexual assault laws in 1983 served to render this issue gender neutral, when previously it was legally designated as a crime against a woman (Sutton, 1999). Finally, the formal equality embedded in various pieces of legislation did not actually change the substantive position of all women: some women benefited from these changes while others were further marginalized. The creation of the Report of the Royal Commission on the Status of Women, while a great feminist victory for some, worked to silence and further
marginalize women whose voices were not represented in that document (i.e. women of
colour, immigrant women, lesbians, (dis)abled women). Therefore, “law is neither the
ultimate oppressor of women nor the ultimate means to resolve that oppression” (Boyd,
1994, p. 46). As Smart (1992b, p. 30) further notes, there is a “renewed vigour in
attempts to deploy law in the cause of women…but this strategy continues to give law
a special place in the resolution of social problems.” The result is that law’s primacy is
not challenged, it is given special status and therefore is the dominant discourse on
feminist issues despite the fact that it assumes that a singular category ‘Woman’
encapsulates all women’s voices. The lesson learned is that formal (legal) equality means
very little if we are not willing to change the institutions (i.e. education, work, welfare,
housing, day care, etc.) that reinforce a normative understanding of families, men and
women which ultimately place more blame and responsibility on women.

As concerns and disagreements with the liberal feminist approach grew, divisions
widened and new feminist perspectives were born that devoted less time to lobbying for
legal equality with the state. Among these were radical and socialist feminist
movements.\textsuperscript{13} The radical feminist perspective, also sometimes referred to as lesbian
feminism,\textsuperscript{14} was driven by the recognition of violence against women as a, if not the,

\textsuperscript{13} Wilson (1991) referred to radical and socialist feminisms as grassroots feminism because they grew out of
other movements of the time (i.e. peace, student and New Left movements).

\textsuperscript{14} Although radical feminism did not exclude heterosexual women, many radical feminists argued that a
lesbian separatist position that focused on finding ways for women to live separately from men in their own
societies would help women achieve true equality (Hamilton, 1996). The term compulsory heterosexuality
was coined by Adrienne Rich and used by many radical feminists to describe the securing of power by men
over women through heterosexual marriage as the only ‘real’ legally recognized relationship (Hamilton,
source of women’s oppression. Through the creation of consciousness-raising groups, radical feminists helped women make private issues public, thereby establishing (many of) their concerns as social problems. Some of the problems raised in these groups included sexual assault, woman abuse, and reproductive choice and therefore “women’s experience became the point of departure in feminist theorizing” and research (Wilson, 1991, p. 7; see also Smith, 1987).

Although they took very different positions on many issues, the similarities between the maternal nineteenth century and radical feminist positions, particularly their focus on biological differences between men and women, should be noted. However, unlike maternal feminist approaches, radical feminists focus on the value of women’s biological differences instead of placing men’s innate differences at the top of the hierarchy (Comack, 2006). There are also several differences between the radical and liberal feminist approaches, particularly in their use of language. For instance, Comack (2006, p. 47) argues that while “liberal feminists talk about women’s inequality, radical feminists are more inclined to talk about women’s oppression. While liberal feminists aim for equality of opportunity of women, radical feminists call the structure of inequality into account”. Radical feminists identified patriarchy as the main source of women’s oppression and subordination. Patriarchy is a system of male domination that keeps women down because all institutions are securely embedded in patriarchal relations and hierarchies.

1996). This also tends to be the stereotype envisioned by those who do not have an understanding of the diversity of feminist perspectives.
This perspective, like all others, is not without its critiques. Although radical feminists have given women the concept of patriarchy as a tool to analyze women’s oppression and subordination, they focus predominantly on men’s power and promote an essentialist view of power where all men are seen as having power over all women. This categorization does not leave any room for men in the struggle to end violence against women nor does it recognize the power and hierarchal differences within and between groups of women and men. Moreover, conceptualizing patriarchy as the source of all women’s oppressions ignores the role that class, race, ethnicity, ability and sexual orientation play, apparently suggesting that all these issues would disappear if patriarchy was eradicated. While liberal feminists often regarded laws as sexist, radical feminists generally saw law itself as inherently male. Smart (1992b, p. 34) argued that we should perceive law as gendered thereby shifting from “asking ‘How law can transcend gender?’” [to] ‘How does gender work in law and how does law work to produce gender?”, an argument subsequently taken up by poststructural feminists.

Socialist feminism also emerged due to criticisms and silences within the liberal feminist discourse, as well as the exclusion of a class-based analysis in radical feminist thought and as a direct result of the lack of a gender analysis encountered with traditional Marxism (Comack, 2006; Hamilton, 1996). Socialist feminists focus on the links between gender/patriarchy and class/capitalism. This dual-systems model locates the source of women’s oppression within a capitalist system of male domination that does not acknowledge the link between production (‘men’s work’ - public sphere) and
reproduction (‘women’s work’ - private sphere) (see Eisenstein, 1986). Socialist feminists focus on the way men are able to keep women in the private sphere, thereby controlling them economically and sexually. However, unlike radical feminists, socialist feminists do not explicitly exclude men from the struggle since patriarchy and capitalism oppress them in a number of ways as well. Nor, unlike liberal feminists, do they ignore the economic and social value of the work that women do in the home. According to socialist feminists, women’s work in the home is equally important to work done outside the home and should be recognized by the state as ‘real’ work. However, socialist feminists do tend to take a structural approach at the expense of the recognition of individual agency. Examining the structures that subordinate women and not looking at how different groups or individual women have engaged those structures makes it difficult to recognize areas where gains have been made or see counter-discourses that have been created within these systems. Thus socialist feminisms have been criticized for their inability to look simultaneously at multiple forms of oppression that women experience in society. Instead of trying to find one all-encompassing form of oppression, socialist feminists are able to see multiple ways that these structures oppress women (capitalism and patriarchy); however, the focus has traditionally been on gender and class at the expense of other forms of oppression that many women experience simultaneously (see Comack, 2006).

Anti-racist feminists took the lead during the 1980s, forming their own feminist organizations and discourses. Many women of colour felt uncomfortable with the
direction of mainstream feminisms and the lack of diversity in their advocacy. For these 
feminists, race and ethnicity play a very active role in systems of oppression and 
intertwine with gender and class to further marginalize, oppress and exploit women of 
colour. They argued that the intersecting oppressions of race, class and gender needed to 
be addressed simultaneously (Collins, 2000), and not as if they exist independently of 
each other. Anti-racist feminists fiercely criticized second wave feminists for 
essentializing categories of woman into the Middle-Class White Woman, an argument 
later taken up by poststructuralist feminists. According to Hamilton (1996) the inclusion 
of race created a further divide in feminist movements as some feminists argued that race 
should not have equal footing with gender (or class) because it dissolves collective 
feminist strategies centered on gender devoted to achieving women’s equality with men. 
Anti-racist feminists have recognized this invisibility and drawn on race, class and gender 
to examine the dynamic and divergent ways that forms of oppression shape power 
relations. Through these arguments, anti-racist feminists sought to negotiate a space 
within feminist thought for consideration of race-related subjectivities that intersect at 
different points with other forms of oppression often overlooked by mainstream second 
wave feminists.

Taken as a whole, the feminist movements outlined above have directed the 
majority of their activist activities and criticisms at the federal level of government. 
However, as a part of Canada’s varied history, culture and identity, it is important to
recognize the distinct contributions of feminist movements in Quebec. These movements did not always centre the Canadian federal state as the target of their activism, in fact, many linked Quebec women’s equality, and hence the end to violence against Francophone women, with the provincial nationalist struggle for independence. Many English Canadian feminists directed their efforts towards the federal government, its failure to recognize women’s oppression in work, education, reproductive rights, and violence, and struggled to have reforms codified in law and policy. However, many Quebec feminists struggled to have the powers of the federal government transferred to provincial authorities where they believed issues could be better addressed to reflect the needs of Francophone women (Hamilton, 1996). As de Sève (1992, p. 116) argued, “English-Canadian feminists should not discard nationalism as unfeminist in the case of Quebec, because nationalism cannot be ignored as a crucial dimension of the Quebec feminist movement. It is part of our identity and an important form of self-assertion”.

Francophone feminists argued that English feminists do not recognize how their English national identity is privileged both within and outside the state, and how that works to silence other perspectives, particularly women in Quebec. Nor do they recognize Quebec feminist voices as a national, as opposed to a regional, movement (de Sève, 1992; Rebick, 2005).

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15 Although I am focusing on discourses situated in Ontario for my dissertation, the experiences and oppressions of French women expand beyond the borders of Quebec, with Ontario having the largest French speaking population outside of Quebec (Citizenship and Immigration Canada, 2008). Further, as Motoi (2006) argues Francophone women outside Quebec experience a triple inferiority as a woman, as a Francophone and as an ethnocultural minority.
During the rise of the first wave in nineteenth century Canada, French and English feminists had a brief initial period of unity, but it was not long before divides began and separate English and Quebec feminist movements emerged. By the second wave, many Quebec feminist struggles were securely linked to national independence and identity. While English Canadian feminists had the NAC (1971) to unite all women under a single banner, Quebec feminists had the Fédération des femmes du Québec (FFQ) (1966) started by Thérèse Casgrain and established long before Status of Women Canada and the NAC emerged. In fact, they were part of the initial struggle to create the Royal Commission on the Status of Women (O’Neil, 2003). Much like English feminists, the FFQ focuses on contributing to the advancement of women in many areas including public and private spheres, the end to violence against women, as well as Quebec independence. Even radical and socialist Quebec feminists who did not see any state as responsive to their needs were still more likely to be in favour of Quebec independence than English feminists were.\(^{16}\)

Another group largely silenced by mainstream Canadian feminisms are Aboriginal women. Much like women of colour and Quebec feminists, Aboriginal women’s discourses emerged to challenge white feminist movements and the oversimplification of one Canadian women’s voice which typically marginalized Aboriginal histories, colonization and oppressions. Although focused on a variety of gender issues including the overrepresentation of Aboriginal women in prison,

\(^{16}\)It should also be noted that not all Quebec feminists have been in favour of separating from Canada (de Sève, 1992).
discrimination in work, education and violence, Aboriginal advocacy focused heavily on discrimination on and off reserves, and on self-determination (Baskin, 2006; Hamilton, 1996; Monture-Okanee, 1992; Rebick, 2005). However Aboriginal feminist activists in the 1970s focused on legal changes to the Indian Act. Under this legislation, an Aboriginal woman lost her legal status, as a native person, as did her children, if she married a non-Aboriginal man. Neither Aboriginal men nor their children lost their status if the man married a non-Aboriginal woman. These women faced resistance from the state and non-state non-Aboriginal groups, but also from some Aboriginal men who, after centuries of colonization, had internalized patriarchal hierarchies. Many were concerned with losing their Indian status altogether if Aboriginal women decided to ‘rock the boat’ too hard with provincial and federal governments (Rebick, 2005). This blatant gender inequality was decried by the Royal Commission on the Status of Women and one of its 167 recommendations explicitly advocated the removal of that section from the Indian Act. By 1985, after collective advocacy by the Native Council of Canada, Indian Rights for Indian Women, the NAC and a number of court cases, the section was removed.

Much like Quebec feminists, Aboriginal women claimed that liberal, radical and socialist feminisms were not reflecting their needs, their specific experiences of oppression by dominant white societies, or their unique experience with violence by intimate partners (see Baskin, 2006; Ferraro, 1996b; Monture-Okanee 1992; Monture-Angus, 1999). However, Aboriginal women added that French feminists were also at fault for claims to Quebec nationalism and that land without recognizing the Aboriginal
people who had claim to that land long before they arrived (Baskin, 2006). Also, unlike radical feminists, but much like anti-racist feminists, Aboriginal women claimed that their work towards self-determination must include men and children to fully recognize and counter the multiple ways in which institutions continue to marginalize them as a whole (Baskin, 2006). Only together can the patriarchal systems of oppression be dismantled. It was the colonizers who taught Aboriginal men and women about patriarchy, sent them to residential schools and stole their children, which had detrimental impacts for their communities and lives long after these schools were closed and (some) children were reunited with their families (Baskin, 2006; Ferraro, 1996b; Fournier & Crey, 1997). One result has been the manifestation of violence within both public (state) and private (home) spheres, particularly the alarming number of domestic violence incidents, and the devastating impact on future generations of Aboriginal children (Baskin, 2006; Fournier & Crey, 1997). If the source of patriarchal oppression, and therefore violence against Aboriginal women, is colonization and the experiences of violence Aboriginal men have had outside the private sphere, then self-determination, healing and ‘re-education’ using traditional Aboriginal methods are needed to end violence against Aboriginal peoples in general, and violence against Aboriginal women in particular.

The emergence of third ‘wave(s)’: still kicking!
From this plurality of women’s voices and experiences emerged a number of feminist frameworks most notably poststructuralist feminism. Poststructuralist feminism draws on a diversity of perspectives including psychoanalysis, linguistics, political theory, and race theory to address a variety of women’s concerns. In this feminist construction, identities are not fixed but rather are fragmented, shifting and constantly being renegotiated. Poststructuralist feminists are particularly concerned with not reproducing essentialist androcentric categorizations of women and oppression because these categories perpetuate the invisibility of some women in the struggle for equality, and continue to compare women to their opposite: men (Hamilton, 1996).

According to Hamilton (1996, p. 27), “the theoretical challenges to second wave feminism from women of colour, disabled women, lesbians, bisexuals, and older women converged with those of poststructuralism. The command is ‘do not tell me what I am’”. The focus then is to deconstruct binaries and constraining categories with a focus on how language is used and produced in creating and maintaining power relations (Comack, 2006; Mills, 2003).

Poststructuralists argue that there are many contradictory and competing truths that can be examined by deconstructing socially constructed categories (Comack, 2006). One way in which these categories can be deconstructed is through an examination of discourses. Through discourse meaning is made, realities are constructed and the world

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17 A branch of poststructuralist feminism emerged from French feminism in France as a critique of Western middle class feminist theory that is assumed to be too narrowly focused. It has also been referred to as postmodern feminism an umbrella term for frameworks ‘reacting’ against modernity.
makes sense (see Comack, 2006; Hamilton, 1996; Mills, 2003). It is not just the dominant discourses that are explored but the silences, the absences and the resistant discourses that emerge to counter dominant ones (see Foucault, 1991, 1994). For instance, governing is not solely administered in a top-down fashion, but power is realized through a constantly shifting and changing set of relations dispersed among competing parties. This formulation expands conceptualizations of governmental authorities to include families, churches, experts, professionals, and other actors, dissolving any rigid line between public and private, state and non-state (see Garland, 1997). Using this reasoning, policies are not seen as solely created and administered by the state, but as complex entities comprised of the influence of others including men’s, children’s and women’s rights advocates.

Poststructuralist feminists have often been criticized by other feminists for disassembling the feminist movement. If everything is to be deconstructed, including the category woman, then it is hard to mobilize around a particular issue. However, in subtle and obvious ways, first and second wave feminists also fought to deconstruct different categories and representations of woman (the feeble woman, the mad woman, the poor woman etc.), which makes third wave feminist activism a natural extension of those feminists who came before (Comack, 2002; Luhmann, 2001; Steenbergen, 2001). Further, poststructuralist feminists were not the first to separate from mainstream feminisms. As discussed above, earlier feminist movements emerged around race, ethnicity, sexual orientation, nationality, and aboriginality, and they too sought out
different avenues of resistance (see Baskin, 2006; Collins, 2000; Cooper 2000; de Sève, 1992; Mitchell & Karaian, 2004; Monture-Okanee, 1992; Monture-Angus, 1999).

Eradicating gender inequality does not just involve an examination of gender but also of how gender is intertwined with other categories and therefore there is no one single cause of women’s oppression and no single perspective from which to deal with social issues. It is, and requires, an examination of dominant and counter, or resistant, discourses and silences.

Poststructuralist roots do not run as deep as those of ‘traditional’ feminist perspectives throughout history, research and activism; however, many of those inspired by Foucault have had a profound effect on feminism(s), particularly the ways in which they view power. Although gender was absent in Foucault’s work (Fisher, 1998), he provoked many feminists into questioning their previous understanding of power relations (Ramazanoglu, 1993). As Fisher (1998, p. 227) argues, “that Foucault is neither a feminist nor a gender theorist has little impact on the pertinence of his work for feminist studies”. Feminist and Foucauldian perspectives can, and have, helped some women realize power in, outside, and often not against, patriarchal institutions (McNeil, 1993). For instance, feminists involved in the struggle against domestic violence have used patriarchal social and legal structural systems to increase their power within and outside
the state.\textsuperscript{18} Thus, the state and its various agencies do not solely influence citizens, but citizens can also influence the state.

Yet according to Comack (2006, p. 65), we cannot abandon totalizing structures like patriarchy and capitalism because we then ignore the fact that capitalism and patriarchy are totalizing structures that “condition and contour the economic, social and political lives and identities of the individuals who move within them”. She further argues that we may not need to conceptualize the state as the only centre of power, but we must recognize that it still plays an important role in exercising power (see also, Rose, 1999). For instance, Elizabeth (2003) argues that a patriarchal social context continues to exist that advantages men, enabling men to exercise power in ways not similarly open to women. This access that men enjoy to the various modes of power means that any challenges their partners might make to the gendered order will not prevail (Elizabeth, 2003). Ignoring these gendered relations through capitalism and patriarchy also means destabilizing the category woman. If woman is not even a construct that can be used to fight against various forms of oppression than we are left open to a backlash against feminist struggles and gains (Hartsock, 1990).

In the tradition of a poststructuralist feminist perspective it should be noted that feminist efforts to establish counter discourses and present their claims to truth were never one collective movement. Contrary to the image that is often portrayed of our feminist foremothers, Canadian women’s movements have always consisted of multiple

\textsuperscript{18}This can be demonstrated by the creation and growth of the battered women’s movement in the 1970s, which shows the power to resist the dominant discourse of patriarchy (Tierney, 1982; see also Chapter 3).
voices and discourses (Hamilton, 1996; Wilson, 1991). Feminists have always disagreed on the root causes of women’s oppression, inequality and exploitation, and on how to eradicate these injustices. Feminisms have now emerged to represent a diversity of issues and previously silenced voices that recognize these varied positions. After more than a century of feminist struggles Canada still does not have a national daycare policy, women are still not always paid equally for equal work, violence is still rampant and reproductive rights are still hotly debated. The difficulty then of talking about the third wave is evidenced in the difficulty of writing on ‘what is the third wave’.

The third wave(s) emerged in the early 1990s. This new wave(s) developed to assert that feminism is in fact alive and well and still kicking (Steenbergen, 2001). The emergence of new waves has also been in response to socio-political, economic and cultural changes (i.e. globalization, neoliberalism), and the perceived failures of second wave feminists to avoid essentialist arguments and recognize third wave contributions. Feminism is not dead. In fact, the waves of feminism have been able to seep into and deconstruct a variety of feminist issues and concerns, better reflecting the diversity of the movements and insisting once again that “there are no clear boundaries between the various and multiple feminist movements just as there are no clear disconnects between waves in an ocean” (Mitchell & Karaian, 2004, p. 59). A main goal of third wave feminism is to take women’s many unique differences into consideration, re-appropriate the word ‘feminist’ and draw on their foremothers to reclaim the fight against the “interlocking systems of oppression” (Collins, 2000; Cooper, 2000) that women face.
today. From the recognition that there are multiple voices and discourses within third wave feminist movements, these newer perspectives take into consideration shifts in the political economies of western states, such as the globalization of trade, shifts from welfarism towards neoliberalism and the effects that neoliberal techniques of governance, particularly privatization and individualization, have had on the lives of women in Canada and globally.

The third wave(s) takes from its foremothers a collective concern for rights and agency with a focus on basic human rights for all and the ability to choose how you live your life. Learning to negotiate with governments and use advances in technology to communicate and organize with feminists worldwide has created a growing number of resources and ways to promote feminist activism. Women now often work for social change indirectly, through media sources such as their own websites, blogs, zines, anthologies and online journals “where theory and action are tightly bound together” (Pinterics, 2001, p. 20). At the same time, third wave feminists are involved in grassroots activism. Much like women in the first and second waves they are still fighting for reproductive rights and an end to violence against women, but feminists today can also be found in the anti-racist, anti-globalization, environment, gay and lesbian, labour and (dis)ability movements shaping their own forms of feminism and advocacy (Cummings, 2001; Luhmann, 2001; Rowe-Finkbeiner, 2004). Resistance discourses to state policies and initiatives are now emerging around broader issues such as these, creating room for
women who may have previously felt left out of the mainstream liberal, radical and socialistic feminist movements.

The use of ‘feminisms’ instead of one singular ‘feminism’ is now often used to reflect the diversity in the movements and acknowledge that everyone does not fit neatly into the first or second wave versions of feminism, or any categories for that matter.\(^{19}\)

Instead of completely dropping labels like feminism, feminists today are redefining what it means to be a feminist by consciously acknowledging and celebrating the gains that have been made by their foremothers and the diversity of women’s experiences (Rowe-Finkbeiner 2004). Third wave feminist theorizing pushes the boundaries of who and what can define feminist theories and communities (Pinterics, 2001). However, fragmentation does exist, due to neoliberal strategies advocating individualism rather than collective support and advocacy and tactical disagreements. While many second wave feminists were advocating for a return to a welfare state focused on the importance of social services, many third wave feminists were embracing individualism and using it as a strategy to advocate for marginalized groups whose voices have previously been silenced.

Yet at the same time third wave feminists often acknowledge the problems associated with individual efforts, which lack the ‘strategic’ power to make social or political change on a societal scale. In order to better reflect this diversity Mitchell and Karaian

\(^{19}\) I often find it difficult to write about feminisms because of the debates over wording (for or against using ‘waves’, feminist versus womanist, one collective movement versus many diverse movements, etc.), timing (when did each wave begin and end? Is there even a beginning and an end?), and other politically charged categories that ultimately privilege some while excluding others (women have been and are ‘persons’ versus the argument that we have never really been recognized as people). These conceptualizations are not only what unites feminists but also what divides them (Hamilton, 1996).
(2004, p. 71) argue that feminist theorizing needs to address “issues pertaining to [women’s] bodies and their experiences as sexualized, raced, classed, gendered, (dis)enabled, and fat”, not only as individuals but in concert with other women. Ransom (1993) claims that the difficulty surrounding feminist theory today is the inability to create a framework that represents both women’s similarities and differences. Arguably third wave feminists are not interested in creating one grand theory explaining feminism, which is one criticism they had of earlier feminisms. They draw instead “on a plurality of resources in the unanchored reality that is contemporary life” (Ransom, 1993, p. 124) to explore the richness that are the similarities and differences between women.

To sum up, feminist perspectives from the late 1960s onward situated violence against women and other feminist concerns in the context of unequal legal, capitalist and patriarchal societies. This meant that the feminist project was one of social transformation in every aspect of economic familial socio-political societies. As time went on and some women felt alienated by mainstream feminist perspectives, the focus was still on how to transform societies; however, this meant deconstructing ‘common sense’ constructions of patriarchy, capitalism, public/private and women in order to recognize the differential treatment between and within groups of men and women. The discourses also became more about particular reforms or changes, partly due to the dismantling of the welfare state and the rise of neoliberalism as a dominant discourse. So talking about the overthrow of patriarchy or capitalism today would fall on deaf ears.
By showing how these various feminist movements and perspectives explain domestic violence and how to work towards ending it, the important contributions of each wave become clear, as the complexity of feminist movements and the relationship between the personal and political come together to eliminate injustice and violence against women. This link between feminist movements and the emergence of domestic violence as a social problem is the focus of the next chapter.
Chapter 3

The Emergence of a Social Problem: Domestic Violence and Canadian Feminist Movements

Efforts by feminist anti-violence advocates to work with MPPs to establish gender-sensitive domestic violence legislation build upon more than a century of feminist activism, resistance and political negotiations. This chapter is divided into four parts that link feminist movements to the recognition of domestic violence as a social problem and show how it has evolved over time. The first section outlines the initial efforts to organize around violence against women in the nineteenth century and the fight for individual rights. This is followed by a discussion of second wave efforts to explicitly force violence against women onto the public stage and the response by the state to their efforts. The third section details aspects of the work of third wave feminists to counter domestic violence and the state and non-state initiatives that have resulted. Finally, section four examines the relationship between women, children and violence as it has evolved over time.  

The purpose of this chapter is to paint a picture of the historical context in which domestic violence was able to be made public and show how policies and movements in relation to this social problem have unfolded over time. This overview will also situate current constructions of domestic violence in Ontario, by outlining how different feminist

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20 Although women’s anti-violence advocates work to assist children, this is secondary to efforts to aid women. It is often assumed that by helping the mothers escape violence helps the children as well.
movements throughout the late nineteenth and twentieth centuries addressed, resisted and constructed violence against women, and the changes in the domestic violence paradigm (from gender specific to gender neutral, collective to individual responses, women-victims-survivors, and from women to children) that resulted. By highlighting the shifts in these sometimes compatible but often contradictory discourses, one can see how state and non-state individuals and organizations have constructed domestic violence as a social problem both historically and presently in Ontario.

Feminist Movements and Domestic Violence Then and Now

**The first ‘wave’ and domestic violence**

First wave feminists in nineteenth century Canada paved the way for a number of feminist voices and firmly established the roots of feminist claims-making. Because of their focus on the nuclear family and the role of women in the private sphere, it was only logical that violence against women would be one of many issues that would arise in the struggle for legal rights for women. According to Sheehy (2002), historically the assault or murder of a woman by her husband was punishable under the 1892 *Criminal Code*. However, punishments were less severe than for a woman who killed her husband, demonstrating that although Canada has a long history of criminalizing the murder of one’s spouse, there was more leniency and tolerance for men who killed women than vice versa, suggesting that killing your wife was not always seen as wrong. Similarly, Snider (1985, p. 339) argued that historically “rape was a crime committed by men against men in which the female was a mere vehicle, a piece of property whose value had been
lowered”. The subsequent failure by the state in the nineteenth century to pass legislation that explicitly made wife abuse illegal led feminists to argue that women would never be free from abusive males until they received legal rights and recognition as persons (Backhouse, 1991; Pleck, 1987). Acquiring these legal rights would, they thought, force judges to sentence batterers to longer prison sentences and/or force them to stop abusing their wives (i.e. stop drinking, committing adultery, anything that was correlated with abusive behaviour) (Backhouse, 1991; Pleck, 1987).

The first wave of the feminist movement railed against these forms of brutality and injustice and worked towards policies to establish legal rights for women. The temperance movement of the nineteenth and early twentieth centuries had some limited success in changing how the criminal justice system treated women. This was the background for the issues that emerged during the second wave, particularly violence against women.

*Riding the second ‘wave(s)’: feminisms and domestic violence*

As feminist movements in Canada started to gain momentum once again, feminists began to recognize the horrific levels of violence taking place against women. These unimaginable experiences were not only happening between strangers or on the streets, as commonly believed, but inside the home and in intimate relationships. It was during this time that many liberal feminists began arguing that women were still not substantively equal before the law (Comack, 1999). However, much like nineteenth century feminists, they focused on attaining broad legal rights not specific laws
condemning violence against women. The low profile of violence against women in the liberal feminist discourse was made apparent in the report on the Royal Commission on the Status of Women, which barely acknowledged violence in its 167 recommendations (Hamilton, 1996; O’Neil, 2003; Rebick, 2005). In fact, if it was not for consciousness-raising groups created by grassroots radical feminist advocates in the 1970s, it is hard to know how long women would have suffered in silence.

Mounting evidence of the violence perpetrated against women in the home strengthened claims by radical and socialist feminists that the family was a primary site of oppression. They argued that women faced abuse by their husbands in the family, a key patriarchal institution in society (Chunn, 1999; Hamilton, 1996; Smith, 1999; see also Walker, 1990). Radical feminists assumed that freedom and knowledge were interrelated, and that if women gained more knowledge they would struggle for more power within the state and the home (Ramazanoglu, 1993), thereby ending abuse and reliance on men. Consciousness-raising groups provided a site for women to vent their frustrations and feel safe and supported by other women. Through these groups and their advocacy, feminists discovered the inexplicably high levels of violence committed by current or former partners, thus giving birth to the ‘battered women’s movement’.

The battered women’s movement in Canada in the 1970s used grassroots activism to make the private issue of domestic violence public. They attempted to shift belief systems from the ‘blame the battered woman’ perspective then engrained in state and non-state policies (producing the common question: why doesn’t she leave?), to a ‘blame
the batterer’ orientation. The focus for many feminists became stopping men from beating their wives, and keeping women safe until all violence against women could be eliminated. Advocacy for abused women came primarily from feminist-inspired services that were set up separately, distinct from other medical, mental health and social services. These programs emphasized the importance of debunking ‘common sense’ beliefs that what happens behind closed doors is no one else’s business, that most women did not experience abuse, and if they did it was their own fault.

Feminists established the first Canadian shelter for abused women, Interval House of Toronto, in 1973. Until then, the mainstream services available to women, whether police, doctors or hospitals, were, in Rebick’s words, “patronizing at best, and at worst, inclined to blame the victim” (2005, p. 69), therefore it was important to establish services focused on women’s interests and needs. In addition to shelters, women established grassroots services such as rape crisis centres and counselling services, working, at least in the beginning, from a radical feminist position that located male power over women as the source of women’s oppression. These shelters began as collectives which meant that decision making was consensual. This avoided the patriarchal and capitalist implications of creating hierarchical relationships in the workplace. Shelters and services for abused women also became an early site of struggle to create a space for marginalized women within women’s movements. In these spaces

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21 The Ontario Coalition of Rape Crisis Centres was created in 1975 and the Ontario Association of Interval and Transition Houses (OAITH) in 1977 (Collier, 2005).
many marginalized women demanded inclusion and recognition of their needs as victims of abuse and as feminists.

Towards the end of the 1970s, as the number of women seeking safety and support continued to grow, feminists working in shelters faced the difficulty of raising sufficient funds to maintain their services and began to pressure governments for funding. But the need for sustainable funding notwithstanding, many raised concern about the consequences of becoming dependent upon the state (see Chunn, 2006; Comack, 1999, 2002; Cossman & Fudge, 2002; Durazo, 2007; McMahon & Pence, 2003; Mosher, 2006; Snider, 1994, 2006), arguing that this “would give traditional social service administrators the power to call the shots within the once-autonomous women’s centers” (Hamilton 1996, p. 57). The debate about state funding pitted women’s organizations against each other, dividing those who saw no option but to seek funding from the state from those who believed their centres would be co-opted (Collier, 2005).

As the overwhelming demand for feminist inspired services grew and the need for funding increased, many shelters and services became bureaucratized (Durazo, 2007). State funding was contingent on accountability and thus shelters’ institutional structures began to resemble government agencies. This meant having supervisors, directors and employees with professional accreditation as well as redefining abused women as

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22 This serves to create divides between organizations as they are forced to prove why they deserved the money over other services because ultimately money was taken from one sector in order to give to another one (see Chapter 7).
‘clients’ and shelters as ‘agencies’ with ‘stakeholders’. These categorizations reinforced the status quo by only recognizing heterosexual relationships and the categories of male and female. As Walker (1990) argued, a woman experiencing abuse became an abused or ‘battered’ woman. Instead of abuse being an experience that could be overcome through support and temporary protection, it became a woman’s primary identity, and battering shifted from being part of a patriarchal society to an individual pathological ‘symptom’. Increased medicalization and pathologization of women’s behaviours and experiences followed, producing a new category of punishment through the categorization of (some) women as victims and (some) men as perpetrators (Denham & Gillespie, 1999; Smart, 1992). Female victims were also divided into ‘good’ and ‘bad’ victims, good victims being those who are white, middle-class, heterosexual and who immediately seek out state support through justice system and community-based (shelter and service) responses, bad victims being anyone who does not fit this very narrow mold. However, while simultaneously recognizing male and female binaries, the state began using more gender-neutral terminology, partially as a response to liberal feminist advocacy and backlash movements (see Chapter 4). Once the state became involved in the governance of domestic violence, individual victim’s experiences took primacy over collective feminist struggles against patriarchy and violence against women.

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23 This also led to a divide between feminist advocacy organizations, which were labeled ‘special interest groups’, and shelters and services providing ‘expert professional’ help for victims.
24 The ‘ideal’ male perpetrator of abuse is seen as a poor minority (Black, Aboriginal).
25 Many of these changes at one time or another were supported by some feminist organizations who did not necessarily see the repercussions of these decisions, but instead were focusing on what they saw as the best strategies to protect and empower victims of abuse in a particular time and context (see McDermott & Garofalo, 2004).
Shelters were not the only government initiatives linked to domestic violence in the 1980s. A 1982 letter from Solicitor General urged prosecutors to convince police officers to lay charges in incidents of domestic assault (mandatory charging), and in 1984 fifty Crown attorneys were designated to deal with domestic violence cases (Sheehy, 2002). The federal government also introduced laws to combat this ‘new’ social problem. Bill C-127, passed in 1983, changed rape laws in the Criminal Code from a crime of sex to a crime of violence. It created three separate levels and categories of sexual assault that recognized acts that did not involve penetration and specifically recognized spousal assault. Feminists fought, successfully, for the inclusion of gender equality (section 15) in the Canadian Charter of Rights and Freedoms, and established the Family Violence Initiative (1988) which is an interdepartmental holistic response to violence.

Much of this lobbying by the battered women’s movement in the 1980s, and the government responses to these efforts, focused on the federal level of government and resulted in individualized strategies and a stronger criminal justice response to violence against women. As Snider (1985, p. 350) points out, feminist advocates saw success with the changes to sexual assault laws because women were allowed to bear witness against their husbands, and sexual assault was divided into three levels with specific punishments for each which “made the chances of successful conviction higher”. However, she also claims that “reform has come to mean changing the laws so that they are in theory equally repressive for all” (Snider 1985: 350), instead of finding alternatives that equally respect individual needs.
Indeed, many government initiatives ostensibly responding to feminist demands were contradictory to feminist goals. So while including domestic violence as a separate category in the *Criminal Code* would (symbolically) send a clear message that Canada takes violence against women seriously, it would not completely solve the problem (see McDermott & Garofalo, 2004), much as the inclusion of sexual assault in the *Criminal Code* has not stopped assaults against women. For instance, the aforementioned changes to rape laws in the 1980s, designed to better protect victims and make a woman’s sexual history irrelevant, are still hotly contested. Also, as Holly Johnson (2006) pointed out, although many individual sections of the *Criminal Code* dealt broadly with aspects of sexual violence, including assault and criminal harassment, there is still no specific punishment for abuse.\(^\text{26}\) And numerous issues around disclosure of sexual history and consent in sexual assault cases remained problematic. Women remained reluctant to report their experiences of violence and harassment to the police and, while formal equality is a wonderful idea, none of these initiatives addressed the root causes of violence or created substantive changes to eliminate it. Further, although most feminists were not pushing for heavier criminal penalties, their lobbying efforts have, more often than not, resulted in longer sentences for those convicted which are primarily the poor.

\(^{26}\) It should be noted that workplace harassment is not covered by this legislation as it is considered a provincial issue. For instance, Lori Dupont a nurse from Windsor who was killed at work by her ex-boyfriend who happened to be a doctor at the same hospital did not have ‘proper’ measures put in place to protect her. The Ontario provincial government has subsequently changed this through Bill 168, *Occupational Health and Safety Amendment Act* (Violence and Harassment in the Workplace) (2009).
and marginalized (see Snider, 1985). And finally, these initiatives often only reflected the interests and needs of a selective group of women - typically white and privileged - leaving others to cope with a number of issues on their own including increased state interference in their lives, contempt of court charges and lost immigration status.

Problems with the policing of abused women also continued. Although they were no longer advised to return to violent homes, police frequently did not respond to ‘domestic disturbances’ in a timely manner, and they were still reluctant to believe victims and subsequently arrest abusers (Pleck, 1987). Many feminists within the battered women’s movement, plus victims and shelter workers, continued to argue that the failure of the police and criminal justice system to intervene in cases of domestic violence only served to perpetuate the problem of violence against women and reaffirmed a man’s ‘right’ to control his wife. But there were also problems with mandatory charging policies. As mentioned above, in 1982 the Solicitor General urged all police departments to adopt more aggressive charging policies in instances of domestic violence. These policies, variously referred to as mandatory arrest/pro-charging and no-drop/pro-prosecution or ‘zero-tolerance’ policies were implemented in some form in most Canadian provinces by 1985 (H. Johnson, 2006). Under mandatory arrest policies, police

27 This notes the complexities of feminist responses to violence against women. Often the focus was not on stronger criminal justice responses, but a public recognition and condemnation of this violence, which often, for better or worse, resulted in harsher criminal justice responses (see Snider, 1985; 1998).
28 This was another way in which women could be governed (see Chesney-Lind, 2006), whereby police could determine who they deemed good enough for state protection and what kind of protection that would entail.
29 London, Ontario had already adopted a charging policy for domestic violence cases in 1981, the first in Canada to do so.
officers must now lay a criminal charge against the abusive partner regardless of the victim’s wishes. However, the call for harsher punishments for those who commit violent acts against women also increased the re-victimization that women experienced through the justice system (see Snider, 1998). A victim could face charges herself if she refused to appear in court as a witness to testify and/or could be arrested with the perpetrator if the officer could not determine which one started the abuse. This led not only to an increase in abusers arrested but also victims. No-drop, pro-prosecution policies also mean that, once a suspect is arrested, the victim has no say in whether charges are dropped or whether it goes to trial which once again disempowers her.

These policies, once advocated for by the battered women’s movement, are now heavily criticized by many anti-violence advocates for disempowering and re-victimizing victims of abuse (McDermott & Garofalo, 2004). They have also been heavily critiqued by subgroups of the battered women’s movement including anti-racist feminists, aboriginal, immigrant and lesbian women for unfairly targeting them. These marginalized groups of women have some of the highest rates of dual-arrests because their communities are already targeted by police and the new policies increase fears of heightened surveillance (Johnson & Dawson, 2011; McMahon & Pence, 2003; Snider, 1994).

The purpose of these policies were to remove responsibility and blame from the victim, to increase the number of charges laid, to increase reporting by victims, and to reduce re-offending, while the prosecution policies were designed to promote more rigorous prosecution of cases, increase victim cooperation, reduce reoffending and the number of withdrawal and stay of charges (Ad Hoc Federal-Provincial-Territorial Working Group, 2003).

Police policy later changed to determining the ‘primary aggressor’ in domestic violence cases lessening the number of women arrested as victims of violence.
By the end of the 1980s and into the 1990s, many state policies had shifted, many as a result of feminist advocacy. New laws had been passed; community organizations were popping up everywhere to help abused women instead of sending them back to abusive and potentially lethal situations; funding and other resources had been attained from state and non-state agencies; police and governments were beginning to take domestic violence seriously; and violence against women was firmly established within dominant discourses as a social problem. But, as Walker (1990) argued, when violence against women, particularly woman abuse, was acknowledged as a social problem, it was increasingly removed from feminist analysis and focus. Discourse shifted from male domination and female subordination and the home as the site of oppression, to what Hamilton (1996, p. 73) calls a “functionalist perspective” focusing on “the dysfunctional family, the violent male, and the female as victim”. Once men were criminalized and women became the focus of social services, feminist analyses on the roots of violence became marginalized. This is clearly demonstrated in the lack of help for women seeking to leave abusive partners and become economically independent. In fact, a shift in discourse, reflecting neoliberal strategies, had begun to define women in shelters not as victims in need of state protection but as welfare cases who are a burden to the state (see Little, 2005; Mosher, 2006; Scott, London & Myers, 2002). Still, much had happened: although changes appeared slow at the outset, it is evident that feminist discourses surrounding violence against women had shifted in multiple divergent directions. While the public had once shown indifference if not tolerance for violence against women in the
past, the efforts by feminist activism, social institutions, community organizations and more recently the state, have increased public recognition of domestic violence as a pervasive social problem.

**Third ‘wave’ feminisms and domestic violence**

During the 1980s feminist lawyers seeking acquittal for their clients who had killed their abusive husbands developed a defense that became known as the Battered Woman Syndrome. In 1986 Angelique Lavallee was charged with first degree homicide for killing her abusive partner. Her case made it all the way to the Supreme Court of Canada where she was acquitted based on the BWS, which became a recognized legal defence in Canada. While feminists initially heralded this decision as a victory that would keep long suffering abused women out of prison, critics argued the BWS pathologized women’s behaviours and experiences and reduced them to helpless ‘sick’ victims needing professional help and state protection (Comack, 2002). Legally defining abused women as sick and in need of support rather than economic independence and empowerment went directly against decades of feminist efforts to shed the ‘victim’ label. During the same decade the Supreme Court of Canada recognized extreme intoxication as a defence for charges of sexual assault and other Criminal Code violations. Many feminists also saw this as a setback for women because it meant that men could use

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32 The first case to use a battered woman-type defence in a murder trial in Canada was in 1911. A woman named Angelina Napolitano from Sault Ste. Marie killed her abusive husband with an axe. After confessing she was sentenced to hang. However, because of the impending birth of her child the execution was delayed. During this time a campaign arose for her acquittal based on the abuse she had experienced at the hands of her husband. Although she was not acquitted, her conviction was converted to life in prison (Dubinsky & Iacovetta, 2008).
intoxication as an excuse for sexual assault with the result that fewer women would come forward. In 1995, public outcry from the *R. v. Daviault* case forced legislators to qualify the defence by specifying that lack of intent or voluntariness when committing the offence must be proven in court for the defence of intoxication to stand (Sheehy, 2002). This limited the number of cases to which the defence applied (Ontario Women’s Justice Network [OWJN], 2009).

During the 1990s a number of academic and government studies of violence against women appeared that contributed to establishing feminist claims-making as legitimate. In 1990, the Canadian Panel on Violence Against Women published a report highlighting the needs of abused women in Canada. It identified areas where state services were lacking and recommended a number of preventative, reactive and educational remedies, as well as practical strategies to help women attain housing, welfare and stable employment.33

In 1993, partly as a response to anti-violence advocates on behalf of battered women, the *Criminal Code* was amended to include a new offence of criminal harassment, otherwise known as stalking. Although aspects of harassment - including trespassing and uttering threats - had long been criminal offences, this new statute combined all those behaviours under one offence. It has since been amended twice, once in 1997 to include an automatic first-degree murder charge to a perpetrator who kills

33 However the Panel’s report was criticized because its ‘remedies’ heavily focused on the criminal justice system. This issue had been previously identified as problematic in the reforms of the 1980s: even when feminists did not push for more punishment, such ‘solutions’ continuously emerged as the primary way the state wished to deal with violence against women. The result was that many feminist groups were forced to focus on criminal justice sanctions to get their voices ‘heard’ in policy-making hierarchies.
someone while criminally harassing them, and to make stalking an aggravating factor in sentencing. The second amendment, in 2002, doubled the maximum sentence to ten years imprisonment (Department of Justice, 2004). From 1995 to 2001 the number of reported incidents of criminal harassment increased by 40% (Department of Justice, 2004).  

Also occurring during this decade was the Government of Canada’s first-ever Violence Against Women Survey (VAWS). In 1993 women in Canada over the age of 18 - excluding residents of the Yukon, Northwest Territories, those living in institutions, people without telephones and those who did not speak either French or English - were contacted to take part in the VAWS. This survey looked at women’s safety in both private and public domains including perceived fear of violence from current or former partners (McKenna & Larkin, 2002). In the 12 months before the survey 3% of women reported being physically or sexually assaulted by a partner, while over a five year period 12% reported similar trends. Over that same five year period, half of the women surveyed reported being beaten, choked, had a gun/knife used against them or had been sexually assaulted; 35% had been pushed, shoved, slapped; 9% had been kicked, bit, hit, hit with something; and 6% had been threatened or had something thrown at them (H. Johnson, 2006), demonstrating that violence against women was indeed a major problem in Canada.

The Violence Against Women Survey came under criticism from many, particularly men’s rights activists, for gender bias for only interviewing women and for

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34 However, it should be noted that this dramatic increase might not be due to actual increases in criminal harassment during this time, but instead to changes in the law that allowed more victims to come forward.
thereby ignoring men’s experiences of abuse (McKenna & Larkin, 2002). As a result of
such accusations Statistics Canada came under heavy pressure to adopt a ‘gender neutral’
perspective which can be seen in subsequent General Social Surveys (GSS) that have a
section with questions related to violence in intimate relationships (see DeKeseredy,

Other feminist-inspired government initiative that began to emerge in the 1990s
included domestic violence courts, specialized domestic violence police units and, in
some provinces, domestic violence legislation. The first domestic violence court opened
in Winnipeg in 1990 (H. Johnson, 2006; see also Ursel, 1992). Since 1996 Ontario has
introduced 49 courts across the province and today there are specialized domestic
violence courts in all 54 jurisdictions across the province. As of February 2000,
approximately 4,500 individuals had been processed through these courts (Statistics
Canada [StatsCan], 2000). These specialized courts were created to address the dynamics
of spousal abuse by fostering a friendlier, safer environment for abused women, lessen
the emotional and financial burden on victims, and address the backlog of domestic
violence cases caused by zero-tolerance policies.

Specialized domestic violence police units focusing specifically on the issues and
needs of victims of spousal or family related violence have been established across
Ontario. While some units include multiple forms of family violence including child and
elder abuse, most focus on investigating spousal assaults and conflict, custody and access
orders, parental abductions and criminal harassment related to spousal abuse. Police
receive specialized training on the complexity of violence against women before becoming officers in these units.

Finally, legislation was introduced in some provinces to provide civil remedies to complement the federal *Criminal Code*. While police are still directed to lay charges if they have reasonable grounds to do so, civil remedies offer a wider range of ways to help protect victims of domestic violence. These remedies included provisions that provide short-term emergency intervention, protection orders and some form of a longer-term order if necessary. They may include, but are not limited to, any of the following: granting of exclusive possession of the home for the victim;\(^{35}\) removing the perpetrator from the home; issuing a no contact order; ordering the perpetrator not to contact the victim or attend specific locations; giving the victim temporary custody of the children; and seizing weapons (Ad Hoc Federal-Provincial-Territorial Working Group, 2003).\(^{36}\)

As with initiatives from the 1980s, there have been criticisms from both state officials and advocacy groups (both men’s and women’s) of all three areas: courts, police and legislation. First, with regard to domestic violence courts, critics allege they do not necessarily do in practice what they are mandated to do. These specialized courts are still backlogged, marginalized women are still treated unfairly, victims continue to be intimidated by their perpetrators and many victims are still blamed by a system that claims to protect them (see Women’s Court Watch Project, 2006). Second, concerning

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\(^{35}\) This particular order may not apply to those living on reserves (Koshan & Wiegers, 2007).

\(^{36}\) However, as Koshan and Wiegers (2007) argue, given their representation in Saskatchewan and Alberta, Aboriginal, immigrant, lesbian and (dis)abled women are not using the legislation so its effectiveness at deterring violence and protecting all victims is lacking.
designated police units, studies have found that police officers resist mandatory charging because they object to having their discretionary powers completely removed and they recognize that different situations call for different responses and that not all women want charges laid. Finally, criticisms have also been levied at a number of aspects of domestic violence legislation (Ad Hoc Federal-Provincial-Territorial Working Group, 2003). It is unclear how often victims seek out short or long-term protection orders or how effective these orders are in practice. The constitutionality of legislation has been questioned by men’s rights organizations because alleged perpetrators are given conditions and removed from their homes without necessarily being charged and tried, thereby violating their Charter rights. It has become clear, in addition, that it is hard to track and enforce these orders, as the May-Iles and Hadley murder-suicides made clear. The scope of inclusions for protection orders is unclear in some jurisdictions and incredibly broad in others, making these orders available for any victim of any kind of abuse, including children, the elderly, (dis)abled and other vulnerable populations. Finally, it is hard to determine whether any of these provincial statutes apply on reserves that are governed by the Indian Act.

To sum up, the 1990s saw a number of important steps in the recognition of domestic violence as an important social problem requiring eradication: laws to better

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37 Arlene May was held hostage by Randy Iles who was out on bail for the fourth time with strict conditions not to contact Arlene. She was then murdered by her estranged partner who also killed himself. The second example was the murder-suicide of Gillian and Ralph Hadley which had similar unfortunate circumstances. Ralph Hadley was under bail conditions to stay away from Gillian which, like Randy Iles, he had violated on numerous occasions. Both murder-suicides results in inquiries which led to a number of recommendations, many of them regarding changes to restraining orders and bail conditions.
protect victims and hold perpetrators accountable; specialized courts to ensure a swift process and to lessen the revictimization experienced by victims in the courts; and government reports to track the prevalence of violence committed against women in Canada. Though these are important steps in the recognition of violence against women as a pervasive problem, the focus was predominantly on justice system strategies at the expense of more collaborative or community-based efforts, advocacy and supports.

*Riding the ‘waves’ into the twenty-first century*

Thirteen years after the Violence Against Women Survey and a number of controversial General Social Surveys that showed gender symmetry in violence committed in intimate relationships, Statistics Canada shifted back to another gender specific survey titled *Measuring Violence Against Women: Statistical Trends* (H. Johnson, 2006). This report provided data on the current state of abuse against women in Canada. Citing the United Nation’s 1993 Declaration on the Elimination of Violence against Women, signed by Canada, the survey defined violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (H. Johnson, 2006, p. 8). This document highlights another shift in the violence against women discourse that opened space for multiple forms of victimization against women from diverse backgrounds as well as proclaiming once again in government discourse that violence is not gender neutral. The Report admitted that little systematic research existed
on the prevalence and experiences of Aboriginal women (see H. Johnson, 2006) even though, from what was known, Aboriginal women not only reported higher levels of abuse than non-aboriginal women, they also experienced more severe life-threatening forms of violence and had rates of spousal homicide eight times higher than those of non-aboriginal women (Baskin, 2006). Certain marginalized groups of women - immigrant, women of colour, Aboriginal women, those in same-sex relationships - are also less likely to report instances of violence to police or other services due to a variety of complex factors including lack of trust of police services, cultural beliefs, family ties, and language and cultural barriers to services (Baskin, 2006; Johnson & Dawson, 2011).

Holly Johnson’s (2006) *Measuring Violence Against Women: Statistical Trends* confirms work from previous studies, analysis of police reports, court records, crime victimization surveys, and other surveys that women constitute the overwhelming majority of victims of severe reoccurring abuse (DeKeseredy, 1999, 2003; Dobash & Dobash, 1979; Kurtz, 1993). Women are more seriously injured by instances of physical abuse and are four times as likely to be murdered by a current or former spouse than men (Berns, 2001; StatsCan, 2009). In their 2002 study Chan and Rigakos found that on average 78 women each year were killed in Canada by their husbands or common-law partners. In 2007 the rate of reported abuse to police was 305 women and 67 men (StatsCan, 2009). Between 1975 and 2004 2,178 women and 638 men were victims of spousal homicide in Canada, an average of 72.6 women and 21.3 men per year (StatsCan, 2009). What these numbers tell us is that violence is by no means equally distributed
between men and women and that abuse is indeed still a pervasive social problem ‘worthy’ of public attention.

In 1970 there were no shelters for women who had been battered in Canada. By 2004 there were 543 shelters\textsuperscript{38} for abused women across the country (Johnson, 2006). This does not necessarily mean that violence in intimate relationships has escalated, but that increased public attention and the recognition that women are in fact severely injured by this violence has increased significantly allowing women to seek support. For instance, in 1992 in Ontario, 14,255 women and 14,128 children sought refuge in a shelter, while 17,226 women and 11,565 children sought similar services in 2004. Treatment programs for abusive men have increased from 28 in 1984 to 205 in 2004.\textsuperscript{39}

These numbers will have an effect on shelters and other services. Government funding and other resources for shelters and services are contingent on the ‘need’ for such services; therefore, when the number of women coming forward decreases, shelters must ‘prove’ that there is still a need for them to remain open. Advocates point out, however, that a decrease in reporting does not necessarily mean a decrease in violence. And rates of spousal homicide do not include other forms of violence against women such as assault or, emotional, financial and spiritual violence (among others). A snapshot taken on one particular day in 2008 found 876 children residing in shelters across Ontario; 395 women living in a shelter over the preceding 7 days, and 641 more women turned away

\textsuperscript{38} In 2008 shelters in Ontario were turning away an average of 2 women per day.
\textsuperscript{39} The continued increase in services is interesting considering the government cutbacks that were happening throughout the 1980s and beyond.
(Ministry of Community and Social Services, 2009). Almost as many women are turned away as those who enter a shelter which means that these services are working for a number of victims and require appropriate support. These supports are also important because of the often unspoken economic costs associated with domestic violence. For instance, Greaves, Hankivsky and Kingston-Riecher (1995) conducted a Canada-wide study that explored the economic costs of domestic violence in the 1990s (see also Chan and Cho, 2010; Yodanis, Godenzi and Stanko, 2000). They found that medical costs alone stood at $12.8 million dollars which would make it approximately $17.4 million in 2010, while lost earnings were $7 million (approximately $9.6 million today), lost tax revenues due to death accounted for $2.6 million ($3.5 million in 2010), Loss of tax revenue due to male incarceration was $102 million (approximately 163.8 million today), the cost of each type of criminal justice service in the 1990s was $870 million (about $1.2 billion today), and finally the cost of each social service to women and children was $508 million (693.4 million today). Yodanis, Godenzi and Stanko (2000) estimated that in Canada the government is responsible for 87.5 percent of these costs. This is a startling revelation given the intense focus on funding cuts and individual strategies that are presumed to be more cost-effective than social services and more holistic responses that would incorporate both preventative measures to address violence before it happens and

40 The 2010 costs are approximate and based solely on the approximate rate of inflation and not on any other factors such as that many social services have been cut while there are a myriad of criminal justice services that have sprung up in Canada since this study was conducted.
incorporate important supports and services when violence does happen (Morrow, Hankivsky & Varcoe, 2004).

The numbers outlined above do not account for those who do not report to police, do not seek the support of a shelter, dual arrests and the laying (instead) of non-abuse related charges, which means there are many more victims left unaccounted for. The decrease in the number of reported cases also does not recognize the gendered nature of certain crimes. For instance, women are significantly more likely to be victims of sexual assault than men. They are also more likely to kill in self-defence and have life-threatening injuries that require medical attention. Further, there are often shifting and competing discourses that reduce the numbers of victims that are willing and able to report abuse due to cuts in social services, changes to welfare regulations, the involvement of Children’s Aid Societies (CAS). Therefore, all numbers need to be read carefully because lower numbers of homicides and reported violence do not necessarily indicate that progressive change is happening. As feminists have been arguing since the nineteenth century, if structural changes do not take place to recognize the equal contribution of women in all facets of society through changes to social institutions, substantive equality will never be achieved and neither will we see an end to violence against women.

The twenty-first century: In the best interest of children, women or neither?

With neo-liberal policies now well entrenched and feminist movements ever more fragmented, the first decade of the 21st century presents a number of significant policy
shifts. In the battered women’s movement - which now concentrates primarily on running shelters and advocating for abused women - violence against women discourses focus on women as survivors in an attempt to further empower them. This term dissociates them from the label of a helpless disempowered victim emphasized by the state (Johnson & Ferraro, 2000), and often by some feminists as well. This discourse serves as an empowerment strategy to signify strength and life after abuse, as well as a move away from the stigma associated with abuse and the label ‘victim’.

A second shift in state and other dominant discourses moves from the focus on women as the primary victims of domestic violence to the concept of ‘family violence’, an umbrella term that encompasses child poverty and child witnesses of abuse (see Dobrowolsky & Jenson, 2004). Where women were once encouraged and expected to stay in abusive relationships for the sake of their children, they may now be forced to leave the home or face the possibility of having their children taken away by CAS. While this obligation in law applies equally to both women and men, women have historically been assigned greater responsibility for the protection of their children than men. The language of failure to protect, it is argued, ultimately leads to ‘mother-blame’ (Magen, 1999), and the re-categorization of good and bad mothers instead of good and bad victims of abuse (an equally troubling dichotomy) (Strega, 2006). The re-emergence of questions such as ‘why doesn’t she just leave?’, now for the sake of the children rather than her

41 Bonisteel and Green (2005) argue that there has been another recent shift from ‘survivor’ to ‘consumer’, however this is the first time I have ever seen this term used but have heard the term ‘warrior’ used before. Many abused women also find ‘survivor’ problematic because it implies that the abuse is in the past and they have moved on.
own safety, indicates the prevalence of this phenomenon. It should also be noted that the intersectionality of race, class, age, sexual orientation and ability also contribute to ‘mother-blame’ by assigning greater societal responsibility to certain categories of mothers. For instance, a mother who is also a lesbian is not judged solely on her ability to mother but her ability to mother as a lesbian. Further, if shelter and treatment centre staff have a heightened ‘duty to report’ domestic violence to CAS, this completely erodes vital confidentiality and trust relationships between a woman and social service staff. Shelter workers fear that this shift may make treatment centres and shelters less attractive - indeed more dangerous - to women with children who fear that CAS will take their children away from them if they admit to ongoing abuse. This is particularly true for Aboriginal women with children who already experience higher rates of involvement with child protection services (see Bonisteel & Green, 2005). This in turn may lead to the closure of shelters and services for abused women and children because government officials could see the decline of women in shelters as a sign that violence against women as a whole is decreasing. This development can be seen as yet another consequence of state institutionalization of shelters and reveals (again) why feminists were reluctant to seek state support in the first place.

While the inclusion of children in feminist anti-violence discourses is not new, women’s shelter advocates have long incorporated children into their discourses knowing that women often will not leave an abuser without their children, and that governments are more inclined to listen when issues pertain to children. The Ontario Child and Family
Services Act recognized child witnesses of domestic violence as victims of abuse and heightened the duty to report child abuse for all social service agencies. The ‘real’ victims of domestic violence have now become the children, pushing abused women with or without children to the margins. Those in the Battered Women’s Movement who work with abused women raised this concern in response to government reports that the level of reported domestic violence in Ontario has decreased since 2000 (H. Johnson, 2006). Despite attempts to link these findings to the changes in the Child and Family Services Act (P. Kerr, Personal Communication, June 2005), the statistics do not distinguish between women with children and those without.

According to Health Canada (1999), as of 1999 two million Canadian children had been exposed\(^{42}\) to domestic violence, and this new interest in children who witness abuse is partly responsible for driving up child welfare caseloads in Ontario eightfold between 1993 and 1998 (Trocme, Fallon, & MacLaurin, 2005). The rationale raised by child advocates, MPs and MPPs who support initiatives that see children as primary rather than secondary victims of woman abuse (Jaffe, Wilson, & Wolfe, 1988 as cited in Strega, 2006) stems from several highly publicized cases in the mid-1990s, where women and their children were killed by abusive partners or ex-partners. This has led to a trend in domestic violence risk assessments to target high-risk families, and a re-examination of the ‘cycle of violence’ literature that assumes violence is passed from generation to generation.

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\(^{42}\)Exposure would be included under emotional abuse in the Child and Family Services Act. It encompasses children who physically witness the assault against their mother as well as those children who only hear the assault taking place.
generation. In addition to these amendments to child welfare legislation and the inclusion of children in policy directed at domestic violence, there was an increased emphasis on collaborations between services for abused women and children (i.e. ‘preventative partnerships’). The movement towards protecting children from exposure to domestic violence and the gender specific implications of failure to protect and ‘duty to report’ have raised serious questions about the ramifications this might have for abused women and their children, especially marginalized groups of women who already face increased state surveillance.

This increased focus on children exposed to domestic violence has had numerous repercussions. While cuts were experienced by most social services throughout the 1990s, children as victims of domestic violence garnered a prominent position in policy-making circles, debates and funding initiatives. By the late 1990s this led to more services to identify such children, such as increasing training for teachers to look for signs that children have been exposed to domestic violence and educational program in schools to teach children about healthy relationships. During the same period, however, funding for services for assaulted women steadily decreased (Strega, 2006) and services to protect women and children fleeing abuse were eroded. So what is left is a focus on crime and punishment and increased surveillance of children, and subsequently their mothers. Cuts in funding for services for abused women increase tension between community agencies as they are pitted against each other to obtain funding and implement services for their targeted population (be they women or children) (see
Durazo, 2007). If organizations are to work collaboratively, funding and support need to increase and remain stable for all services.

These shifting and competing discourses on feminist movements since the nineteenth century, particularly contemporary anti-domestic violence movements opened up the door for research funding and increased awareness of violence against women. However, because neither feminist struggles nor state efforts have succeeded in eliminating violence against women, many feminists today are advocating for a switch in focus from criminal justice initiatives back to other areas that crucially impact a woman’s choice to stay or leave an abusive relationship including child care, pay equity, employment, welfare reform and housing - issues second wave feminists identified as systemic patriarchal inequalities that are the site for and legitimation of domestic violence. The aforementioned funding cuts have created a situation where child care and housing spaces are non-existent and waiting lists are lengthy, women still dominate lower paid precarious jobs with minimal (if any) benefits, and social assistance has become impossible to get let alone keep (see Cunningham & Baker, 2007; Fine & Weis, 2000; Little, 2005; Mosher, 2006; Scott, London & Myers, 2002 Sokoloff & Dupont, 2005). These are all areas of significant inequality, problems that increase the need for protection and independence for victims of abuse.

Domestic violence is a complex issue made even more complicated by the myriad of voices and perspectives that have emerged since the 1970s. In the history presented above, many voices have been absent. The next chapter explores the position of one
noticeably absent group: men. Men have been conspicuously absent as victims, supporters or antagonists of the anti-violence movement. Even more noticeably absent are the women’s voices who have countered these varied feminist positions over time, topics we now turn to in Chapter four.
Chapter 4

Backlash or Equality?

A man’s home may be his castle, but a woman’s home too often is her dungeon. And yet, to open the home to easier public access and scrutiny would increase the potential of violations of individual human and constitutional rights (Couch, 1983, p. 8).

Many of the feminist perspectives and positions discussed in Chapters 2 and 3, particularly those positions advanced by mainstream feminist movements, have constructed a singular image of an abused woman as a victim and a male as perpetrator, thereby ignoring and ultimately silencing many victims and abusers who do not fit this profile such as men. A number of men’s rights activists have been arguing for decades that women are just as violent, if not more so, than men. Consequently, domestic violence has become a highly politicized construct with intense controversy over its definition, naming and dynamics (Dobash & Dobash, 1992, 1998; Mann, 2003; Tierney, 1982; Tutty, 1999; Walker, 1990). This can be seen, for example, in struggles over language. Many feminists tend to refer to violence between intimate partners as wife or woman abuse or battering, or violence against women, terms which emphasize the gendered nature of intimate violence. These feminists view such violence through a multitude of lenses and through various research methodologies, including especially qualitative and gender-sensitive quantitative methodologies (Dobash & Dobash, 1998; Johnson, 1998; Yllo, 1993). In contrast, non-feminist researchers often employ gender-neutral
terminology such as spouse abuse, partner abuse, family violence, or more recently intimate partner violence (IPV) (Rhatigan, Moore & Street, 2005). These terms are associated with the research tradition and Conflict Tactics Scale (CTS) survey methodology of sociologist Murray Straus (1979, 1993, 1997), research that many men’s advocates and anti-feminists have drawn upon in lobbying against feminist activism in the domestic violence field (see DeKeseredy, 1999; Mann, 2003, 2005; Minaker & Snider, 2006; Saunders, 2002; Schwartz & DeKeseredy, 1993; Sherven & Sniechowski, 1988; Tutty, 1999; Williams & Williams, 1995). However, what these two categorizations, feminist versus non-feminist constructions, share is an understand that violence is wrong. The failure of feminists and non-feminists to recognize alternative perspectives and discourses hinders efforts to end violence. This often results in more fragmentation, dislocation, frustration and separation in the struggle to end all violence everywhere.

This chapter highlights and explores these competing and conflicting understandings of the domestic violence problem from the perspective of men’s organizations (both for and against feminist efforts) as well as women’s counter-movements. It sets out the truth claims of men’s rights and anti-feminist advocates and the new shift in discourse that has resulted, but also serves to demonstrate that it is not

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43 The term domestic violence, as it is known in the Criminal Code, is more often than not used by governments in discussions of violence in intimate relationships and is therefore the wording most often used here, even though this term also has its critiques (see Hearn & McKie, 2008). However, the wording does change depending on the group I am discussing. For instance, with feminist anti-violence organizations the focus would be on terms such as violence against women, while for men’s rights organizations it would be intimate partner violence or family violence.
simply an ‘us versus them’ dichotomy: these organizations constitute a number of distinct and overlapping identities and socio-political economic positions that affect policy to varying degrees in different contexts. The first part of this chapter examines the variety of men’s movements that both support and counter feminist efforts. The second section delves into the involvement of women in counter-movements and the recognition that it is not just men who have historically countered feminist efforts. Finally, anti-feminist or backlash movements will be discussed in detail given their increasing influence on government decision-making and policy in Canada. The purpose of this chapter is to provide insight into movements besides feminism(s) that impact domestic violence policy in Ontario and to recognize that not all men’s movements are inherently against anti-violence advocacy efforts, nor are all women’s groups supportive of feminist policy-making efforts.

**Men’s Movements and Backlash Movements Then and Now**

*Are men always-already countermovements?*

The ‘common sense’ backlash discourses have generally been framed as men countering what they see as gender-biased feminist activism and advocacy. Although there are a number of different explanations for backlash and how it develops, Bakan and Kobayashi (2007, p. 147) argue that “backlash develops…in specific contexts where there is sharply contested ground, and where traditional lines of ideological and partisan identity may be transgressed”. Therefore, it is not only (some) men who feel silenced or excluded by mainstream feminism. The different discourses outlined below demonstrate
that where there have been feminist movements there have always been groups to counter those positions, whether they have been men’s rights, alternative women’s or anti-feminist women’s groups.

It is also possible that these arguments in relation to domestic violence are largely a misunderstanding and the result of very different research. Michael Johnson (2006) argues that the problems inherent in violence against women versus family violence frameworks are based in the study of different phenomena (see also Kelly & Johnson, 2008). His research outlines four types of IPV including intimate terrorism, violent resistance, situational couple violence and mutual violent control44 wherein situation couple violence is most prominent in general surveys (such as those employed by the CTS), and intimate terrorism and violent resistance are predominantly found in agency and organization samples (such as the 1993 Violence Against Women Survey). Accordingly, this would explain the differences in arguments for or against gender equality in violence.

While the bulk of research on men’s groups focuses on their assembly as countermovements against feminist advocates (Bala, 1999; Bertoia & Drakich, 1993; Boyd & Young, 2002; DeKeseredy, 1999; DeKeseredy & Schwartz, 2003; Erwin, 1988; Faludi, 1991 Girard, 2009; Johnson, 1998; Mann, 2003, 2005, 2008; Minaker & Snider, 2006; Schwartz & DeKeseredy, 1993), it is important to avoid essentializing

44 Messner (1997, p. 1006) describes these four types as: “first, an individual can be violent and non-controlling [situational couple violence]…Second, one can be violent and noncontrolling…given that the behavior of the partner suggests an attempt to exert general control, I labeled this type of violence violent resistance. Third, one can be violent and controlling [intimate terrorism]…Finally, a violent and controlling individual may be paired up with another violent and controlling partner [mutual violent control]”.
categorizations by acknowledging the varied organizations that men form. An important
contribution to this area of research came from Michael Messner (1997, p. xi) who
analyzed eight men’s movements in the United States in relation to their
“institutionalized privileges, the costs attached to adherence to narrow conceptions of
masculinity, and differences and inequalities among men” in order to better explain how
they understand masculinity because “at any given historical moment there are various
and competing masculinities” (p. 7). These eight movements were just as varied as the
feminist movements discussed in previous chapters and formed a continuum of men’s
organizations and groups including: “men’s liberationists, mens’ rights advocates, radical
feminist men, social feminist men, men of color, gay male liberationists, Promise
Keepers, and the mythopoetic men’s movement” (Messner, 1997, p. xi), which were
then categorized as ‘masculinist’, ‘antifeminist’, or ‘profeminist’. He noted that the men’s
liberationists emerged at approximately the same time as second wave feminist
movements and focused their efforts on the socialization of men to be successful,
ambitious and competitive. The men’s rights movement, much like the liberationists,
started by focusing on the ways in which forms of patriarchy and sexism worked to
oppress both men and women; however, they invested more energy on the experiences of
men, disregarded ‘factual’ research and “by the late 1970s…[their] discourse had all but
eliminated the gender symmetry of men’s liberation from their discourse, in favor of a

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45 Men involved as social or radical feminist men could be found associated with such organizations as the
White Ribbon campaign.
46 They have an overtly anti-feminist position as a fragment of the religious right movement (Messner,
1997).
more overt and angry antifeminist backlash” (Messner, 1997). By the 1980s men’s rights movements, which included father’s rights groups, were arguing that they were the primary victims (not women), thereby arguing that women are the ones who hold power and men have none. Messner’s work clearly outlined the differences within and between groups of men, as the previous discussion demonstrated with feminist movements, and highlighted the importance of acknowledging those groups working to end all forms of violence. However, as alluded to here, not all groups of men or women were supportive of feminist advocacy and initiatives.

**Divide and conquer: Women in social movements**

Since the first feminist movements emerged in Canada there were countermovements of women and men opposing these demands for equality (Backhouse, 1991; Faludi, 1991; Steuter, 1992). According to Steuter (1992, p. 289) countermovements “neither fully organize as a countermovement nor develop their ideological scope until after the rise and initial success of the movements they attack”. Countermovements do not appear from nowhere, they form in direct resistance to a movement that not only has developed, but also seems to be gaining in prominence and recognition. Therefore with each successful move by feminist movements there have been groups established to counter those victories. Anti-feminist backlash is not one organized movement per se (Faludi, 1991). Much like feminist movements who have

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47 Messner (1997) argued that men’s rights groups were not necessarily advocating for a return to “traditional” roles. In fact, many wanted to create an alternative masculinity that was healthier for men, but they did “not see feminism as the way to improve men’s lives” (p. 44).
never been one unified movement, there have always been individuals and groups organizing against women’s progress, which have contributed to the backlash movements’ growth in power and numbers in Canada. As feminist movements gain support in political arenas, they are seen by many politicians, organizations and individuals (particularly those in a position of privilege) as a threat to the established patriarchal capitalist social order and corresponding backlash ensues (Faludi, 1991). What is interesting is that by today’s standards advocacy by first wave feminists seems conservative, and yet there were those who were concerned that by gaining a voice, even if it was to reinforce women’s role in the home, this would spiral into other demands for equality that would undermine established patriarchal authority. As MacLellan (1972) noted “opponents of female suffrage referred to women’s inexperience, to their inability to take up arms for Canada, to their physical and mental shortcomings, and to the potential for undermining both women’s femininity and the harmony of the home” (as cited in Wilson, 1991, p. 112). However, it was not just men who held these views and countered feminist inspired change. There were also some women who countered these reforms over concerns that fighting for recognition in the private sphere would destabilize women’s ‘dominant’ role in the home as wife and mother and cause more problems than their advocacy would solve. It was not that countermovements of men and women were necessarily opposed to women making gains; however, many groups believed that the traditional role of women should be upheld above all else.\(^48\) What they failed to recognize

\(^{48}\) The strong backlash against the progress of feminists for equality and the strong push for a return to
was that these first wave maternal feminists were in many ways also upholding the traditional family form.\textsuperscript{49}

It is evident that each wave, ripple and tide has taken issue with aspects of others that came before, during and after each successive movement(s). While many first wave feminists argued that second wavers were not acknowledging hard-won victories (Hamilton, 1996), so too have second-wave feminists argued that third wave feminists do not recognize past struggles. Perhaps the biggest argument levied at the third wave has been that it is not a wave at all, that they lack the strength for mass collective organizing which threatens feminisms and reinforces the notion that feminism is dead, that the waters are calm (Luhmann, 2001; Mitchell & Karaian, 2004; Pinterics, 2001; Rowe-Finkbeiner, 2004). Many feminists have argued that while it is important to include different voices in the struggle, some individuals will still feel excluded (Deliovsky, 2002). Rebick (2005) noted that although there are feminists currently involved in activism and different organizations it does not have the same collective action as the waves that came before it with thousands of women taking to the streets attempting to change the world through protests, campaigns, and speaking out. Many third wave feminists feel that storming the legislature is not always the best way to have your demands heard by state actors, particularly in the current neo-liberal climate. Regardless, fights persist within and between feminist organizations about a number of issues

\textsuperscript{49}‘traditional’ roles, could account for a reason why some argue the first wave of feminism moved ‘underground’ after securing the right to vote (Walby, 1997, as cited in Chunn, Boyd, & Lessard, 2007).\textsuperscript{49} This resembles struggle between feminists and REAL Women who think that mainstream second wave feminists ignore the role of women in the private sphere when in fact they also pushed for recognition of women’s work in the home (more on REAL Women below).
including the inclusion of men in the struggle, the roots of women’s oppression, ways to
advocate for change, prostitution versus sex work, and the inclusion of trans-women.
There has never been one collective group of women who agreed on every aspect of the
struggle for equality and every time someone declares feminism dead or claims to speak
on behalf of all women, there are always groups of women both within and outside of
Canada countering these claims.

Anti-feminist, alternative and backlash discourses

In the last three decades there have been increasing calls for a return to
‘traditional’ values and norms, particularly a return to ‘traditional family values’ by pro-
family and anti-feminist organizations and right-wing MPPs (see Krull, 2011). Made up
predominantly of middle-class, religious, white heterosexual men and women (Erwin
1988), and supported by the New Right including religious conservatives and the right to
life movement, these voices blame feminist advocacy for breakdowns in the family and
the erosion of family values (Krull & Sempruch, 2011). They ignore the influence of
capitalism and economic shifts, particularly neo-liberalism, on the deterioration of ‘the
family’ and that marital breakdown and non-procreative sex were happening long before
women’s movements arrived. In general, however, anti-feminists and some who consider
themselves alternative women’s organizations oppose non-marital, non-procreative
sexuality, divorce, reproductive control, publicly supported day care and the
entrenchment of women’s rights in the constitution (Krull & Sempruch, 2011; Wilson,
REAL Women (Realistic, Equal, Active, for Life) is the largest, or at least the best known, anti-feminist women’s organization in Canada. Established in 1983 and claiming that they are a ‘pro-family movement’ and the ‘new Canadian women’s movement’, REAL Women was originally created to counter two events in particular. One was the inclusion of sec.15 in the Charter - a section many feminists fought to include and considered a victory - which REAL Women thought would impinge on the traditional family. The second was to oppose Judy Erola’s suggestion that the tax exemption for dependent spouses, predominantly women, be discontinued. They claimed that REAL Women filled a need that had long existed, “None of us has a corner on the truth. Thus, the diversity of views and approaches should be regarded as an advantage to women, as well as an indication of our tremendous diversity, independence and resourcefulness” (REAL Women of Canada, 2007); however, how this diversity of approaches benefits all women is ambiguous.

Previously charged with being closely aligned with the Conservative Party of Canada,\(^50\) they do not challenge patriarchal discourses, in fact they advocate for them, making it easier for them to garnish support from the government, men’s rights groups and media outlets. For instance, REAL Women does not support universalized daycare; and oppose equal pay for work of equal value (Erwin, 1988; Steuter, 1992). REAL Women and organizations such as the NAC do have some things in common, however, including similar stances against pornography and, ironically, the position of women in

\(^{50}\) They applied and received funding from the federal Conservative government in 1987 (Bashevkin, 1996). They also continued to receive support while cuts were being handed down to Status of Women.
the home. While feminist movements continue to fragment and debate on issues such as the inclusion of men, REAL Women, as well as many other anti-feminist and alternative women’s organizations, support men’s rights groups in their struggle to be heard and recognized as a legitimate counter-movement.

In Canada, a men’s rights ‘backlash’ movement grew in prominence shortly after the establishment of Status of Women Canada (Bertoia & Drakich, 1993; Boyd & Young, 2002). Sometimes resistance to feminist advocacy was reactive and emerged as a result of something such as domestic violence or child custody (see Bala, 1999), but backlash movements are increasingly able to foster a preemptive strike to stop women before substantial gains are made (Bala, 1999; Faludi, 1991; Girard, 2009). Aside from the key issue of men’s rights groups opposition to employment equity (Bakan & Kobayashi, 2007) or fathers’ rights to custody, access, and freedom from what men’s advocates argue are ‘excessive’ child and spouse support obligations, a principle area of men’s rights activism is domestic violence policy (Girard, 2009; Mann, 2005, 2008). Men’s rights use of specific discursive arguments such as equality of violence experienced in intimate relationships, false allegations of abuse by women against men and parental alienation by women are often seen by feminists as more about silencing feminist perspectives and advocacy and rolling back gains than they are about advancing real equality between men and women. Many feminists see these lobbying efforts by men not as a way to make a private issue public in the form of husband abuse, but to re-appropriate “male power and privilege lost to second wave feminism” (Minaker & Snider, 2006, p. 759).
Drawing on family violence research that shows that women are as violent as men, if not more so, men’s advocates insist that gender-sensitive definitions and policy ‘falsely frame’ the problem, and unfairly blame men (DeKeseredy & Schwartz, 2003; McNeely & Robinson-Simpson, 1987; Tutty, 1999). Men’s rights advocates argue that women are equally or more violent than men in intimate or domestic situations, and that policy must be adapted to better reflect this reality (i.e. that gender should be discounted entirely). They often point to the number of violent women who kill their husbands, implying (incorrectly) that this is equivalent to the number of men who kill wives. This discourse has been taken up outside of men’s groups as women and girls have shifted in much mainstream media discourse from being seen as ‘mad’ to ‘bad’. This shift easily fits into men’s rights construction of women who are equally as violent and aggressive, if not more so, than men.  

Men’s advocates point to women’s groups, which have Status of Women as a vehicle and a voice, while men’s groups are excluded from policy circles, denied a voice, and denied public funding to advance their voice and needs for services (Bala, 1999; Boyd & Young, 2002; Mann, 2005; Tutty, 1999; Minaker & Snider, 2006). From this discourse we are meant to infer that there are as many abused men as women in Canada and therefore whatever feminists have established for battered women, men should have an equal share including especially criminal justice responses that will hold women accountable and funding for services for men.

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51 This also has roots in the second wave liberal discourse on gender neutrality and equality.
The arguments put forward by men’s rights advocates are particularly salient when examining efforts by contemporary feminists to confront men’s rights discourses and policy agendas. Men’s rights groups use constructions of domestic violence as mutual combat in their attempts to reaffirm fathers’ rights to resist child support and maternal control over children in post-divorce families, and have become increasingly louder and more powerful (Bala, 1999; Boyd & Young, 2002; Mann, 2005). These men’s rights organizations argue that feminist discourses have become deeply entrenched in different institutions including all levels of the government and that in this new regime women have more power and privilege than men (DeKeseredy & Schwartz, 2003). As Harding (1986) has noted, “the opening of public discourse to multiple voices and perspectives calls into question the very notion of a single standpoint from which a final overriding version of the world can be written” (as cited in Smith, 1999, p. 68). Consequently, while many feminists claim a number of victories over the last several decades, including the addition of sex equality into the Canadian Charter of Rights and Freedoms, these victories are often contested and unstable (Sheehy, 2002), since the Charter is often used by men’s rights groups claiming discrimination by feminists (see Chapter 8). ⁵² Further, Cummings (2001) argues that the dominant message in the media now is that feminism has gone too far and that men are now oppressed and exploited. In addition, if, as a result, men’s rights groups are not being heard, it would follow that

⁵² Yet under the equality provision of the Charter it expressly provides an overriding of certain equality rights when the action is to ameliorate conditions of a marginalized group (i.e. Status of Women). Therefore many of the times that men’s rights organizations use the Charter to claim their rights have been violated, they are wrong.
dominant media discourses would reflect this positioning of violence against women as more important than violence against men; however this is not the case. Gender-neutral terms like intimate partner violence and family violence have been gaining prominence in government (with the exception of Holly Johnson’s 2006 work discussed in Chapter 3), media and other agency literature over the past couple of decades, and this reflects a gender-neutral position, not a violence against women or feminist framework (DeKeseredy & Schwartz, 2003; Minaker & Snider, 2006; see also National Clearinghouse on Family Violence, 2002).

From the mid-1990s forward, in a variety of public arenas that include hearings on divorce law reform, inquests into domestic murders, and Bill 117 hearings, men’s groups in Ontario have advanced a variety of arguments including that women are equally or more violent than men in domestic situations, and that men are equally in need of support and protection to resist abusive partners and to resist false constructions of the problem promoted in feminist advocacy (Bala, 1999; Boyd & Young, 2002; Mann, 2005). This increased recognition of men’s rights advocates claims makes sense in light of neoliberal government cutbacks to social service since “denying the victimization of women is not merely politically and culturally attractive; it is a potential money-saver” (Minaker & Snider, 2006, p. 769). If men and women are equally violent then services for men or women should be run independently without state involvement or be given equal funding. Even if that has not come to fruition (yet), cuts have been steady and ongoing. For instance, in 1998 the federal government cut all subsidies to the NAC. In
2006 the federal government made cuts to Status of Women and forced the removal of the word equality from their mandate. Through these cutbacks and increasing recognition of backlash movements, Conservatives have given anti-feminist sentiments legitimacy, credibility, a voice and funding (Erwin, 1988; Bashevkin, 1996; Rebick, 2005). Further, provincial and federal cutbacks and the reduction or elimination of social services that feminists have previously won and now fight to restore, have been replaced by neo-liberal individual strategies (e.g. one hundred dollars a month for day care and child support\(^53\)), that do not reflect the economic needs of many women, children or men (Genge, 2007; Zerbisias, 2010).

Efforts by feminist anti-violence advocates to work with MPPs to establish gender-sensitive domestic violence legislation in Ontario and attempts by men’s rights advocates to resist such legislation, builds upon more than a century of feminist activism, resistance and political negotiations. It is important to address the context in which feminist discourses became embedded in policy, particularly during the 1980s and 1990s at a time when neo-liberal techniques of governance and neo-conservative law-and-order policies were rapidly gaining prominence, the welfare state was disappearing just as quickly, and feminist backlash movements were positioning themselves within these relations of ruling (see Cossman & Fudge, 2002; Chunn, 2006; Chunn, Boyd & Lessard,\(^53\)).

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\(^{53}\) Harper’s Conservative federal government replaced the Liberal childcare strategy with $1,200 a year for every child under six per household, as opposed to other strategies advocated for by feminists such as universal childcare.
2007; Snider, 2006). The following chapter outlines the relationship of ‘mainstream’
feminist movements with the state and demonstrating the paradigm shift from welfare to
more neoliberal forms of governance.

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54 The focus on mainstream feminist organizations is used because it is those organizations that are more often than not given (more) funding and a voice in policy-making circles.
Chapter 5

How Ontario Constructs Domestic Violence in the Twenty-First Century

All of the legislation and policy that recognizes women’s right to be free of male violence has been put in place because of the political strength and persistence of the women’s movement in our country (Sheehy, 2002, p. 473).


Movements are seen as strong and successful if they hold some threat of electoral cost to governments that ignore them, and some promise of payoff for governments that support their claims (Collier, 2005, p. 3).

These salient quotes demonstrates the persistence and importance of feminist voices in Canadian domestic violence discourses. After all, only a quarter century ago, on May 12, 1982, Margaret Mitchell introduced the Parliamentary Report on Battered Wives - Government Action to the House of Commons that stated that one in ten men beat their wives regularly. ‘Some Honourable Members’ began to laugh and ridicule the report with comments such as “I don’t beat my wife”. MP Margaret Mitchell reaffirmed that this was not a laughing matter which was seconded by MP Judy Erola who stated that “I do not find that amusing, and neither do the women of Canada” (12 May, 1982). The

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55 This excerpt from the House of Commons debates is also interesting for what is and is not reproduced in the Hansards. It is a great example of having to really examine what is and is not being said in order to understand the power dynamics taking shape within this dialogue.
following two days were filled with apologies, there was a discursive shift and the issue of domestic violence has since been taken seriously by Members of Parliament.

Probably the largest challenge faced by mainstream feminist movements in Canada is their precarious relationships with the federal and Ontario provincial governments, as the discussion thus far has highlighted. The relationship feminist anti-violence advocates have had with MPPs in Ontario through the shift from welfare to neoliberal forms of governance with respect to domestic violence has varied with the moves from a Liberal government in the late 1980s (1985-1990), to a New Democratic Party (NDP) government (1990-1995), followed by a Progressive Conservative (PC) government to cap off the end of the twentieth century (1995-2002), and finally back to a Liberal government in 2003.

This chapter outlines the trajectory of each primary document explored for my study (Bill 117 and the DVAP), as well as the most recent initiative by the Liberal government, the DVACR (2009), situating each in the socio-political-economic context of its time. It will also explore the impact of each discourse individually and in relation to each other, particularly how they have built on each other to create a particular representation of the domestic violence problem. The purpose of this chapter is to explain and explore the context behind the policy developments in Ontario before and during the first decade of the twenty-first century and is divided into five main sections. First, I explore the shift from welfare to neoliberal techniques of governance and the impact of these changes on the construction of domestic violence. This sets the stage for an
examination of the creation and ultimate demise of Bill 117, the first attempt by an
Ontario provincial government to define domestic violence and create legislation to
eradicate violence against women. Of particular interest are the ways in which the PC
government emphasized a neoliberal individualistic law-and-order approach to the
domestic violence problem, highlighted in their focus on changes to restraining orders.
The third section delves into the Liberal government’s efforts, the second attempt by a
provincial government to eradicate violence, through the DVAP and its 2007 update.
Fourth, I will discuss the DVACR which was released to address the gaps that still exist
in domestic violence policy. Finally, this chapter will end with a summary and critical
exploration of the various discourses, debates and trends in the construction of domestic
violence policy initiatives since the beginning of the twenty-first century.

The Welfare State, Neoliberalism and Domestic Violence - How did we get Here?

By the late 1980s shelters and their services were firmly located within the state,
and discourses surrounding violence against women began to shift. However, a
simultaneous shift was taking place in the larger social order, as government policies and
philosophies changed from welfare to neo-liberal strategies of rule. Before this ‘subtle’
process began, the welfare state, while not perfect, attempted to address many social ills.
According to Cossman and Fudge (2002), the Keynesian Welfare State included
government spending for social services and income security programs. The role of the
welfare state was to balance economic concerns and failures with the well-being of the people, under the guise of ‘social citizenship’ meaning the state would protect you.56

However, the same decade also saw mounting inflation and deficits combined with globalization and an increasing focus on the free market. By the 1980s unemployment, welfare, poverty, health care, violence against women and other social concerns were no longer the focus of government attention. Instead, the Canadian, and provincial, government discourse shifted from protecting citizens and collective rights to privatization and individual responsibility, from a ‘social citizen’ to a new ‘market citizen’ (see Cossman & Fudge, 2002). This ‘shift’ to a new form of governance is often described as neoliberalism, “which is marked by decreases in social spending and a deregulation of market forces” (Todd & Lundy, 2006, p. 347), and includes a focus on the ‘free’ market, cutting spending for social services, deregulation, privatization and shifting emphasis from collective to individual responsibility. Therefore emphasis was increasingly placed on facilitating economic growth and the business sector by simultaneously cutting funding to vital social supports. This has increased the divide between the rich and poor, reduced the role and responsibilities of the government (both federal and provincial), and demonized the most marginalized populations (see Cossman & Fudge, 2002; Morrow, Hankivsky, Varcoe, 2004; Mosher, 2006; Snider, 2006).

56 It should be noted that the welfare state was not some magical cure-all for all social woes. There were still many marginalized groups ignored by the state regardless of some claims that we were a ‘collectivist’ ‘rights-based’ society. According to Cossman and Fudge (2002) the welfare state presents a very narrow interpretation of race and class. Men and women were and continue to be treated very differently under welfare and neoliberal techniques of governance where gender ‘roles’ are still based on divisions between public and private and include further divisions based on race and class.
Despite variations in state responses, state funding for anti-violence services was frequently cut throughout the late 1980s and 1990s as deficit reduction became the dominant governmental mantra (Cossman & Fudge, 2002; Morrow, Hankivksy & Varcoe, 2004; Todd and Lundy, 2006). Domestic violence discourse increasingly focused on “economic losses to individuals and societies resulting from women’s harm and damage at the hands of men” (Yodanis, Godenzi & Stanko, 2000, p. 263) and, according to Chan and Cho (2010, p. 129) “evidence-based policy making” became the norm, allowing government policy makers to situate domestic violence in purely economic terms.\footnote{Yet ironically violence against women research is rarely laid out in economic terms. The last extensive study to explore the economic impact of domestic violence in Canada was more than 15 years ago (see Greaves, Hankivsky & Kingston-Riechers, 1995).}

According to Morrow, Hankivsky and Varcoe (2004),

\begin{quote}
\textit{it is less expensive to fund services such as shelter and counseling programmes that assist women in leaving violent relationships than it is to provide costly long term punishment to perpetrators through the justice system or to fund long term health care for victims after the abuse escalates to life-threatening, deadly levels (Hankivsky, 1998; Yodanis et al., 2000 as cited in Morrow, Hankivsky & Varcoe, 2004, p. 371).}
\end{quote}

This is one instance of weighing costs and benefits that could be very useful for feminist anti-violence advocates. But many feminist advocates remain uneasy with the use of cost-benefit analyses because a narrow focus on numbers seems to undermine their historic struggles to get the state to acknowledge the unequal, patriarchal and oppressive roots of violence (see Yodanis, Godenzi & Stanko, 2000).

Morrow, Hankivsky and Varcoe (2004, p. 366) argue that “budget cuts and policy changes in Canada are being felt most keenly by those who have to depend on the social
welfare state for survival…all of whom experience higher rates of violence”. Welfare and unemployment benefits are harder to get and keep, there are waiting lists for the tiny number of subsidized day care spaces, public education spaces are scarce, woman abuse shelters are full, chronically understaffed, and poorly paid and when many of these ‘supports’ are achieved, both staff and ‘clients’ face intense surveillance, scrutiny and punishment if the long list of rules are not followed. As Todd and Lundy (2006, p. 348-349) argue, there is a punishment-oriented “punitive, regulatory tone to neoliberal social policy changes that has resulted in many feminist interventions in the area of woman abuse being cut or co-opted into existing institutional structures further regulating and marginalizing women”. For instance, one of the key goals for early feminist activism was women’s economic independence (see Chapter 2). Their dependence on fathers and spouses was a major barrier for women who were considering leaving abusive partners. But today the neoliberal push for economic independence for women has created a situation where governments can throw single mothers off welfare and insist they get jobs and become ‘productive members of society’. Like feminist anti-violence advocates, the government encourages women’s economic independence, but unlike feminists it does not recognize the correlation between violence and the need for social supports. A woman, with or without children, temporarily residing in a shelter often requires social assistance in the form of housing, education and income to establish her independence.

58 And the majority of those seeking day care spaces, welfare and anti-violence services are women (Chunn, 2006; Cossman & Fudge, 2002; Little, 2005; Mosher, 2006; Snider, 2006), therefore making neoliberal techniques of governance harder on women.
from the abuser. If a woman is economically dependent on her partner and the alternative is homelessness or ‘state dependence’, she is more likely to stay in the relationship - particularly if she has children.\(^5^9\) Making social assistance harder to attain, then, forces many women to return to dangerous situations because they have no palatable alternatives. So while the state offers assistance to victims of domestic violence, it simultaneously cuts other supports needed to start new independent lives.

In the current climate of neoliberalism - or, more accurately in the case of domestic violence, a ‘fractured’ welfare system - legislation and policy initiatives can be seen as another strategy in the state’s reconfiguration of responsibility for the welfare of abused women. However, domestic violence is one key social issue that is still heavily governed by the state, entwined as it is in government pledges to ‘eradicate violence against women’ (see Collier, 2008). In terms of legislation and policy initiatives that directly impact victims of domestic violence, contrary to the neo-liberal individualized perspective and pressures advocated in other institutions, the welfare state remains in place (Pierson, 2001).\(^6^0\) Posed in this way feminists and other progressive groups no longer emphasize the direct power of the state, but focus on how the state is articulated

\(^{5^9}\) Alternatively she will just give the children to the abuser because he has a house and food for them (Morrow, Hankivsky, & Varcoe, 2004).
\(^{6^0}\) Based on the Canadian experience, Rose’s (1999) argument that the state is by no means removed from governing, in this case domestic violence, is particularly salient. Although prior to the 1960s, family violence was considered predominantly a private matter, it was never completely left to self-governance, the state has always had a hand in determining the legality of violence and governing women and men’s behaviours within that framework (Backhouse, 1991; Boyd, 1994; Carrington & Watson, 1996; Chunn, 2006; Comack, 1999, 2006). However, it is clear that there is still much that can be done in terms of the governance of domestic violence. Through this process of shifting and changing discourses, different constructions of domestic violence emerge through different groups that sometimes align with the state, but often are counter to state interpretations of domestic violence.
into the activities of governing. For instance, Garland (1997) has pointed out a number of contradictions in the state’s approach to crime. The state promotes self-governance techniques, encouraging community participation in crime control; however, it also reacts to the panics created by various groups, including feminists, anti-feminists and men’s rights groups, by both adopting tougher law and order policies and occasionally attempting to protect victims (for example, through educational programs about healthy relationships for children).

These contradictions are exacerbated by the often unintended outcomes to domestic violence legislation and policy initiatives (McDermott & Garofalo, 2004; see also Snider, 1998; Walker, 1990). For example, mandatory arrest policies that seek to deter the batterer and protect the victim were part of feminist lobbying efforts to protect victims, but as state policies, they lie beyond the control of individual citizens. Although the continued availability of welfare, even the ‘fractured’ welfare system we now have, might be construed as an instance of the ‘success’ of feminist social movements, these claims have been translated primarily into punitive law and order measures which have often rebounded against women. As previously discussed, this prevents some women from reporting the violence perpetrated against them (Chan & Rigakos, 2002). Moreover, since many second wave feminists consider male dominance in political, social, and economic spheres to be a principle source of women’s oppression, to downplay the power of this, as neoliberal techniques of governance often do, is to erase more than a century of feminist struggle. This conservative law and order agenda negates any empowerment-
seeking activities by feminist activists in the battered women’s movement that are outside the state apparatus.

Yet, increasingly, we are seeing a move towards ‘preventative partnering’ strategies across intimate partner violence initiatives, though still embedded predominantly in law and order techniques of governance, these partnerships bring state and non-state actors together in order to prevent violence from happening. Increasingly with the rise of neo-liberal techniques of governance there has also been more space for multiple perspectives and positions. As Snider (2006, p. 341) noted, “No social order is static. Neo-liberal knowledge claims constitute new realities, and their consequences provoke resistance”. With the erosion of social services, which disproportionately hurt women, many social problems are ignored by the state in its attempts to cut the budget and narrow the spaces for collective resistance in an increasing individualistic society. Yet this simultaneously creates new spaces for resistance: the more services and supports for marginalized groups are cut, the more forms of organizational resistance appear on the horizon (Little, 2005; see also Chapters 5 and 7). Foucault originally thought that the state’s power would eventually diminish while other disciplinary mechanisms would increase (as cited in Smart, 1989); however, it is possible that both authoritarian state and individual self-governance techniques could be employed to form a coherent strategy of crime control while recognizing the varied needs of abused women and the battered

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61 Many of these services include cutbacks to housing, availability of childcare and jobs.
women’s movement more generally. Yet as we will see in the next section this has not necessarily been the case thus far in Ontario.

**Domestic Violence Policies in Ontario during the Harris and McGuinty Years**

Various factors seem to have motivated the introduction of Bill 117: *An Act to Better Protect Victims of Domestic Violence* in 2000. These include, but are not limited to, the release of a number of provincial government reports that were detrimental to feminist-inspired anti-violence services, a number of high profile murders in the late 1990s and early 2000s, a drop in the PC approval rating to 34% by 1998, and public support for tougher firearms enforcement. Connected to all of these is continued feminist anti-violence lobbying. It is important to fully understand the factors that made Bill 117 possible, the heated debates that followed and the ultimate demise of this small, yet important, state recognition of violence against women as a serious social problem.

To do this I examine some of the influences that encouraged the PC government to create domestic violence legislation in Ontario. As Comack (1999) succinctly pointed out, legal discourses have the power to have real effects on people (see Sheehy, 2002). This section also explores what became seen as the ‘common sense’ arguments of men’s rights groups and their power in legislative circles (see Bala, 1999; Minaker & Snider, 2006). The introduction of Bill 117 situated discussions on domestic violence in a legal discourse which arguably set the parameters for all subsequent discussions on domestic violence in the first decade of this century.

**A PC government, a neoliberal agenda and a domestic violence Bill**
When the Ontario PCs took power on June 26, 1995 under the leadership of Premier Mike Harris, they hit the ground running with their ‘common sense revolution’. Deficit reduction was the primary concern across the country and the Ontario PCs were no exception. Before the year was through, the neoliberal 1995 *Savings and Restructuring Act* desimated social, educational and health services as well as other necessary supports for abused women (although they were far from the only ones affected). The resulting funding cuts for shelters and other services increased the workload for those staffing these services. Court decisions against women in sexual assault cases and a 39% increase in intimate femicide in 2002, particularly for racialized and marginalized groups of women, also characterized this time period (Bonisteel & Green, 2005). Some of the specific cuts were the 100% elimination of funding for second-stage housing, a 21.6% cut to social assistance and housing subsidies, 5% cut to first stage emergency shelters, a reduction in daycare spaces, and much narrower eligibility criteria for social assistance (OWJN, 1998). According to the Ontario Association of Interval and Transition Houses (OAITH) (1997),

> even though the economy was nearing the end of a tough recession, the targeting of anti-violence programs did not in fact save the province much money because the programs were not worth much in the first place…this suggests that the cuts were more ideologically aimed against the anti-violence movement, particularly since they were targeted toward feminist anti-violence service delivery (as cited in Collier, 2008, p. 27).

The ideological differences between feminist-inspired services and the PC provincial government is surely a component of the funding cuts and feminists’ lack of voice in policy-making circles during this time. As we shall see, these cuts were important in
setting the tone for subsequent discussions of domestic violence initiatives because when money was put back in after 1995, it was not ‘new money’ per se but merely a return to the status quo.

These funding cuts set the stage for increased feminist activism and a number of related activities that ultimately led to the creation of Bill 117. First, feminists began lobbying government to restore the many social services that had been closed down due to budget cuts. Following the 1995 cuts, the PC government released the *Framework for Action on the Prevention of Violence Against Women in Ontario (1996)*, also referred to as the McGuire Report (see Collier, 2008). This report recommended using emergency shelters until restraining orders could be received, forshadowing what was to come with Bill 117. It also promised that all services for abused women would be combined in generic assault centres for victims of all crime (OWJN, 1998). Feminists, already concerned over the previous cuts, criticized the report for not recognizing the importance of emergency and second-stage shelters or of providing individualized services to meet the needs of abused women. Reinforced by media and other critics, 95 women’s organizations banned together to protest this document. The result was the abandonment of this report in favour of the 1997 Agenda for Action, which gave shelters and support services core funding to remain open, but provided no guarantees of continued funding. Thus, any funding received was small and project-specific. At the same time that millions of dollars were being cut from welfare and support services, funding was being injected into “the criminal justice system, hospitals and schools or development work, training
packages and research” (OWJN, 1998). According to Leslie (2004) the only significant funding increase for anti-violence work during these years was $4.5 million to expand the 24-hour crisis line (as cited in Collier, 2008). All of this puts the PCs’ low approval rating by women in Ontario at the end of the 1990’s into context.

Unfortunately, cuts to supports and services for abused women did not lessen the number of women experiencing violence by current or former partners. This period saw a number of very tragic (although not terribly uncommon), very public domestic murders in Ontario; particularly newsworthy were the murder-suicides of Arlene May and Randy Iles and the Hadleys. As outlined in Chapter Three, Arlene May was murdered in 1996 by her estranged partner who then killed himself. This became particularly newsworthy because Iles was out on bail for the fourth time with strict conditions not to contact May and because three of her children escaped while their mother was held hostage. This murder-suicide led to the May-Iles Inquest which produced 213 recommendations (July 1998). The second case, the murder-suicide of Gillian and Ralph Hadley (June 2000) had similar unfortunate circumstances. Ralph Hadley was under bail conditions to stay away from Gillian which, like Randy Iles, he had violated on numerous occasions. They too had children, a gun was involved, and in this instance the neighbours attempted to help. Gillian was also on a year long waiting list for subsidized housing when she was killed. Again an inquest resulted in 58 recommendations (February 2002) for changes to various institutions, including the criminal justice system, with a particular emphasis on bail conditions. Although there was no drastic increase in the overall number of women
murdered at this time, the incidents that did occur attracted such enormous media attention that the Ontario government could not ignore them. One result was the establishment of the Domestic Violence Death Review Committee (DVDRC), a multi-disciplinary group of experts established in 2003 to assist in the investigation and review of deaths deemed to result from domestic violence. The goal was to provide recommendations “aimed at preventing deaths in similar circumstances and reducing domestic violence in general” (DVDRC, 2009). Prior to that, however, was the introduction of Bill 117: An Act to Better Protect Victims of Domestic Violence.

Bill 117 was introduced in 2000, at the height of public outcry over domestic murders - murders that many women’s organizations and opposition MPPs linked to the funding cuts that the PC government had made since 1995. These horrific domestic murders, the emphasis on the exposure of children to this violence, the resulting public outcry, and the government need to address its culpability provided the impetus for the creation of Bill 117 (see Girard, 2009; Mann, 2008).

Bill 117 was Ontario’s first attempt at domestic violence legislation, it was also the first to add a definition of domestic violence as a component of the Bill:

62 In fact the number of women murdered by current or former partners has been decreasing since the late 1970s.
63 A number of federal and provincial initiatives have attempted to eradicate or ‘deal with’ violence against women. Towards the close of the twentieth century a number of Canadian provinces created specific domestic, or family, violence legislation: Saskatchewan (1995), Prince Edward Island (1996), Manitoba (1999), Yukon (1999) and Alberta (2000) (StatsCan, 2003). Since then Nova Scotia (2003), Newfoundland and Labrador (2005), Northwest Territories (2005) and Nunavut (2008) have implemented similar legislation (British Columbia, 2009). The purpose of each of these initiatives was to increase the recognition of domestic violence as an important social, political and economic issue, and to complement provisions in Canada’s federal Criminal Code.
(2) For the purposes of this Act, domestic violence means the following acts or omissions committed against an applicant [for an intervention order], an applicant’s relative or any child:

1. An assault that consists of the intentional application of force that causes the applicant to fear for his or her safety, but does not include any act committed in self-defence.

2. An intentional or reckless act or omission that causes bodily harm or damage to property.

3. An act or omission or threatened act or omission that causes the applicant to fear for his or her safety.

4. Forced physical confinement, without lawful authority.

5. Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation.

6. A series of acts which collectively causes the applicant to fear for his or her safety, including following, contacting, communicating with, observing or recording any person.

The PC government framed Bill 117 as “one more step we are taking to protect victims of domestic violence and hold offenders accountable” (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:10). It was intended to strengthen protection or intervention orders by making these orders available 24 hours a day, 7 days a week and allowing victims to temporarily take possession of the family home and bank accounts, and remove all weapons from the perpetrator. With a law-and-order agenda in hand, the PC government also intended to make punishments for perpetrators stronger, protection of victims easier, and enforcement of intervention orders more effective. Mr. Gerry Martiniuk, a PC Member of Provincial Parliament speaking on
behalf of Mr. James Flaherty and the PC Government, argued that “victims need to know that restraining orders will be enforced and that charges will be laid appropriately when the order has been breached. Offenders need to know that violation of a restraining order has a serious consequence” (Hansard 3 October 2000: 15:10). In many respects this comment reflects the entirety of the Act and the PC discourse on violence against women.

Overall there was broad support for this legislation: most members prefaced their remarks by emphasizing their agreement with key aspects of the Bill such as the broadening definition of persons protected, strengthening restraining orders and allowing women to stay in the family residence. Here is part of NDP MPP Frances Larkin’s statement:

I indicated earlier that I don’t object to the bill itself. I support the measures, however inadequate they are in light of the big picture we’re dealing with…In fact, I want to say in particular to the staff of the Attorney General who worked on this that I think there was some fine work done on an issue of how to toughen up or make more accessible intervention orders or restraining orders. I think some of the things, like broadening the category of those people who can apply for restraining orders, including people in dating relationships dealing with stalking situations, are positive. I can say some positive things about the actual words that are on the paper (Hansard 4 October 2000: 15:30).

Her NDP colleague, Rosario Marchese added:

I have to say positively in this regard that obviously there are some things we support. We support the bill inasmuch as it purports to toughen up restraining orders that would help keep battered spouses, partners and children safe. The bill does other things like broaden the category of people who could be protected; for instance, it includes people in dating relationships. It requires the abuser to leave the residence. Currently that
only happens on arrest or breach of order. Good things. How can you disagree (Hansard 5 October 2000: 15:20)?

Many feminist anti-violence groups made similar representations as did Eileen Morrow from the Ontario Association of Interval and Transition Houses:

I'd like to begin by speaking specifically to the letter of the bill and to support some of the positive points within that limited framework. We're happy to see that the definition of "applicants" has been expanded to allow women in a range of relationships, including same-sex relationships and dating relationships, to access this order. We are also pleased that this order, in its emergency form, supersedes other civil orders...We are pleased that those women in relationships other than legal marriages can obtain exclusive possession of the home, including rental residences, and we support the conditions outlined in the sections on contents of the order and we hope that these will be written routinely into orders by JPs and judges (Hansard 30 October 2000: 15:31).

But many women’s groups\textsuperscript{64} and opposition MPPs also criticized this legislation (Women’s advocates were not consulted prior to the creation of the Bill, although they were invited to make presentations during public debates.). Anti-violence organizations disliked the fact that victims would have to take primary responsibility for enforcing the orders by calling police or going to get the intervention order, and pointed out that many of the women killed or further abused already had intervention orders (specifically the May-Iles and Hadley murder-suicides), showing that intervention orders had not served to protect women. Opposition Members of Parliament agreed:

But I say to you that the deaths of the women this summer--and the Gillian Hadley case is a very good example--occurred with abusers, violent men who had already violated restraining orders, who had already violated bail

\textsuperscript{64} As outlined in Chapter four, men and women have historically comprised both men’s and women’s rights organizations, it is not solely men versus women in state and non-state arenas.
orders. The violations of bail orders are already a Criminal Code offence. If someone is determined to kill a woman, a piece of paper, a restraining order, and the fact that a violation of it is now a Criminal Code offence is not going to deter that (Frances Lankin, New Democratic Party MPP, Hansard 3 October 2000: 16:10).

I think in the Hadley case and many of these it's many times JPs who are not enforcing the orders. So again, it's the whole issue of training and commitment and resources (Vivien Green, Woman Abuse Council, Hansard 30 October 2000: 16:30).

For those of us who've worked in the field, names like Gillian Hadley, Hemoutie Raghunauth and Bohumilla Luft aren't just names of people in newspapers; these are women who are someone's mother, they're someone's sister, they're someone's daughter, they're a friend. Their murders aren't random and they're not isolated acts of violence. These are deliberate acts of violence committed by men against women (Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group, Hansard 30 October 2000: 16:30).

Feminist groups also argued that this Bill neglected the importance of community involvement in addressing violence against women and its eradication.

Lawmakers and enforcers in Canada are fortunate to have women in every community who are willing to do the hard and often dangerous work of providing safe havens for women and their children who wish to escape from an abusive situation. Workers in second-stage housing programs want to co-operate with the police and the justice system and demand to be seen as equal partners in the struggle to save women's lives. Second-stage housing provides safety for assaulted women at a time in their lives when they are most at risk--when they are making a determined effort to escape their abuser and are determined to end the violence and make every effort to begin a new life free of violence, pain and humiliation...Partnerships between violence-against-women agencies, community groups, police, and the justice system must be used to develop prevention initiatives and coordinate the services provided to victims of violence (Donna Hansen, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50).
Opposition MPPs and women’s anti-violence representatives also stressed the need for both state and non-state initiatives and better, stronger risk assessments to determine those families deemed high risk. Beryl Tsang, of the Cross-Sectoral Violence Against Women Strategy Group argued that “risk assessments need to be conducted and an offender's previous history of violence must be completed and on file before all first bail hearings for abusers” (Hansard 30 October 2000: 16:40). Frances Larkin had made this point in some detail:

I wish we were talking about directions from the Attorney General to crown attorneys that they insist on a risk assessment being done before a show-cause bail hearing, that they adjourn the bail hearing until the risk assessment is done and that the person be detained in detention until the risk assessment is done. I wish we were hearing that there were more than two risk assessment units in this province, that that was being expanded so that we can actually have information—good, solid information—being presented to the judiciary as to whether this individual constitutes a risk or not. Instead, we have a commitment to ask the federal government to change the onus of burden with respect to safety risks at a show-cause hearing (New Democratic Party MPP, Hansard 3 October 2000: 17:20).

These documents show strong support for more holistic measures that would incorporate both state and non-state initiatives, as opposed to Bill 117 and its exclusive focus on legal remedies. The argument was that, while legal initiatives are important in combating domestic violence, they cannot be seen as the only common sense capital ‘T’ truth in domestic violence policy initiatives because they do not fully address the complexities of the lives of those experiencing domestic violence (Smart, 1989).

Various men’s rights groups, on the other hand, argued that Bill 117 discriminated against men by supporting and advocating on behalf of a gender-biased feminist
ideology. Here Peter Cornakovic, from Fathers Are Capable Too paraphrases the famous right-wing anti-feminist U.S. lawyer, Alan Dershowitz who took the time “to single out Canada, this great country of ours, as being a culture where feminist censorship prevails. I think it's pretty obvious from the legislation and the intention of the legislation that's being presented” (Hansard 24 October 2000: 16:50). Bill Flores, of Children’s Voice declared that

During the years of preferred-gender policies, many laws have been passed that need to be reviewed for gender prejudice. Many of these laws have already led to abuse similar to the famous Salem witch trials of the 1600s, and Bill 117 would only be furthering the grounds for the mob hatred that is being directed towards men, their children and families by radical feminist ideology. (Hansard 24 October 2000: 17:00).

Men’s rights supporters also took a decidedly different approach to the domestic murder inquests, as did David Osterman, of Freedom for Kids:

We're willing to allow 10 men to suicide, roughly, for every woman who gets murdered. The Luft and Hadley famicidies can only be seen as suicides first. This is what was happening in this summer of violence. Those men wanted to kill themselves first, and only then did they think about, "Who else should I take out with me?" Only when they were deranged enough to start thinking about other weird things did they go to that level and then kill those women and children. They were suicides first, and that's because we don't care about men (Hansard 31 October 2000: 15:50).

These representatives from men’s groups argued that decades of false accusations of abuse and government support for feminist principles had led to legislation that directly discriminates against men by focusing on women as victims and men as perpetrators, thus
ignoring the evidence that shows that women are equally as violent, if not more so, than men.

*After Bill 117: finally a holistic response with the DVAP?*

For reasons that have never been publicly explained, although it went through all the public debates and received royal assent, Bill 117 was never proclaimed into law, and the PC government continued to cut funding to services for abused women (see Collier, 2008). However, at the same time, it sponsored the development of the Ontario Domestic Assault Risk Assessment (ODARA) to assess the likelihood that a male abuser would assault his wife again (see Hilton, Harris, Rice & Lines, 2004). This tool, a generic law-and-order initiative, was intended to help prevent further abuse of women by their male partners and was mentioned later in the DVAP as a risk assessment tool that could be part of their ‘balanced’ plan.

Ernie Eves’s PC government lost the election in October 2003, and the Liberal government led by Dalton McGuinty took power. The negative reaction to the PCs’ legislation by advocacy groups, may help explain why, in 2004, the McGuinty government chose to introduce an Action Plan to eradicate domestic violence as opposed to pushing again for specific domestic violence legislation. As Liberal MPP Laurel

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65 In the years since Bill 117 was introduced I have yet to see any ‘real’ explanation for why it was never enacted, and government websites usually claim that ‘it has yet to be enacted’ without further explanation. The PCs were in power until October 2003, which means it was not because of a change in government. This was one of the questions I was attempting to have answers in my emails to members of the PC party that were never returned.

66 Ernie Eves took over as Premier of Ontario when Mike Harris resigned/retired (April 2002 to October 2003).
Broten made clear “it was decided that this legislation was not the best approach” (personal communication, 2010).

The DVAP was an attempt to ‘free’ women from violence through collaborative effort backed up by ‘new’ and ‘increased’ provincial spending. It was developed by a Ministerial Steering Committee chaired by Sandra Pupatello, the Minister Responsible for Women’s Issues and the Minister of Community and Social Services. This committee consulted with various experts and stakeholders in the domestic violence field, including academics, advocates, community organizations, and criminal justice service providers. Ultimately, the DVAP “incorporate[d] advice received through a series of stakeholder consultations [and achieved] a comprehensive, balanced approach across ministries” (Ministry of Community and Social Services, 2005, p. i). It was developed after extensive consultations during 2004 reflecting “input from 30 roundtable meetings involving 180 experts and stakeholder representatives, and meetings with front-line workers”, and recommendations made by the DVDRC (Ministry of Community and Social Services, 2005, p. 1). The Liberal government encouraged everyone to be involved in this ‘new approach’ because “we all share the responsibility to protect women and

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67 The committee was comprised of the Parliamentary Assistant to the Premier Caroline Di Cocco and 13 other ministries including the Ministry of Community Safety and Correctional Services (Monte Kwinter), Ministry of Northern Development and Mines (Rick Bartolucci), Ministry of Education (Gerard Kennedy), Ministry of Municipal Affairs and Housing (John Gerretsen), Ministry of Health and Long-Term Care (George Smitherman), Ministry of Labour (Steve Peters), Ministry of Children and Youth Services (Mary Anne V. Chambers), Ministry of Citizenship and Immigration (Mike Colle), Ministry Responsible for Francophone Affairs (Madeleine Meilleur), Ministry of Public Infrastructure Renewal (David Caplan), Ministry of Training, Colleges and Universities (Chris Bentley), Ministry of Government Services (Gerry Phillips), and Attorney General (Michael Bryant). Only Monte Kwinter, Rick Bartolucci, Mike Colle, Mary Anne V. Chambers, Madeleine Meilleur and Chris Bentley were not involved in the Bill 117 debates.
children who are at risk of harm and to prevent violence from happening. We cannot look away” (Ministry of Community and Social Services, 2005, p. 6). Basically the Liberals, through the DVAP, asked all levels of government, community agencies, volunteers, neighbours, friends, family and academics to work together to end violence against women in Ontario.

The principles set out by the Liberal government included safety, equality, public leadership, shared responsibility, personal accountability, diversity and equity of access. Progress toward this ‘holistic balanced approach’ would be measured over time (Ministry of Community and Social Services, 2005), though there was no indication of what this measurement would entail. This holistic approach would be accomplished by improving risk assessment tools to target high risk communities and families (i.e. ODARA), creating targeted initiatives for those at increased risk of experiencing abuse, improving services and access for francophone women, and making the justice system more accountable and better coordinated by strengthening the family and criminal justice systems both to protect victims and hold abusers accountable. Funding for this four year plan (2004-2008) included:  

- $56 million to provide better community supports for victims, including enhanced counselling services and transitional and housing supports; 
- $5.9 million to train front-line workers, professionals, neighbours, friends and families to recognize early signs of abuse and help victims get the information and support they need;

68 The DVAP 2007 provided updated information on the implementation of the original promises made in the DVAP. It outlined what had already been completed, what was currently happening and what was left to do before the four year mark arrived.
a comprehensive $4.9 million major public education and prevention campaign, designed to change attitudes and mobilize communities to stop violence before it happens; and improvements to Ontario’s criminal and family justice system to better protect women and their children and hold abusers accountable for their violent behaviour (Ministry of Community and Social Services, 2005, p. 1).

All of these initiatives can be summarized in the DVAP’s five transformational directions:  

- government leadership; preventing violence; a broad-based response through a variety of social institutions; a holistic or ‘balanced’ approach that provides funding and equal standing to both community and criminal justice sectors and responses; and, finally, including approaches that meet the diverse needs of all victims across Ontario (DVACR, 2009, p. 10).

The Action Plan notes that opposition leaders as well as community organizations, particularly the feminist voices represented, had recommended a two pronged strategy (state and non-state holistic, or ‘balanced’ response) in their responses to Bill 117 (Ministry of Community and Social Services, 2005). This can be seen in the mostly positive response to the DVAP by women’s anti-violence advocates, particularly Eileen Morrow of the Ontario Association of Interval and Transition Houses (OAITH) and Pamela Cross of the Ontario Women’s Justice Network (OWJN). Cross (2005a, p. 1) stated that “overall, we are very pleased to see such a major announcement with respect to domestic violence”. However, she went further to argue that the government should

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69 It should be noted that although many of these initiatives are sprinkled throughout the DVAP, nowhere in the DVAP or its update is there reference to the ‘five transformational directions’ that were outlined in detail in the DVACR as part of the original DVAP.
“broaden its focus from domestic violence to violence against women” (para. 6; see also Collier, 2008). Focusing solely on domestic violence, she continued ignores the many other forms of violence that women experience and assumes that it is an isolated situation that can be eradicated by considering the root causes of such violence. Both organizations argued that all training materials should reflect a feminist, woman-centred approach; that long-term funding should be re-introduced to shelters and support services; that judicial training be provided and included in the Action Plan; and that initiatives be worded as concrete actions not merely evaluations. They also criticized the ‘lack of substance’ in the plan, the fact that it was staged as a ‘media event’ and that there was no real indication that the Action Plan was going anywhere. Corinne Rusch-Drutz (2007, para. 2) of the YWCA added that “inadequate affordable housing, income inequality, and lack of access to affordable child care” needed to be addressed in the Action Plan. Finally, a red flag was also raised by all anti-violence organizations because of the very neoliberal comments by Premier McGuinty and Sandra Pupatello that shelters and services would receive one time funding and then were expected to become self-sufficient (see Collier, 2008).

While feminist organizations were thorough in their analysis of the DVAP, men’s rights groups remained rather silent considering their very public critique of Bill 117. My comprehensive search turned up only one website commentary analyzing the DVAP from a decidedly men’s rights position. Dr. Marty McKay (2007, p. 1) outlined ‘grave concern’ with the DVAP including the argument that:
the radical feminists have already eliminated the possibility that men can be victims as discussions of domestic violence and partner violence inevitably begin using the word woman victim exclusively in the text. This discriminatory classification deprives men of identification and services despite the clear evidence that men are victims of domestic abuse at rates that are virtually identical for females.

She also raised concern about the public education piece of the DVAP which emphasized the development of healthy relationships in order to stop the cycle of violence and help children and teenagers better understand and recognize abuse. Dr. McKay argued that this takes “gender profiling into the schools and further deprive(s) males of their rights to be seen as anything other than abusers, abusers-in-training or at-risk for becoming abusers” (2007, para. 3). Finally, much like the men’s rights rhetoric in the Bill 117 debates, McKay emphasizes the evils of feminists and their discourse: “We shouldn’t wait for the radical feminists to recognize when enough is enough. That won’t happen…Instead, this toxic sisterhood has tried to make us out to be whimpering, cowering creatures who are so feeble and forlorn that we need ever-new ways to be found to protect us from the ‘male oppressor’” (2007, para. 4).

Opposition MPPS, although largely supportive of the Liberal Governments efforts, did point out weaknesses, and accusations abounded that the Liberal government had not kept its promises. For instance, PC MPP Elizabeth Witmer argued that,

We certainly support the action taken by this government on domestic violence, it does fall well short of the government’s election promises, which included: (1) an amendment to the Employment Standards Act to allow victims to take unpaid time off from work so that they can attend court proceedings involving the crime committed against them; (2) increased support to the provincial network of sexual assault centres so
they can launch and expand awareness campaigns in high schools, universities and colleges; (3) expanded access to testing for date-rape drugs so that women who have been assaulted can go to their sexual assault centre, family doctor or local hospital and get the information they need; and, most importantly, (4) this government's commitment to pass, within the first year of government, strong victims' rights legislation that will ensure that victims have access to information and services such as dates for bail hearings and notification of when offenders are released back into the community (Elizabeth Witmer, Progressive Conservative MPP, Hansard 13 December 2004: 14:00).

NDP MPP Andrea Horwath claimed that there was nothing in the DVAP about sexual assault (Hansard 13 December 2004: 15:10). Speaking for the NDP Marilyn Churley charged that the Liberals promised “to build 20,000 new affordable housing units, but there are still no shovels in the ground” (Hansard 13 December 2004: 14:00), an argument supported by Eileen Morrow of OAITH. Ms. Churley went on to elaborate that,

the four-year plan provides very little help to women already experiencing abuse to break that cycle of violence...There have been two high-profile coroners' inquests about domestic violence, conducted for the public interest, that have been followed by reports like Walking on Eggshells, which I have here, with a lot of recommendations that have not been followed up...This government, in opposition and in the election campaign, promised to totally re-fund the programs in existing second-stage housing and then changed the terminology, changed the language, gave $3.5 million -- that was announced a little while ago and reannounced today -- which is not going to the programs in second-stage housing, as promised, but has been spread very thinly across the province for all kinds of new programs, which of course we don't object to; we need far more than what the government announced today (Marilyn Churley, New Democratic Party MPP, Hansard 13 December 2004: 14:00).

These comments underscore the fact that while the DVAP left important problems aside, this Action Plan was felt to be a step in the right direction.
**Now what?: the provincial government and the DVACR**

During the course of the four year implementation of the DVAP, the Minister Responsible for Women’s Issues created the Domestic Violence Advisory Council (DVAC) (2007) - comprised entirely of non-government feminist experts - to review what had taken place thus far, what was accomplished and what Ontario still needed to do to eradicate domestic violence. In its report *Transforming our Communities: Report from the Domestic Violence Advisory Council for the Minister Responsible for Women’s Issues* (DVACR, 2009) the DVAC identified two starting points for future government policy initiatives: the Domestic Violence Death Review Committee (DVDRDC) reports and the DVAP. The Council built on these two sources, particularly the initiatives set out in the DVAP, and highlighted five key areas for discussion, areas they saw as essential to address violence against women now and into the future: access and equity issues including how to target initiatives to meet the needs of diverse communities; developing the right education and training tools by recognizing and responding to violence appropriately in order to prevent it in the future; addressing children who witness violence and other child welfare issues; developing better legal responses; and addressing how to properly manage risk.

In the discussion of access and equity, the Council’s Report outlined a framework to improve Ontario’s response to violence against women. It aimed to make services and supports available to all women experiencing violence no matter where they were located in the province. Access and equity also included a “systemic anti-discrimination strategy”
for “women isolated and excluded from benefiting from and contributing to a system that is designed to protect them from violence”, whether this was due to racism, sexism, or a number of other forms of discrimination (DVACR, 2009, p. 30). Using the Violence Against Women Access and Equity Framework developed in this report, the DVACR made a number of recommendations (4) to support the creation, development and utilization of this framework throughout the province. This was followed by recommendations to address the specific diverse needs of particular groups and included their Strategic Framework to End Violence Against Aboriginal Women, services for Francophone women, and recommendations allowing research to be conducted to determine who benefits from violence against women’s services, policies and programs. All of these measures, they argued, have the potential to greatly increase the access to services for all women in Ontario. By taking an intersectional approach, they said, Ontario would go a long way towards eradicating some of the injustices still experienced by women experiencing violence.

Second, the DVACR discussed education and training initiatives, focusing on what had worked in the past and on strategies to strengthen these successful initiatives. As the DVACR (2009, p. 42) argued, “the Province of Ontario has directed considerable effort and resources towards public education and professional training on violence against women”, which had resulted in a shift in societal responses to violence. Included in these efforts were $9.8 million for education and $7.8 million for training over four years (2004-2009) through the DVAP (DVACR, 2009). To highlight the importance of
public education they explain that when it is a priority, two important outcomes follow. First they argued that the more information the public has about a social problem the more likely they are to recognize it and know/use the services that are available. For instance, “services providers from many sectors have informally reported that whenever there is a sustained public education campaign in their community the demand for services increases” (DVACR, 2009, p. 42). The second outcome was that those who seek services expect service providers to be experts in that area and such experts can change public perceptions. They also recommended the establishment of a learning institute; ongoing, integrated, sustained and routinely evaluated training and education for those working in the anti-violence sector; and the establishment of workplace policies on violence against women. Their comments reflected their beliefs in the need for continuous formal and informal training and education for those faced with victims of violence as well as for their younger children and teenagers.

Child welfare was the third area covered by the DVACR. Here the authors stressed the important role that the child welfare sector plays in combating violence against women. Recommendations included help to develop services to aid children who witness violence. In particular, they expressed concern was that anti-violence staff and child welfare workers act independently of each other even though they are often dealing with similar problems within the same families. Working in isolation does not lead to collaborative, holistic ‘balanced’ responses to violence against women (or children), and efforts need to be made to form a more cohesive response to violence against women. To
accomplish this, they suggested a better definition of violence in the Eligibility Spectrum (2006); training on how to appropriately respond to violence against women and children for those working in the child welfare sector; the development of a specialized domestic violence response through CAS; and a separate guide for dealing with Aboriginal women and children (This would be developed in conjunction with First Nations, Métis, and Inuit organizations).

Their fourth key area focused on legal responses to violence and how to better respond to women who are dealing with both the criminal and family court systems. The criminal justice system as it stands often re-victimizes women and, inadvertently, allows men to further abuse their current or former partners by dragging out both criminal trials and custody disputes. In support of this claim the DVACR (2009, p. 64) argued that “abusive men are highly litigious and significantly more likely to contest custody than are non-abusive men, as they continue to exert dominance over their victims”. Victims are often blackmailed, threatened with further abuse or the loss of their children, as well as drained emotionally and financially. In order to combat problems with the justice system, the DVACR created another sixteen recommendations under five different themes: access to legal representation; safety and security; access to information; access to services; and the relationship with the Criminal Court (DVACR, 2009, p. 65). All of these addressed the need for more training, especially for lawyers, changes to mandatory charging policies and restraining orders, and the development of strategies to increase women’s safety.
The final area the DVACR explored was that of threat assessment and risk management. They defined threat assessment as “the formal application of instruments to assess the likelihood that intimate partner violence will be repeated and escalated. The term is synonymous with the use of instruments specifically developed to identify potentially lethal situations” (DVACR, 2009, p. 82), while risk management is “a systematic approach to setting the best course of action under uncertainty by identifying, assessing, understanding, acting on and communicating risk issues” (DVACR, 2009, p. 83). Therefore once the ‘threat’ had been assessed the most appropriate risk management options could be explored. This section of the DVACR focused on the tools and processes that have been developed to help identify at-risk families, particularly those men most dangerous to women, and how to coordinate the response to these assessments through both community and criminal justice measures. They recommended that, high risk teams become responsible for high risk offenders, particularly for men who are violent. In order to ensure this happens the DVACR recommended that one threat assessment tool be used for all police services; that mandatory training be established for police officers and domestic violence investigators; that educational opportunities on threat assessment and risk management for community services be established; that all 54 court jurisdictions establish a high risk team with a threat assessor; and work towards the development of a holistic response to those who have been abusive. Based on these recommendations, the main purpose of the threat assessment and risk management component of this report was to establish one tool used throughout the province that
would require training by all who serve victims of abuse with a focus on identifying and ‘helping’ violent men.

The DVACR also identified a number of marginal and/or silenced discourses in the domestic violence field. These included strategies to address violence against women and poverty; the unknown consequences of women’s anti-violence advocates using threat/risk assessment tools; the provision of community services for violent men that are not linked to the criminal justice system; having men rather than women and children move to a shelter for treatment; addressing the needs of women in institutionalized settings; potential funding needs to ensure that community-based violence against women services have a voice in community and government discussions; supporting school systems to teach healthy relationships; learning how to anticipate the often unintended consequences of these policies; and, finally, learning how to strengthen community-based services for women escaping violence. The NDP and PC MPPs, also criticized the DVAP for not adequately address sexual assault or workplace harassment.

Legal discourse as dominant discourse?

I'm not a lawyer. A former modest teacher is all I am (Rosario Marchese, New Democratic Party MPP, Hansard 5 October 2000: 15:20).

70 The Liberal Ontario Government is currently rectifying these omissions with a Sexual Violence Action Plan which is currently in the information gathering stages (see Rudnicki, 2010). However, as many feminists and opposition MPPs have noted, violence against women includes both domestic violence and sexual assault. Compartmentalizing them assumes that there is no overlap and that they are very different issues. Workplace violence has been dealt with more recently with the implementation in June 2010 of Bill 168: Occupational Health and Safety Act Amendment to include violence and harassment in the workplace, which was spearheaded by public outcry over women killed by current or former partners at work. In particular the committee drew on the murder of Lori Dupont a nurse in Windsor who had been stalked by her ex-boyfriend an anaesthesiologist at the same hospital. He had previously been disciplined for harassing nurses and Ms. Dupont was in the process of waiting for a hearing for a peace bond when she was killed (Schmidt, 2006).
I'll let the lawyers ask the really technical questions (Marie Bountrogianni, Liberal MPP, Hansard 23 October 2000: 16:00).

Overall, the goal of this chapter was to achieve a broader understanding of the construction of domestic violence in Ontario over the past decade. One important discourse running through all the documents is the privileged status of law in the twenty-first century. Bill 117 presented a legal discourse that situated the criminal justice system as the primary site for dealing with domestic violence, its victims and perpetrators. The DVAP, on the other hand, presented a more balanced holistic set of remedies to respond to domestic violence, utilizing both legal discourse with a focus on criminal justice initiatives as well as community-based supports and services. However, as feminist advocates pointed out, there is still a significant focus on ‘strengthening’ criminal justice responses and privileging its claims to truth over those of community-based supports and services for victims (see Boyd, 1994; Carrington & Watson, 1996; Collier, 2005; Comack, 2002; Cossman & Fudge, 2002; Snider, 1994, 1998, 2003; Todd & Lundy, 2006). A ‘balanced’ approach would treat each sector equally in the creation and implementation of services. Legal discourse also privileges those with expertise and knowledge of the law (see Smart, 1992b), resulting in their ‘T’ruth claims having more legs (as noted in the opening quotes for this section), and the reliance on lawyers to legitimate disputes and settlements. For instance, Pamela Cross, a well respected feminist lawyer, is the legal representative for the OWJN and has had a dominant position in all

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71 Since sexual and physical violence are the only forms of violence against women covered in Canadian law, there are victims who are silenced by this legal perspective. (see Chapter 3 & 11).
three documents, debates and roundtables. Further, a number of representatives in the Bill 117 debates, including Anne Marie Predko and Walter Fox, were lawyers.\textsuperscript{72} Walter Fox, in particular, acted as counsel for Fathers are Capable Too (FACT) at the Hadley Coroner Inquest and spoke at the Bill 117 debates.

The DVACR, the most recent document, touted a holistic approach but ultimately, like the DVAP, heavily relied on the privileged status of law and legal language. For instance, 24 of the 45 recommendations made by the DVACR were directed towards legal responses, including threat assessments and risk management which both had a legal focus.

Many feminist advocates have been demanding for decades that attention be paid to the root causes of violence. Instead, in the twenty-first century governments continue to focus predominantly on punitive one-size-fits all ‘band-aid’ solutions, mostly of the legal variety, that address domestic violence through punishment rather than amelioration and empowerment. While we may never be certain why Bill 117 was not proclaimed into law, a change in leadership from Mike Harris to Ernie Eves, and strong opposition by MPPs and community-based organizations may have played a role in its demise (particularly since the same thing happened to the McGuire Report in 1996). However, the Ontario PC Government came into the 21st century as the first to attempt both a definition of, and legislation to address, domestic violence. Their attempt to establish quicker access to restraining orders, to remove weapons and the perpetrator from the

\textsuperscript{72} Although being allowed at the table and actually playing a role in the creation of policy are two different things.
home, to implement tougher punishments for violating orders and to broaden the definition of those capable of accessing these orders must be recognized. On the other hand, this ‘one size fits all’ solution is a reactive and individualized response to a problem that arguably ought to be addressed collectively. Further, as many have pointed out, restraining orders are generally not effective. Unfortunately, tougher criminal justice responses alone will not end domestic violence, nor will paternalistic responses that focus solely on protecting vulnerable victims and punishing perpetrators through the criminal justice system.

In 2005 Pamela Cross stated that “we think this [DVAP] is a much better approach than the PC government’s Domestic Violence Protection Act, which has never been implemented” (2005c, para. 16). Although feminist anti-violence advocates’ criticism grew throughout the implementation of the DVAP, many advocates agree that the Liberal DVAP attempted to cover both justice system and community-based responses. Indeed, activists used it as a jumping off point to discuss the direction domestic violence advocacy should take now and in the future. However, much of the funding injected into these services is not new. When resources are allocated in one area, they are simultaneously cut from somewhere else (see Chapters 3 and 7). The Liberal provincial government should be applauded, however, for its continued efforts to build more shelters, create a Sexual Violence Action Plan (in development 2011), amend the Occupational Health and Safety Act to include violence in the workplace (2010) and pass Bill 53 Escaping Domestic Violence Act (2010) which focuses on lease agreements, all
while facing a recession, addressing Ontario’s sudden status as a ‘have-not province’ and the Federal Government’s drastic cutbacks to supports and services for advocacy and research dedicated to women’s issues (see Ferguson, 2008; Genge, 2007). Further, while the Liberals did not create their own legislation, they did take the advice that “there was consensus that restraining orders must be improved” (Laurel Broten, Liberal MPP, personal communication, 2010). Therefore in October 2009 they proclaimed Bill 133: the *Family Statute Law Amendment Act* which repealed Bill 117 and established a number of other measures. These include making “restraining orders more accessible and enforceable” by prosecuting under the *Criminal Code*, expanding eligibility to relationships of less than three years, creating a standardized restraining order for the entire province, and the establishment of evidentiary tests for judges when granting restraining orders (Laurel Broten, Liberal MPP, personal communication, 2010). These are important changes, though it is still unclear whether this will make restraining orders more effective.

To summarize: a number of claims to truth emerge from the first decade of the twenty-first century from a number of different positions. Sheehy (2002, p. 474) notes that “the women’s movement has recognized that the achievement of reforms in statutes or even in constitutions does not guarantee that those laws will become a lived reality”, because everyone has their ‘claims to truth’. For instance, while men’s rights’ advocates claim women are as violent as men, and at times have succeeded in having their voices heard, they have generally failed in constituting themselves as equally victimized. While
Bill 117 used gender neutral language throughout, the DVAP used domestic violence in the title, but it specifically focused on abused women in the document, much like the DVACR which essentially disregarded men as victims (see Chapter 10).\textsuperscript{73} How these dichotomies and labels have been used, implicitly or explicitly, by all voices involved in the creation and implementation of policy also serves to enable a particular normative picture of the ‘traditional’ violence-free family (see Krull, 2011). Further, while Minaker and Snider (2006) argue that gender neutral language in legislation and policy initiatives in Canada has become ‘common sense’ (see also DeKeseredy & Schwartz, 2003), I have argued in this chapter that the construction of domestic violence through Bill 117 and the DVAP and later the DVACR has not. Indeed, this preliminary review demonstrates that discourses are more complex than critics such as these have admitted. As Mills (2003, p. 29, emphasis added) highlights, “both Foucault and feminist thinkers have found it necessary to \textit{rethink} the conceptual frameworks which underpin much of \textit{what is characterized as common-sense within society}”. This chapter has shown that in the trajectory of domestic violence perspectives, not all positions are created equally. Legal discourse in general and criminal justice initiatives in particular continue to dominate constructions of domestic violence in Ontario. Further exploring the meaning and complex interplay of power relations in policy-making and implementation, helps demonstrate a deeper understanding of how domestic violence is constructed. These sometimes dominant and counter perspectives will be the focus of the last four chapters.

\textsuperscript{73} Though as I will demonstrate in Chapter 10, men were not the only voices silenced by mainstream constructions of the domestic violence problem.
But first, in the next chapter I present the methodological approach that I developed for this project.
Chapter 6

Methodology

[W]e must be very suspicious of any information which is produced, since even when it seems most self-evidently to be adding to the sum of human knowledge, it may at the same time play a role in the maintenance of the status quo and the affirming of current power relations (Mills, 2003, p. 72).

In order to fully understand the complexity of a research project there needs to be an elaboration of the research design and the data collection process. This research project was designed to gather in-depth qualitative data that would capture a snapshot of the social world. The purpose of this project was to examine Ontario government initiatives created to increase the safety and protection of victims of domestic violence. Ontario governments since the 1980s have been attempting to ‘do something’ about domestic violence, but competing interests simultaneously promoted counter viewpoints and positions touting their version of domestic violence. This dissertation examines the policies and perspectives put forward on this social issue during the first decade of the twenty-first century.

I began with a textual analysis of government documents and related website commentary. A textual analysis is a way for researchers to gather information about how others make sense of the world, of how people “make sense of who they are, and of how they fit into the world in which they live…in particular cultures at particular times”
(McKee, 2003, p. 1). From a feminist perspective a text is understood “in terms of its location within a historical moment marked by a particular gender, race or class ideology” (Denzin & Lincoln, 2003, p. 10). A textual analysis permits an exploration of the various ways that it is possible to understand reality.

This methodological tool was chosen because it allowed me to examine documents as they were written at that particular time by the reigning political party and the discussions and debates that resulted. This allowed me to explore the textual data for different themes and organize the material in a way that made sense based on the rich histories presented in the literature review. A textual analysis also provided an understanding of government initiatives over the last decade, which allowed me to identify themes for use when constructing interview questions. This analysis also gave me an understanding of how domestic violence has been constructed in policy-making circles. With this base, I conducted fourteen interviews with advocacy, support and service organizations in Ontario. The interviews were used to gain a current, first-hand account of these policies in action. They provided individuals as advocates and as part of organizations with an oppurtunity to contribute to policy discussions.74 Also many of the participants were included in the Bill 117 debates and DVAP as ‘stakeholders’, ‘experts’ or ‘committee members’. Further, the interviews provided a rich source of data on domestic violence policy today, after these government attempts to address domestic

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74 Many interview participants expressed their gratitude at being heard by someone about their organizations specific policy needs.
violence have come to an end.\textsuperscript{75} My interview participants elaborated, in various ways on the past, present and possibly future directions of domestic violence policies, services and supports in Ontario.

This chapter outlines the research design, the textual analysis and the interviews used for data collection. First, the specific research questions explored in my study are introduced, to set the stage for all discussions that follow. From there I outline the two complementary methodological approaches that inform my data collection and analysis. The final section of this chapter will consider the strengths and limitations of these methodological choices.

**Research Questions**

1. **How was domestic violence constructed through government documents (Bill 117 and DVAP) in Ontario?**
   a. How did government officials’ (Members of Provincial Parliament), professional organizations’ (shelters, treatment centres, community organizations)\textsuperscript{76} and activist groups (men’s and women’s rights) varying perspectives influence Bill 117 and the DVAP? What positions emerged as, dominant or counter, and what was contested?\textsuperscript{77}
   b. Who was given a voice in these constructions, and in the policies that resulted?
   c. How was domestic violence and its regulation produced in these documents?
   d. How does the DVAP compare to Bill 117 in relation to the above noted issues? Is it more of the same or different? How and why?

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\textsuperscript{75} Bill 117 was repealed by the Liberal government and the DVAP was slated for 2004-2008.
\textsuperscript{76} I am taking shelters to mean emergency housing for abused women and their children. Treatment centres are a non-residential medical setting designed primarily to treat physical and sexual assaults and refer women to community agencies. Both are intended to provide a warm safe environment for abused women and children. Community organizations are any services (however broad it may be) that provide support, referrals, etc. to victims of violence.
\textsuperscript{77} Particularly, who are the main players and what are the main interests? Expressed by whom?
2. How is domestic violence constructed by non-state advocates, support and service providers?
   a. What perspectives emerged, dominant or counter, and what was contested? Particularly who are the main players and what are the main interests, expressed by whom?
   b. Who was given a voice in these constructions, and in the policies that resulted?
   c. Do different ‘stakeholders’ deem the DVAP a success or failure and why?78
   d. What are their experiences with and perceptions of provincial domestic violence policies from 2000 to 2009?
   e. How do competing organizations and interests situate domestic violence in relation to my four themes (discussed below).

3. How do current first-hand and document constructions of domestic violence compare?
   a. What meanings are made possible through the positions presented?
   b. What are the power relations that underpin all these government policies (documents and interviews)?

Research Tools

Phase One

My research project was divided into two phases. The first phase of this research involved a textual analysis of all Bill 117 and DVAP materials and debates, including information gathered during consultations with stakeholders and provincial ministers.79 I began by conducting an examination of publicly available documents relevant to the research project. The relevance of documents was determined using a purposive sampling model where they were intentionally selected based on their discussion of Bill 117 and the DVAP (Royce & Straits, 2004). For instance, primary documents, defined as the object of study (Altheide, 1996), included Bill 117, the Bill 117 debates, the DVAP and

78 In other words, what are their claims to truth?
79 See Appendix C for a list of the speakers during the Bill 117 debates.
the DVAP 2007 update. Secondary documents - those items used to supplement the primary documents - were found through key word searches of discussions of Bill 117 or the DVAP and included relevant DVFRC reports (2002, 2004, 2005, 2006, 2007, 2008, 2009), the DVAC 2009 report, information related to the DVAP from the Ministry of Community and Social Services and Ontario Women’s Directorate, intervention agency literature, advocacy website commentaries, print media accounts and any other documents discussing Ontario Provincial Government initiatives from 2000 to 2009 (see Appendix A). These documents were helpful to situate different perspectives on both government initiatives that were not always articulated in the documents themselves, which was particularly useful for the DVAP which did not have the same publicly held debates as Bill 117.

In order to collect these documents I conducted a comprehensive Google search to locate documents that mention Bill 117 and the DVAP including activist organizations and any named partners in the DVAP. This search included education, criminal justice, shelters and Children’s Aid Societies, that responded in writing (usually through a website) to these efforts since the year 2000. This included both favourable and unfavourable reactions to these initiatives. Considering secondary documents opened up the possibility for multiple perspectives to be presented on the issue of domestic violence.

80 These Reviews commenced shortly after the debates and failure of Bill 117, before the Liberals took power. Further, the DVAP outlines the importance of these documents and used them to formulate their Action Plan, which is the rational for the inclusion of these documents in this analysis.
81 Although a number of initiatives were put forward towards the end of the decade, they were not fully implemented until 2010 (some are still in the research and development phase) and were therefore not included as part of my analysis on those initiatives that have subsequently come and gone.
including what MPs, MPPs, child, men’s and women’s advocates and the media all say about provincial government initiatives to combat violence in intimate relationships, information that might not be present in a formal government policy.

I started by reading all available texts in order to get a feel for the material and a sense of the arguments being presented. I then re-read each of my primary documents a number of times making note on different concepts or ‘themes’ that emerged in each document. I also noted those ideas that ran across many documents in order to determine those that I would consider dominant. I then compiled a list of emergent themes that included such topics as education (for children and government and social service employees), funding for community supports and services, strengthening the criminal justice system, responsibility, accountability, rights, safety, protection, cultural/diversity issues, prevention, family and types of violence. I then collapsed similar themes together. For instance, funding was such a dominant theme that I felt it deserved its own section for discussion. However, many of the other themes reflected debates over who has rights, responsibilities and who should be accountable, as well as the types of responses to domestic violence, and the victims and perpetrators that are represented in government policy. In the end I concluded that there were four dominant themes in the state and non-state representation(s) of domestic violence over the last decade: first, funding; second, rights, responsibility and accountability; third, debates over the types of domestic violence remedies that would be considered; and fourth, debates about types of domestic violence victims and violence.
Once the main themes were identified, the different perspectives put forward in the documents were situated within these categories. This helped in narrowing down a large body of literature, made the information more manageable and the themes more easily identifiable. To accomplish this, I read through Bill 117, Bill 117 debates (2000), the DVAP (2004), and the DVAP update (2007) numerous times to get an understanding of key issues of concern, agreement, and disagreement within the different texts. My secondary data sources including Ontario DVDRC reports (2002, 2004, 2005, 2006, 2007), the DVACR (2009) and website literature (i.e. question period hansards, information from shelters, advocacy organizations, blogs and treatment centres) which added context to the debates and themes that arose within the texts. For instance, impartial policy documents often lend themselves easily to the recognition of resistant or counter perspectives. Oppositional voices often emerge through alternative sources, such as website commentary, and provide a rich source of data about those organizations that do or do not support particular government initiatives to end domestic violence. These alternative sources and the interviews were necessary to gain perspectives not necessarily reflected in short, structured and heavily controlled government debates.

This analytic exercise was a complex process: many portions of the text fit readily within multiple themes, others did not; and many themes overlapped. For instance, funding, by far the most dominant theme, was reflected in discussions of rights, implicitly in the recognition of ‘good’ (those who get funding) versus ‘bad’ (those who do not) victims, and in types of domestic violence remedies. Through repeated scrutiny, however,
I was able to collapse many diverse materials into a number of distinct themes with minimal repetition.

Once themes were created and the positions of different actors were situated, they were used to examine the specific arguments and organize them into particular categories. As Comack (2006, p. 61) puts it, acceptance of some perspectives “will vary according to the power effects that accompany them”; in other words, some perspectives will attain dominance in society (see also Mills, 2003), while others will be silenced. Because of their dominant position within power relations, governments create policy initiatives, thus they are able to discount and disqualify certain voices while recognizing and legitimating others.

These chosen texts were examined to get a sense of how issues are produced and used to advance social interests, including the ways claims to truth are authorized, situated, and countered (Silverman, 2003). Many contemporary feminists look at what is believed to be true through what is and is not said, how dominant perspectives come to be seen as dominant and natural and how they hide assumptions based on race, class, nationality, Aboriginal status, sexual orientation, language and ability (see Baskin, 2006; Berns, 2001; Boyd & Young, 2002; Collins, 2000; Cooper, 2000; Deliovsksy, 2002; de Sève, 1992; Durazo, 2007; Girard, 2009; McDermott & Garofalo, 2004; Minaker & Snider, 2006; Monture-Angus, 1999; Mosher, 2006; Snell, 1992; Snider, 1994, 1998, 2003; Sokoloff & Dupont, 2005).
What can and cannot be said at different historical moments depends on the power relations imbedded in those viewpoints. Because of the power embedded in a text, some statements are able to gain dominance and legitimacy through ‘experts’, while other statements are regarded as ‘untruths’. Therefore, those making knowledge claims are intentionally or unintentionally making a claim to power. In this light, Foucault suggested that power can be positive because the events or behaviours that come about due to a particular position, are not always negative. The power relations that emerge can create the means of oppressing and resisting other dominant and counter perspectives (Mills, 2003).

The feminist poststructuralist understanding of power reveals spaces to create counter arguments and resist the power of the claims that are put forward by dominant voices (Comack, 2006; Mills, 2003). According to Comack (2006, p. 64), “at different historical points, legal decisions and enactments have worked to produce a particular construction of Woman, not only in contradistinction to Man, but in terms of different types of Woman”. Similarly, different legislative and legal decisions by the state as well as activist interpretations have constructed domestic violence in different ways at different historical moments. Taking these arguments into consideration, I used a textual analytic strategy to situate the ways that government officials, advocacy group members and affiliates, shelter workers, and support agencies presented their claims and aims of domestic violence policy within the texts.
There are many things to consider in the documents in order to conduct a thorough textual analysis. When reading through the texts it was important to be creative and open-minded, to read both specific excerpts, to consider the text as a whole, and to pay attention to the silences, what is not said (Wood & Kroger, 2000). Further, it is important to “show how…particular readings or reactions [are made] possible, plausible, and understandable” (Wood and Kroger, 2000, p. 92). For instance, the drastic cuts to services in 1995 presented an opportunity for community organizations to resist these cuts and organize against the PC government, which resulted in Bill 117 and subsequently the DVAP.

My choice of a textual analysis aligns well with a feminist poststructuralist theoretical framework because it provides for the possibility of many concerns being expressed, not just one monolithic position. According to Purvis and Hunt (1993), this methodological contribution may be in line with attempts by feminists to create equality-seeking forms of knowledge because they both discuss the importance of counter or alternative perspectives, as well as the dangers in hierarchical forms of knowledge, an issue of some importance when exploring the relationship between and creation of government policies and how these are interpreted outside government policy-making circles.

**Phase Two**

The second phase of the study utilized the themes from my textual analysis in Phase One to construct interviews with individuals working in the community, many of
whom were involved in the creation and implementation of domestic violence policies in Ontario. The purpose of these interviews was to complement my textual analysis and provide first-hand accounts of the varied perspectives on domestic violence from those working with victims of violence who have to understand and implement these policies through to those who have been involved as ‘stakeholders’ or ‘community experts’ in the creation of Bill 117 and the DVAP. Much like Rhatigan, Moore and Street (2005) I believe that research should include the experiences and perspectives of both those deemed ‘victims’ and ‘perpetrators’, as presented by those ostensibly speaking in their name. Therefore my interviews included key members of the women’s anti-domestic violence communities (shelters, advocacy groups, treatment centres), men’s rights organizations (advocacy and support groups) and other community-based sectors or organizations who had anti-violence services as part of their mandate (immigrant, same-sex, rural/northern communities, French and Aboriginal services).

A semi-structured interview style guide was created. This included clusters of broad questions and prompts based on the themes that emerged in phase one (see Appendix E). Conducting interviews with individuals who have worked, or are currently working under government initiatives, allowed me to gather information that has yet to be officially documented on what my interview subjects believe are the successes or failures of these initiatives and what they hope will be future policy directions. The semi-structure

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82 An access to information was obtained from the Liberal provincial government to identify which ‘stakeholders’ they consulted prior to the release of the DVAP.
format also allowed respondents to deviate from my themes if there were alternate or additional issues they wished to raise.

Interview subjects were found using an access to information request, representation in the Bill 117 debates and through online directories of anti-violence services and supports in Ontario. Additional interview participants were found through a form of snowball sampling wherein interview subjects where asked if they knew of others who would be interested in participating. Some participants referred me to others before I asked. All participants were contacted the same way, through an initial email followed by a phone call one week later to gauge interest and set up interviews (see Appendix C). Twenty eight emails were sent out to women’s organizations (14), men’s supports and services (7), and ‘other’ community organizations or experts (7). Three emails were undeliverable, twenty-six initial or follow up phone calls were made, and fourteen interviews were ultimately completed. Fourteen in-depth semi-structured qualitative interviews were conducted with community experts between October 2010 and January 2011. Only those whose organization addressed violence in intimate relationships were interviewed. This could be by providing shelter, treatment, support groups, referrals to other organizations, advocacy, and so on.

83 Due to the smaller population to draw on for interviews from men’s advocates (and only two completed interviews), the lack of much website and media commentary on domestic violence initiatives in Ontario, and their exclusion from (most) policy discussions, the men’s advocates sections of my results are often shorter than their feminist counterparts.

84 This depended on whether or not the email bounced back to me or not. Also, some participants emailed right away to say they were interested so an interview date and time were established through email.

85 The majority of interviews were conducted with the head of the organization including 2 men’s, 10 women’s, and 2 anti-violence organizations.
When phone or in-person interviews were set up, participants were asked if they would like to see my interview guide in advance, which was then emailed to them. In that email I outlined that the purpose of my study was to get a better understanding of how domestic violence is currently constructed in Ontario through government policy and what their thoughts were on government involvement thus far. The interviews varied in length from forty-five minutes to two and a half hours. Prior to beginning the interviews, participants were asked to read and sign the consent form and given an opportunity to ask any questions. For phone interviews they completed the form, scanned it and emailed it back as a Word attachment (See Appendix D). Upon the completion of the interview the respondents could ask any additional questions about my study or add additional information.

While names were used to identify the speaker in the public documents analyzed, all identifying information from the interviews was removed. Each participant was referred to through the use of general categories: women’s advocate, men’s advocate and anti-violence advocate. Afterwards all interviews were transcribed and systematically analyzed following the textual analytic strategy utilized in Phase One, to determine how these often competing and contradictory perspectives contributed to the creation and recognition of domestic violence policy in Ontario. In addition, new themes that emerged during the interviews were also included to highlight some of the ways in which

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86 Anti-violence advocate is used as a ‘catch all’ for those individuals who did not ‘fit’ readily into one of the other two categories. Further, while I use ‘men’s’ and ‘women’s’ as categorizations, this did not mean that they are men or women. There were men who advocate on behalf of women and vice versa.
community service providers and advocates voices diverge from that of government documents.

The aim of the interviews was to flesh out the omissions in the documents (such as discussions of housing, child care, relationships to different provincial governments and resistances to funding), to get an update and evaluation from advocates and others who may (or may not) be affected by these initiatives, and to better understand how these parties felt about government attempts to address domestic violence (what worked and what did not), show how the policies worked on the ground, and how various organizations responded to those policies. Through these complementary methodologies I was able to explore, document and examine the different versions of the domestic violence problem produced by competing actors seeking to advance or counter the medley of anti-domestic violence initiatives.

**Strengths and Limitations**

Time and resource constraints limited the number of interviews and documents that could be included in this study. Although the sample size of the documents was always going to be limited to the period under study (2000-2009), the number of interviews obtained was smaller than originally hoped. Every effort was made to secure more participants by email and phone calls to every local and provincial organization that dealt in some way with the issue of violence in intimate relationships. Many organizations did not think that they could contribute and referred me to another organization. This was particularly true for sexual assault services and men’s programs,
which attempted to redirect me to women’s shelters and Partner Assault Response (PAR) programs respectively.\textsuperscript{87} Many organizations, mainstream and ‘alternative’, have too few resources and staff, which made it that much harder to secure a two-hour interview slot.

The majority of people interviewed were the heads of their organizations - executive directors, program coordinators and presidents. This was done because, more often than not, they handled advocacy efforts, service provision and resource allotment. They deal firsthand with financial obligations and advocate changes to government policies and standards. These are the individuals who deal directly with the provincial government, the ‘stakeholders’ who are (sometimes) given a voice in policy-making circles, the actors who must respond to policy changes and set policy from there. Additionally, they are in charge of running the supports and services that affect the ‘real life’ of clients.

Generalizability was never a goal, particularly since policies vary from province to province and are implemented differently depending on the reading of the policy, the political party in charge and the population they are serving. In qualitative research, participants are not necessarily chosen randomly but are strategically selected for their experiences or perspectives. The goal is to develop a deeper sociological explanation of the participants’ experiences and what they mean. This thesis paints one particular picture

\textsuperscript{87} This in itself was telling of the division between types of violence against women, where domestic violence and sexual violence are seen as two separate entities. It is also interesting that the only services that organizations could think of that were directed at men were programs for perpetrators. Both of these are discussed in more detail in the chapters that follow.
at one particular time, the picture that is presented to the public as the ‘Truth’ about domestic violence in Ontario.

There are also some general weaknesses of interviews as a method: they do not examine how people actually behave; the meaning of terms varies amongst people being interviewed and the researcher; memory/recollection problems arise; there are unequal power relationships between interviewer and interviewee; there may be difficulties establishing rapport; and, as I discovered, people are often reluctant to give interviews since we have become ‘an interview society’ (see Berg, 2001; Fontana & Frey, 2003; Hesse-Biber & Leavy, 2010; Silverman, 2003). To circumvent these limitations, this study focused on documents as the primary data source, while the in-depth qualitatively rich interviews complimented my textual analysis with current firsthand experience (i.e. I was going for quality with interviews over quantity). Further, my focus is on power relations and the meanings of terms. Thus interview participants were encouraged to discuss the issues they saw as relevant in whatever manner they wished, and empowered to start and stop the interview when they felt they had said enough.

Another potential problem was my narrow focus on domestic violence initiatives in Ontario over the last decade. However, time constraints were unavoidable because this is an area where policy development is unending. Several significant initiatives are emerging all the time including Bill 133: Family Statute Law Amendment Act (2009),88

88 The Family Statute Law Amendment Act repealed Bill 117 (even though it had never been proclaimed into law) and made changes to restraining orders including adding prosecutions under the Criminal Code, expanding eligibility to relationships less than three years, creating a standardized restraining order for the

These limitations on the length and scope of the research are counterbalanced by the strengths of this methodology. There is always a need for a gender-based analysis of government policies since, as feminist advocates have pointed out, there is a lack of a gendered lens in government circles (see Bashevkin, 1996; Berns, 2001; Boyd, 1994; Collier, 2005; Comack, 1999, 2002; Cossman & Fudge, 2002). A gender-based analysis puts the focus on how provincial governments, community organizations, victims, perpetrators and children are included, excluded, represented and affected by a particular policy or legislation. By conducting a gender-based analysis of the construction of domestic violence, this research project aims to make a contribution to the literature on entire province and evidentiary tests for judges when granting restraining orders (Laurel Broten, Personal Communication, 2010).

\(^89\) Changes were made to the Ontario Health and Safety Act (OHSA), effective June 15, 2010, to strengthen protections for workers from violence (Ontario Ministry of Labour, 2010). The new Bill 168, in which the revisions are contained, defines workplace harassment and workplace violence more generally, and outlines the duties of employers to prevent and address workplace violence. The Bill applies to all workplaces covered by the OHSA. This important development came partly as a result of almost 15 years of lobbying by women’s groups to illuminate the extent and effects of workplace sexual harassment, especially in response to high-profile cases in 1996 and 2005 in which women were ultimately murdered in their workplaces after years of sexual harassment (CBC News, 2010). An analysis of the impetus behind these changes and the debates could form its own research project. Further, it has yet to be seen how this will “play out” in practice.

\(^90\) This initiative was tabled by Liberal MPP Yasir Naqvi and would amend the *Residential Tenancies Act*, 2006, to “shorten the period of notice required to terminate a tenancy in cases where the tenant or a dependent child of the tenant is the victim of domestic violence” (Legislative Assembly of Ontario, 2010).
policy reform, domestic violence, community organizations and gender equality. The chapters that follow highlight these issues through an exploration of funding, rights, responsibilties and accountabilities, types of responses to domestic violence, and types of victims.
Chapter 7

Fighting for Funding: Domestic Violence and the Problematic of Resources

The next four chapters (Chapters 7-10) critically examine the ways in which domestic violence has been constructed in Ontario over the first decade of the twenty-first century by state and non-state actors. Since the emergence of domestic violence as a social problem in the 1970s, individuals and groups have advocated for and against various interpretations of the domestic violence problem. Both Bill 117 and the DVAP garnered official support from most organizations and individuals in relation to the need to address violence in intimate relationships, particularly the recognition that no one should live in fear of violence in their homes. On the other hand, the approaches taken by different governments in documents to address this pervasive social problem were written differently, implemented similarly and hotly contested. The contradictory ways in which domestic violence was presented, debated and addressed constitute the core of the next four chapters. Funding, rights and responsibilities, types of domestic violence responses, and types of victims are the four themes that form the basis of the elements recognized as important in explanations of intimate partner violence policy in Ontario.

Funding is defined here as any financial resource allotment by the government to initiate or support services designed to address any aspect of the domestic violence
problem. Funding is the most pervasive theme running through the documents and interviews, and aspects of funding battles can be found in all the other themes discussed, because it speaks to the ideological, practical and symbolic importance of a particular issue. One way to gauge the seriousness of a ‘social problem’ and measure the degree to which others recognize its importance is by the amount of resources allocated to address it. Organizations that do not receive government funding often feel excluded and silenced from policy-making, while those who do receive funding generally view this, however inadequate the funding may be, as a sign that at one level their arguments have been ‘heard’.

Since the 1980s when supports and services for abused women became linked to state funding, there have been periods of waxing and waning in the amounts distributed and debates over what services should be provided (see Collier, 2008). While many feminists did not support state involvement, the increasing number of abused women coming forward for support demonstrated a glaring need for stable base funding to provide quality services; funding that could not be solely generated through fundraising (see Chapter 3). Therefore, some predictions of state control came to fruition, as one women’s advocate pointed out:

We have guidelines from the Ministry. So the Ministry does decide what the mandate is. We have our mandate but they say these are the women that you can serve, it is for violence against women. There are specific things that we are obliged to do. They don’t micromanage in terms of being in our faces saying no you can’t take that woman, but what they do expect from us is a report and recording of numbers, quarterly numbers, and all this and how and how many beds and how many on a regular basis.
Quite a lot of time is taken for that (Interview #2, Women’s Advocate, 2010).

Despite concerns about extensive state involvement, state support has allowed a significant increase in the number of shelters and supports available for women fleeing violent relationships.

The cuts made in the mid-1990s to anti-violence services still reverberate. “When the cuts were made welfare rates were being cut too and everyone was feeling it. So I’m not sure that cuts for men who were abusive to their partners was seen as a big ticket agenda item for most people” (Interview #7, Anti-Violence Advocate, 2011). The majority of this funding was never restored. Provincial cuts were also exacerbated by cuts to women’s advocacy groups by the federal government in 2007. Although some money has slowly seeped back into service provision, “you have to put it into the context of the cuts that they had previous made” (Interview #3, Women’s Advocate, 2010). The substantial loss of base funding for community-based non-profit services and shelters for abused women has forced feminist anti-violence advocates to spend more time focusing on how to keep their doors open and less on advocacy, research and actual service provision for victims. Further, men’s rights and other organizations are also trying to access funding for their supports and services, stretching already marginal resources even further. When organizations are forced to spend their time struggling over funding, they

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91 Many federal women’s organizations provide advocacy, research and (some) small project funding for shelters and related services. When cuts happen at any level support services tend to start wondering if their service will be next.
92 There are no shelters for abused men in Ontario.
cannot advocate for rights, expose the lack of responsibility taken to address violence, come up with holistic solutions to eradicate violence (including the roots of violence), nor can they adequately represent and defend all victims of violence as their funding is limited to a small sector of the population. Since state funding is now regarded as essential to service provision, all of this explains why debates over funding remain a central area of concern. By exploring where money is spent, where it is lacking, what needs to be done and whether the measures implemented are short- or long-term, this chapter compares and contrasts the varied political constructions of domestic violence.

This chapter is divided into two parts to showcase the differences between how state and non-state actors construct domestic violence initiatives through funding. The first part explores the ways in which MPPs discuss funding as it relates to domestic violence. In order to do this I will explore a number of tactics used to build political capital including how funding decisions are used to demonstrate that “their” party takes domestic violence seriously, while opposing parties do not. MPPs try to demonstrate how other parties minimize domestic violence through the strategic use of feminist-inspired issues including discussions of the roots of violence, funding cuts and short- versus long-term funding. These issues are clearly tactics as they are used to criticize governments or put down the opposition, but are never fully implemented when that party comes to power. These tactics also demonstrate how discussions of funding are used to show that governments are taking domestic violence seriously, and they also show how funding
issues completely dominate and overshadow every other aspect of the domestic violence problem.  

The second part of this chapter outlines the positions taken by women’s and men’s rights advocates on funding for domestic violence initiatives put forward by Ontario provincial governments. Although women’s and men’s advocates’ positions will be presented separately because of differences in their positions, they often discuss funding in similar ways. First, the section will explore the intricacies of who gets what and demonstrate that for non-state advocates, funding overshadows everything: there is not enough, it is not new (cuts, taken from other programs, etc.) and it is never sufficiently long-term. Second, I will set out their positions: they see funding not necessarily as a tactic to garner public support, but as important for addressing what they see as the roots of violence. (That is, these groups are claiming that provincial governments do not use funding to address the ‘right’ issues and therefore do not take it seriously). All of these interrelated issues are used by both men’s and women’s advocates to assess whether or not governments take them seriously as a group and/or cause. Success as an organization and movement is heavily reliant upon the allotment and quantity of funding, because with funding there is often an associated position at the policy-making table where ‘real’ change happens. The purpose of this chapter is to use

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93 This information is presented chronologically starting with the funding positions from the Bill 117 debates, followed with a presentation of government discussions on funding in the DVAP. This is done to show that while in power or the opposition, very similar arguments are used with reference to funding and domestic violence.

94 These perspectives are taken from the Bill 117 debates, website commentary on Bill117 and the DVAP as well as my interview data and are presented chronologically.
my textual analysis of Bill 117, DVAP and supporting documents as well as my interview data to outline the varied, uneven and contradictory perspectives on funding enunciated by state and non-state individuals, organizations and advocates, and to show that domestic violence as a social problem is now more than ever overshadowed by the never-ending fight for funding.

**Progressive Conservatives, Liberals and Political Capital**

*We take domestic violence seriously*

Policy designs for dependents tend to be heavy on rhetoric and light on actual funding (Schneider and Ingram, 2008, p. 194).

The lack of government involvement in providing greater resources to address the issue of gender violence reduces the tools that permit more collective efforts at building safe communities. In its place the funding emphasis has been directed to individualized assistance through services such as shelter spaces and emergency phone lines (Walton-Robert, 2008, 509).

If you can find something that doesn’t cost money you’re golden, the one thing they [Ontario provincial government] don’t want to do is spend money (Interview #13, Women’s Advocate, 2011).

Although Ontario political parties have historically disagreed on a number of issues, none seems to spark more debate than resource distribution. To give out funding in various sectors makes a political party appear as though it is getting things done; however, lack of spending, too much spending, ‘inappropriate’ spending or complete indifference to a pressing social problem leaves various publics aggrieved.

When MPPs speak publicly they often detail their accomplishments as the current governing body. In relation to violence against women this generally involves a
reiteration of all the funding they have given to a variety of anti-violence services to underscore the important role they have played in eradicating this problem. Key words used throughout government discussions on domestic violence and funding include ‘money’, ‘funding’, ‘resources’ and when not used directly in these initiatives, references are made to terms that are generally associated with money including ‘changes’, ‘upgrades’, ‘delivering on promises’, ‘evaluations’, ‘training/education’ and ‘implementations’ to various relevant sectors. As the party responsible for Bill 117, the PC provincial government explained that with Bill 117 they were “delivering on those promises [from their 1999 platform], just as we said we would” (Doug Gault, Progressive Conservative MPP, Hansard 3 October 2000: 15:50). According to this MPP, they would do this by making the justice system more responsive, allowing victims of domestic violence the opportunity to get an intervention order twenty-four hours a day seven days a week, and making these orders faster to obtain and easier to enforce (Progressive Conservative MPP, Hansard 3 October 2000: 16:00). This meant that more resources would be provided to components of the justice system responsible for issuing and enforcing intervention orders. As another MPP argues “Improvements to the justice system are critical in helping victims of domestic violence…The criminal justice system is a critical centrepiece for combating domestic violence, because it clearly delivers the message that domestic violence is a crime” (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:50). While this is only a sample of what the Progressive Conservative (PC) government claimed they would do with Bill 117, they
also used the debates to underline everything they had accomplished before tabling this Bill. In fact, during the debates more attention was devoted to discussing how previous resources had been distributed (since 1995) than on current and future spending. For instance:

That is why during the past five years our government has taken a leadership role in the area of domestic violence. We have created and expanded the domestic violence court program and made it the largest and most comprehensive of its kind in Canada. We have expanded the victim/witness assistance program, the victim crisis assistance and referral service, the supervised access program and the SupportLink program (Joseph Tascona, Progressive Conservative MPP, Hansard 3 October 2000: 15:30).

Over the last five years, this government has taken a leadership role in taking very concrete action to protect and support victims of domestic violence…we've created and expanded the domestic violence court program. Indeed, it's become one of the largest in Canada and it's one of the most comprehensive of its kind in Canada…Funding for shelters includes $1.7 million which was allocated…in 1999-2000 for crisis lines across Ontario (Marilyn Mushinski, Progressive Conservative MPP, Hansard 4 October 2000: 16:10).

This focus on past funding by the PCs makes sense in light of the ‘problems’ they had in the 1990s when they cut funding to a variety of social services and were heavily criticized by the media and advocates.

The Liberals, once in power, also focused on their current plans and past achievements. Premier McGuinty explained that, “Since we launched the DVAP, there has been more funding for shelters and more counseling services for women” (Ministry of Citizenship and Immigration, 2007, Premier’s Message). The Liberal government argued that,
Front-line workers in shelters, counselling agencies and women’s centres provide critical services and supports to women who seek help. The plan strengthens these vital community supports with increased funding for existing services, as well as support for new initiatives. We are also strengthening the justice system to respond more effectively to abusers and better protect victims through the courts (DVAP, 2004, forward).

Our government is investing more than $82 million in new funding over four years in the Domestic Violence Action Plan, which exceeds our original commitment of $66 million. Our investments are supporting a range of community and housing supports...our investments are supporting communities in their efforts (DVAP Update, 2007, Forward).

Since the launch of the Action Plan, our government has increased investments in core services and introduced new community supports for domestic violence victims. These investments have targeted a wide range of community services, including shelters, counselling services and transitional support programs, so that these service providers can better serve women and children in crisis (DVAP Update, 2007, p. 1).

Throughout the DVAP, the DVAP Update and website commentary, funding discussions often amounted to vague lengthy lists of where money had been or was going to be distributed. Vaguely worded statements such as ‘following an evaluation’, ‘strengthened’, ‘enhanced funding support’, ‘invested in’ and ‘to address inequities’ in services made it hard to clearly identify what amount was going where and for what purposes. Details were never spelled out in any of these documents, and while a few million dollars seems like a lot, when this must be split up amongst all the services across the province the money disappears rapidly. However these comments did demonstrate

95 Many of these same DVAP funding initiatives were discussed in the DVAC Report also, which is one reason it is not discussed separately here. I also am not looking at the DVAC in reference to funding allotments because this was an external committee commissioned by the Liberal Government. So, while
an attempt by the Liberals at a response to domestic violence that looked at many different types of support and addressed different individual needs.\textsuperscript{96}

Another technique used by ruling and opposition MPPs of all parties when discussing funding was to put down the opposing party while simultaneously praising their own efforts. PC MPPs criticized previous Liberal and NDP governments while simultaneously focusing on how their funding allotments proved that they take domestic violence seriously:

[T]his was a shelter that the previous government kept being asked for between 1990 and 1995, and they didn't come through. They were asked in the late 1980s and the Liberal government didn't come through, but as soon as we took office, our government came through (Doug Gault, Progressive Conservative MPP, Hansard 3 October 2000: 16:00).

I believe, and our government believes, that actions speak a great deal louder than words. That doesn't seem to be the Liberal way, whether it be here or in Ottawa…They have to know that they have to play a role, first of all, in health care, but also they have to be part of this solution (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:50).

His solution, for the five years his party was in government [NDP], was, "Give 'em more money." It's interesting to know that when you give them more money, and they gave them more money, there was absolutely no plan, there was absolutely no accountability, there was absolutely no economic research, there was absolutely no efficiency--that was totally thrown out the window--"but we'll give them more money." That is what got us into this situation we took over when we came into power in 1995 (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:40).

\textsuperscript{96} An indication of the success of decades of feminist consciousness-raising efforts!
The excerpts above demonstrate the way PC MPPs tried to use the ‘failings’ of both previous Liberal and NPD governments to their advantage, a strategy used by every reigning government. Making opponents appear as if they just throw around money, without thinking of where it should go and how much should be given, amounts to a claim that the PC government is a responsible money manager that does the work that previous governments (the NDP in the last quote) merely “threw money at”. The Liberal government similarly brags about how they are ‘doing more’ than previous governments alluding to the fact that they take domestic violence seriously while other political parties, particularly the PCs, do not (or at least not as much as them). Overall the government ‘blame game’ ignores the root causes of domestic violence.

**Feminist-inspired perspectives: Why governments do not use resources appropriately**

Most of the comments by MPPs in all documents analyzed centred on the need to fund initiatives that would result in better protections for victims. In order to do this, conversations often turned, particularly for PC MPPs, to criminal justice measures. Again and again they pointed out how this addressed the concerns outlined in the recommendations of prior domestic violence inquests.

If passed, Bill 117 and its related policy changes would respond to these 10 recommendations. Specifically, recommendation 63 asked…to critically examine restraining order policy and practice and to determine if new civil legislation was necessary…as a result Bill 117 has been tabled (Joanne Krauser, Alliance of Canadian Second Stage Housing, Hansard 23 October 2000: 15:36).

The focus on protection through restraining orders demonstrates how thoroughly the PC ‘domestic violence plan’ is embedded in legal discourse and the criminal justice system.
Liberal MPPs focused their funding criticisms in the Bill 117 debates on the PC neoliberal ‘law-and-order’ agenda. They claimed the PCs were not funding the ‘right’ services, particularly community services, and criticized all the cuts the PCs had made since taking power in 1995. Liberals said the PC focus on restraining orders, courts and other criminal justice-oriented victims’ services was laudable, but short-sighted because Bill 117 did not recognize arguments by anti-violence advocates for community-based services. Liberal MPP Caroline. Di Cocco, in particular, argued that the “real measure of good leadership is to address the complex layers of community support…I want to outline various areas that in my view are completely missing from the Harris government agenda, and those areas of community support for families of domestic violence are what's missing” (Hansard 5 October 2000: 16:10, emphasis added).97

Their second critique targeted the cuts that had taken place since 1995 under Harris’ leadership. This is strategic given the very public outcry by feminist advocates since these cuts were first put in place. This was frequently brought up during my interviews as well, demonstrating that these cuts were still an issue. Liberal MPP David Caplan argued that,

[W]omen's shelter funding has been cut by the Harris government over the course of the last five years…In addition to the cuts to shelters, we've had an elimination of funding to second-stage housing…It's shocking that a government which is going to bring in this measure, is going to say that they care so much, on the one hand, and hypocritically, on the other hand, cut and eliminate those kinds of services (Hansard 5 October 2000: 16:10, emphasis added).

97 Though broader in its scope, the DVAP and the Liberals did not make any significant changes to this criminal justice focus.
The focus here by Liberal MPPs is to counter PC suggestions that they are spending ‘a lot’ of new money in ‘the right’ places. Instead, Liberal MPPs say, this new money does not account for everything they cut in the 1990s, which left victims with fewer options to leave or start new independent lives.

Another feminist-inspired argument adopted by the Liberals while in opposition was to criticize the PC shift from core to project funding. In an attempt to counter these arguments, a PC MPP argued:

> approximately $50 million [that] has been committed to support innovative community-based projects that focus on vulnerable children and adults as part of the victims’ justice action plan and $10 million annually has been allocated for the expansion of community-based programs, including the victim crisis assistance and referral service, SupportLink and making services more flexible to meet the needs of northern communities (Marilyn Mushinski, Progressive Conservative MPP, 4 October 2000: 16:20).

However, this ‘defence’ basically just demonstrates the validity of the critique (see also Chapter 9). Project and community-based funding were further defended by the PC government through their justification of the “more than 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs of abused and assaulted women in Ontario” (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:30). However, the NDP were quick to point out that they “remember the history of stable funding to women's centres because…we made the decision to put in place core funding instead of just project funding, to stabilize the centres so they…would be a secure place for women to come to” (Frances Larkin, New Democratic Party MPP,
Hansard 4 October 2000: 15:40). This NDP argument for stable funding was one of the few opportunities the NDP had to point out their contributions to community-based funding for anti-violence services in Ontario.

On the point of short- versus long-term funding, once in power the Liberal government was no different than the PC government. Although the DVAP appeared to be balanced and all-encompassing, the majority of the funds were dedicated to evaluations, training and pilot projects within the justice system, not to creating a stable base for already existing, already evaluated (and therefore deemed ‘good’) services.

Examples of the efforts outlined in the DVAP include:

- an extensive study is underway across diverse health care settings to evaluate the effectiveness of universal screening, versus no screening, on outcomes such as preventing repeat violence and improving women’s quality of life. The project will be completed in winter 2007 and follow-up training of health care professionals will be undertaken to disseminate the results of the study (DVAP, 2004, p. 10).

- The effectiveness of the abusers’ Partner Assault Response Program in changing attitudes about domestic violence will be researched as a part of the domestic violence court program (DVAP, 2004, p. 13).

- Current Bail Safety Pilot Programs that are underway in Perth, Hamilton and Sudbury have been evaluated. Six new sites will be added and additional evaluation will be undertaken (DVAP, 2004, p. 14).

Note the vague references to funding new and already existing initiatives and the lack of detail on what these evaluations, training and pilot projects actually entail. In fact the majority of funds within this initiative were directed towards short-term studies to evaluate and train. And while the NDP was quick to criticize the PC government for their lack of stable long-term funding by arguing that “it was core funding that had been in
place for years that was actually reduced under your government, and still annualized funding hasn't kept up with the need or the times” (Frances Lankin, New Democratic Party MPP, Hansard 3 October 2000: 17:40), PC MPPs retaliated by asking the opposition “how far are you prepared to go to support victims of domestic violence” (David Tilson, Progressive Conservative MPP, Hansard 5 December 2000: 13:30). This implies that no other political party is willing to go as far as they are. This MPP further argued that it is usually the Liberals who are indecisive, “but I believe the label of ‘flip-flop’ best describes the erratic actions of the New Democratic caucus during the domestic violence debate” (David Tilson, Progressive Conservative MPP, Hansard 5 December 2000: 13:30). This charge was offered in light of the heavy criticism from NDP MPPs with reference to Bill 117.

Many opposition MPPs demanded that more be done after the DVAP timeline was completed. NDP MPP Andrea Horwath asked rhetorically: “is this just, as we all suspect, another McGuinty Liberal broken promise”, much like the Liberal broken promise of passing a victims’ rights legislation in their first year (Andrea Horwath, New Democratic Party MPP, Hansard 13 December 2004: 15:10). A PC MPP also took the opportunity to add that, “for the record, it's important to note that it was our government that introduced and passed the Domestic Violence Protection Act on December 21, 2000, almost four years ago” (Elizabeth Witmer, Progressive Conservative MPP, Hansard 13 December 2004: 14:00). Further MPP attacks on the DVAP were expressed in the form of deep concern for the services and supports for abused women and their children. NDP
MPP Marilyn Churley argued that domestic violence supports and services had to spend a
great deal of time fundraising since the cuts in 1995, and as a result, “the well [was now] dry.” “Sustained, ongoing funding to women’s shelters” is necessary in any plan
designed to take action against domestic violence. Moreover, she went on to say,

shelters are filled to capacity…today’s shelters were given funds for fundraising training, effectively sending the message that emergency shelters are left on their own to deal with the bed and program shortage…we need to see that housing built right away…I would say that Ontario women…do not need a plan that may languish on paper because the dedicated funds never really flow to it. There is a plan in place and it just needs to be implemented…The reality is that your government, in opposition and after winning government, said that you were going to reinstate all of the core funding to existing second-stage programs. You didn’t do that. You have used that money, that $3.5 million, to create new programs. You’re pitting people against each other in the sector. You promised the second-stage housing money, and you did not deliver. You said in the past that you believed it was critical, and you know that, without such housing programs, many women are left to choose between poverty, homelessness or returning to the abusive home they tried to leave in the first place (Hansard 13 December 2004: 14:00; 14:30; 15:10).

This MPP’s comments are particularly revealing because she employed the same
strategy, a focus on the lack of funding for women’s shelters and services, used by Liberal MPPs against the PCs during the Bill 117 debates. This appears to be a common
and effective strategy which underlines how easily MPPs oscillate during discussions and
debates depending on whether or not they are the governing party.

Overall, MPPs posit that their party takes domestic violence seriously and agree
that more funding is needed for services for victims of domestic violence; however, what
services and supports they deem worthy of funding varies depending on the party in
power and the perceived availability of funding (itself determined by the Party’s priorities). Further, once an election is held and the previous government becomes the ‘new’ opposition, they still claim that more funding is needed for the very same services they neglected while in power. This demonstrates that there was very little action from any Party to back up their rhetoric and when promises were made it is “something that is usually an election thing” (Interview #11, Women’s Advocate, 2011). It appears from the perspectives presented above that it is much easier to criticize the governing party for what they are not funding than to say what is working, what needs to change and what would constitute a ‘proper’ allocation of funds. In this instance, it would appear that voices are only heard and adhered to when it fits the particular agenda of that ruling government. As one women’s advocate noted: “It’s an election year [2011] so we’re expecting to hear something” (Interview #11, Women’s Advocate, 2011). There is not enough funding for everything and from an opposition perspective, the government in power never makes ‘the right’ funding choices.

**Non-Governmental Voices and the Construction of Domestic Violence as a Funding Issue**

*Women’s advocates: How funding overshadows other aspects of domestic violence*

It’s great and challenging because we’re a circle trying to work within a triangle of worlds, so sometimes it is a little challenging (Interview #11, Women’s Advocate, 2011).

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98 A good example is the Sexual Violence Action Plan for Ontario (2011) with emphasis on where funding is needed and why. This is timely given the provincial election scheduled for the Fall of 2011.
The emergence and development of a movement illustrates how social movements mobilize resources from government agencies and as a result produce a social problem (Tierney, 1982).

The age of volunteerism is over, which is a real change from the 1970s when grassroots services were started and run by volunteers. Today, along with donations, fundraising and foundation grants, state funding is deemed absolutely crucial: “We need funding from the Ontario government in order to continue to provide efficient and cost-effective programs” (Joanne Krauser, Alliance of Canadian Second Stage Housing, Hansard 24 October 2000: 15:50). Advocates admit that the constant focus on funding overshadows other work aimed at long term and structural change: “Remaining staff and their boards of directors must concentrate as much on fundraising as on services to women. This, too, is unacceptable” (Donna Hansen, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50). Therefore instead of pursuing empowerment in other arenas, women’s advocates (within and outside the state apparatus) find themselves constantly addressing the need for funding. Of the fourteen interviews conducted with service providers, only one woman said “I probably spend more time on service for women” (Interview #1, Women’s Advocate, 2010) than on funding issues. The majority felt that “they [the provincial government] keep demanding more and more statistics, more and more reports” (Interview #11, Women’s Advocate, 2011), although the amount of time and resources\(^\text{99}\) required to do this varied by

\(^{99}\) This is a catch 22 because a lot of time is spent trying to get money, as a women’s advocate argued: “We say you don’t get this report unless you pay us for the time, if you expect us to fill it out because you keep asking us for more but you’re not paying us for more” (Interview #11, Women’s Advocate, 2011).
individual organization. Funding remains a main priority for all, because without it no services could be provided.

In the Bill 117 debates and interviews feminist anti-violence advocates were very vocal about the fact that they are “underfunded and short-staffed” (Marion Wright, Women’s Place of St. Catharines, Hansard 30 October 2000: 17:10), and about the need for more stable long-term base funding to maintain their organizations and services.

According to a number of anti-violence advocates interviewed:

There were already transition homes and interval houses set up across the province…by women's organizations and volunteers and [they] didn't have much money to operate with. Then in the middle of trying to get the government to recognize the work they were doing and give them some stable base funding the government at that time decide to erect these centres across the province and we were one of those…[T]hey've been doing this already for about 10 years and didn't have any base funding money. It was all grant money and volunteer work (Interview #12, Women’s Advocate, 2011).

And they talk a lot, and it's little bits of money, nothing you can do anything significant with and always at the local level except one little bit of money that they gave to the national shelter association…[R]esearch and advocacy work [is] absolutely not eligible for any kind of funding from them [provincial governments since 1995], but you can get little bits of money to do a little bit of work with a few women for a year or two (Interview #13, Women’s Advocate, 2011).

There certainly needs to be better funding on the provincial level and at a municipal level as terms of creating services and ensuring these services are funded on a continual basis rather than a sort of one off project (Interview #14, Anti-Violence Advocate, 2011).

It is noteworthy that there are no requests for short-term funding by feminist advocates: instead, they repeatedly ask for stable annualized base funding for supports and services for abused women. Short-term funding is unacceptable because, although all
money is welcome, shelters need ‘adequate’ and ‘dependable’ funding to remain open, hire, train and keep competent staff, protect women and children and focus on service delivery. Without stable base funding they cannot escape the underlying ‘threat’ that their funding might disappear if their services are seen as failing to adhere to “violence against women prevention program policy guidelines [from] the Ministry of Community and Social Services for all the programs they fund” (Interview #13, Women’s Advocate, 2011). This is a limitation many service providers in other institutional setting do not have. “Their [CAS] funding wasn't tied to that collaboration agreement in any way shape or form but mine was. I have a service description that says I'll play nice, that I will participate in this VAW (violence against women) CAS collaboration…The ministry is holding us a lot more accountable” (Interview #9, Women’s Advocate, 2011). Women’s advocates, therefore, felt trapped, believing that if they disregarded this part of their mandate, there would be repercussions. In particular,

If women were complaining about the way they were treated at a shelter we wouldn’t be getting more money to do a better job I can assure you of that … During the Tories that’s all they do is give money to the criminal justice system and they’re the ones that do all of this domestic violence courts, victim witness programs, etc…at the same time they were cutting community services, social assistance, they froze all social housing and refused to build any. They cut day care and all the stuff that women needed. These are equality issues…and their ideology is that it’s about crime (Interview #13, Women’s Advocate, 2011).

Many organizations also reported their fears that arguing for more funding or resisting current conditions would result in the removal of existing government resources.

We’ve gone periods of time with no signed contract and we still get our money, which is amazing. We keep telling other organizations if you
would stop feeding into the intimidation we could actually have a united front, but that’s how governments operate, you divide and conquer…We say nope we’re not reporting on this, that isn’t part of the mainstream program that you’re funding. Every other organization panics and worries that they won’t send their cheque so they get a full time paid worker to spend a whole chunk of her time filling out this paperwork and we won’t do anything that would compromise women to use our services (Interview #11, Women’s Advocate, 2011).

This was the view held by the majority of participants. However there were a few individuals determined to run their services even without funding. As one women’s advocate argued “we know we’d remain open even if it meant only having a support line. I have a moral obligation to those women that I see and couldn’t live with myself not doing it to some degree” (Interview #11, Women’s Advocate, 2011). Another added that “no matter how much money they take from the women's groups, activists will still be activists. If they won't let us talk we'll find another way to be heard” (Interview #13, Women’s Advocate, 2011).

This tendency by feminist anti-violence advocates to focus on the lack of funding is still frequently contrasted with funding realities before the immense cuts in social services occurred in 1995. Time and again this theme recurred in both the textual analysis and interviews:

[A] number of government speakers mentioned that their party had increased spending on domestic violence by $37 million since 1995. This would not be difficult for the government of Ontario to accomplish. In 1995, $9 million in annualized funding was cut from direct violence-against-women services. After five years at that rate, the government

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100 Though most did not come right out and say that they feared losing their funding, references to the frustration with current funding conditions and the hoops they are required to jump through to keep and increase the amount of funding received make this clear.
would have accumulated a total of $45 million from these funding cuts. The money is there (Eileen Morrow, Ontario Association of Interval and Transition Houses, Hansard 30 October 2000: 15:40).

There was a 5% reduction in all the centres. At that point the francophone rape crisis centers were barely surviving. It was later that we got funding...We also got funding from the federal government during that time...mind you, it was not a lot of funding but we stayed alive (Interview #10, Women’s Advocate, 2011).

When [the Harris Government] came in funding was cut. A third of our budget was cut by the Harris government...I don’t even know if they were in the legislature yet when they made the cut (laughs) (Interview #13, Women’s Advocate, 2011).

The above quotes demonstrate feminist anti-violence organizations’ frustration with previous funding cuts and the recognition that they should not be pitted against each other to demonstrate the worthiness of their services. As Eileen Morrow of OAITH argued, “the funding cuts have not been restored. What we have is an increase in women calling, an increased demand, and pressure on the services. So we have less service to each individual woman and child as a result” (Hansard 30 October 2000: 16:40).

In particular, many hold the Harris government, the government that tabled Bill 117, directly responsible for funding struggles today. For instance, an anti-violence advocate from the only LGBTQ organization in Ontario offering support to domestic violence victims noted that “we did get a substantial amount of provincial funding until Harris came in. Then we lost our provincial funding and since then we get the majority, like 90%, of our budget comes from the city” (Interview #14, Anti-Violence Advocate, 2011). A women’s anti-violence advocate added,
All the pro-advocacy funding in Ontario was cut [by Harris] and no one’s ever funded advocacy since...even the Liberals are now coming to the end of their second term and they don’t fund advocacy either...Apparently they don’t fund people that complain...This is a democracy, you’re supposed to fund people to complain because you’re supposed to want to hear from everybody including the people who do and do not have money (Interview #13, Women’s Advocate, 2011, emphasis added).

As Donna Hansen (Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50) said at the Bill 117 debates in 2000, to “show your respect for these groups” provincial governments need to support and fund the work that women’s organizations do, which would start by restoring funding that was decimated in the 1990’s. By not implementing demands for more funding to protect abused women, advocates say, the provincial government is not giving these groups the respect they feel they deserve: “The government's obligation is to hear from all those different experts and this includes women with lived experiences, and [to] craft policies and programs that help to eliminate violence against women” (Interview #3, Women’s Advocate, 2011). Another women’s advocate added that “they [the provincial government] need to get out into the field and find out what needs to happen. Listen to the women's organizations that, I really don't like to use the word expert, but they are” (Interview #9, Women’s Advocate, 2011). Further, removing funding “has disconnected the government body that gives direction to all other violence-against-women service providers” thereby removing these particular services from “policy development and program planning” (Donna Hansen, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50). Many in the anti-violence movement deem this unacceptable; without
funding to support their services and advocacy efforts, they feel there is no seat for them at the policy-making table and when there is they are not being heard.

Feminist anti-violence advocates were slightly more supportive of the Liberals and their DVAP. For instance, Pamela Cross (2005c, p. 1) with the OWJN argued that they “were pleased to see the first major announcement about violence against women by a Premier in a very long time [and] were encouraged by the Premier’s identification of women’s equality as the way to end violence against women”. This general support for the DVAP could be found in many women’s groups in Ontario. Pamela Cross (2005c), for example, discussed their appreciation of the large number of new funding initiatives in family and criminal law, programs and projects that, if fully implemented, would go a long way towards protecting abused women and their children. She (2005a, p. 1) further summarizes the women’s anti-violence position quite well when she states that “we are very pleased to see such a major announcement with respect to domestic violence [and] are committed to working with the government in the implementation of this Plan, as well as in critiquing it when we do not think it meets the needs of women experiencing violence”.

However, a number of organizations and individuals were also vocal in their critique of the Liberal attempt to eradicate violence. In particular, one women’s advocate felt that there were some advantages in the Harris government’s approach:

With Harris they were clear so the problems were evident and easy to tease out for argument [advocacy] purposes, whereas with McGuinty they claim to be sympathetic to the cause, and create vague general policies and initiatives that make it [the DVAP] appear to be more encompassing but
when you really comb through it you can see all the holes. So which is worse, Harris who was very upfront about what he was doing or McGuinty who used a lot of smoke and mirrors to appear as though they were doing something (Interview #3, Women’s Advocate, 2010)?

As this quote demonstrates, feminist anti-violence advocates may not have agreed with the PC strategies to end violence, but as one women’s advocate noted, they were more appreciative of the transparency of that government (Interview #3, Women’s Advocate, 2010).

Another area of contention related to the ‘smoke and mirrors’ issue, and a particularly large one, was that DVAP funding was not all new in that it had been announced before, by either by the Liberal or PC governments. In particular it was deemed insufficient because it did not restore the level of funding previously enjoyed by (many) organizations prior to 1995. Although some advocates argued that “we got some of that back” (Interview #1, Women’s Advocate, 2011), others felt that “since [the Harris cuts] no one has chosen to reinstitute the program” (Interview #7, Anti-violence Advocate, 2011). This too shows that Liberal attempts to distance themselves from the ‘bad guys’ who made the original cuts were only partially successful.

The DVAP was also criticized for taking funding from other programs and services to put into the evaluations and training: “While women’s services are always happy to have more money” (Cross, 2005c, para. 6), it is hard for them to accept this

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101 I say most organizations because there have always been some that do not fit a particular government mandate and therefore have not received government support. For instance, the LGBTQ organization I interviewed that addresses domestic violence in same sex relationships does not get any provincial funding whatsoever for its program.
funding knowing that other necessary supports and services will then lose their funding.

As Pamela Cross (2005b, para. 3 & 7) notes:

> It is often very difficult to determine exactly what money is new, what is old and what is money being taken from something else and given a new name...The government must be told that it has a responsibility to support existing effective programs like this one while finding new money to support its action plan and its focus on prevention...there should be no more reallocation of money from one VAW program to another.

This succinctly points out that funding cannot just be removed from one necessary program and inserted into another without having a ripple effect on other services. Services that previously had money begin to struggle. This is especially problematic when funding is re-allocated from a social assistance, housing or other such programs and given to violence against women services, because the latter benefit from the former.

The lack of new funding for services and supports to address domestic violence has resulted in a lack of implementation of many of the initiatives originally put forward in the DVAP. As Step It Up Ontario\(^\text{102}\) (2007) noted, “a number of its [DVAP] allocations were for time-limited programs or projects or for initiatives that would not be annualized”. So the government was accused of announcing ‘new’ money for new projects and services, while not using this money to make any progress. Speaking on behalf of many feminist anti-violence advocates, Pamela Cross (2005c, para. 7) noted

\(^{102}\) The Step It Up campaign was created in 2006 by feminist anti-violence advocates in Ontario to ensure that women’s concerns were addressed during an election year. As their website makes clear “all governments say they care, but they don’t often show it with effective action. Governments have either given small, unpredictable resources to under-funded women’s...organizations or have expected more and more financial support to come from private citizens” (Step It Up Ontario, 2011). Since they were tired of waiting for the provincial government to do something, they created 10 steps that they argued are necessary to end violence against women in Ontario. The purpose of the campaign is to spread this message and ensure proper government responses to this important issue.
that “most of us hoped, when we opened the August 2005 paper, to see a detailed work
plan that would put the Action Plan into, well, action. We were disappointed”. The short-
term and project-specific nature of the funding along with the knowledge that it would
only be available to the end of the DVAP, at which point these services are expected to
be self-sufficient, did nothing to calm the ‘feminist waters’.

Women’s advocates: Let’s use funding to get at the roots of domestic violence

Another important aspect of funding discussed by feminist advocates in the Bill
117 debates and the DVAP was their criticism of the heavy focus on funding initiatives
within the criminal justice system, a tendency especially pronounced in the PC party:

Other than a reannouncement of $10 million dollars in funding to
community services first announced in the spring budget and a summer
promise of $50 million for a victims action plan, which primarily included
technology and criminal system initiatives unlikely to make much of a dent
in the problem, this bill [Bill 117] seems to be the only priority we have so
far seen from the government of Ontario in the fall session. It is not
enough. More can and must be done (Eileen Morrow, Ontario Association
of Interval and Transition Houses, Hansard 30 October 2000: 15:31,
emphasis added).

Most women don’t use the criminal justice system. My thoughts are that
[it gets] a whole lot of money more than community agencies considering
that three quarters of women don’t go there. Sometimes it is flat out used
to give the police money. It’s in vogue so give them money for this or that
unit…right now they [specialized domestic violence courts] have this
money…and they’re doing the same shit they’re doing in any other court.
So no they shouldn’t get any more money because they’re doing a bad job
(Interview #13, Women’s Advocate, 2011).

Other feminist advocates argue, however, that these efforts are laudable and
necessary for dealing with repeat and dangerous offenders. But they point out that the
criminal justice system is reactionary and does not work to prevent violence from
happening in the first place. On the other hand, one women’s advocate felt fortunate to be funded through the Ministry of the Attorney General because it generally suffers fewer budget cuts than the Ministry of Community and Social Services! But “… the bad side … is that this ministry understands the justice system and policing and courts, but they don’t understand us” (Interview #11, Women’s Advocate, 2011). Without stable funding for shelters and services alongside criminal justice programs, women are less able to leave dangerous situations.

Although Bill 117 was often deemed “a good starting point” (Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group, Hansard 30 October 2000: 16:30), criminal justice remedies were also seen as inadequate because women who do not want to (or understand how to) use legal remedies “don't feel they have any options other than to remain with their abusers” (Pamela Cross, Metropolitan Action Committee on Violence Against Women and Children, Hansard 31 October 2000: 15:30). Accordingly,

[C]ommunity-based services to the 75% of assaulted women who do not access police or the justice system--shelters, rape crisis centres and second-stage housing--need a sizable, immediate injection of stable, adequate, dependable, annualized funding, funding that will allow these community-based women-centred agencies to be adequately staffed and to be able to provide protection, counselling and other much-needed programming (Donna Hansen, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50).

It [the criminal justice system] has failed, absolutely horribly. Completely failed and I don't think it's about changing a law or developing a new policy or a guideline or precedence or anything. It's the system that has been set up already in such an abusive oppressive way. You can't just
change one little thing and expect the institution that's hanging above that to miraculously change (Interview #11, Women’s Advocate, 2011).

Shifting funding to the criminal justice system does not lessen the workload for community-based services, particularly when many already see it as a failure. And as one women’s advocate noted: “It’s my taxes too and I should get a say where that money goes…There’s money that goes into all sorts of stuff in this community, just look at how many hockey arenas are built with public funds” (Interview #10, Women’s Advocate, 2011). Yet, while feminist anti-violence advocates during the Bill 117 debates and in discussions of the DVAP noted the need to move beyond a criminal justice system focus, all interview participants highlighted the importance of continued, if not increased, funding for this area. If we want “the courts to have to hold them accountable, [and] protect women and children first (Interview #9, Women’s Advocate, 2011), then that system requires funding. Therefore, most advocates do recognize the important role of the criminal justice system in holding abusers accountable:

They've moved leaps and bounds to be fair. Twenty or thirty years ago they would just walk away but now they are mandated, mandated to arrest the person who’s violent, to take them away, man or woman...We're working on that one it's a work in progress...It's a little more complex than what they see and I understand that they are just trying to make safety first because that's their job (Interview #2, Women’s Advocate, 2011).

Nevertheless, advocates still make clear that “even [when] safe from the physical violence that requires the criminal justice system...we need a whole lot of other things and those cost money [too] (Interview #3, Women’s Advocate, 2010). The criminal
justice system alone does not adequately address the root causes of violence which involves protecting children and addressing all the needs of abuse survivors.

As Pamela Cross puts it, “without access for women to financial independence and without adequately funded community-based services for women, women will continue to die” (Metropolitan Action Committee on Violence Against Women and Children, Hansard 31 October 2000: 15:30). Accordingly, one women’s advocate suggested that if she controlled funding: “I would be providing it to the people who do the frontline, doing the work, making sure that the survivors, the woman, her spouse and her children can survive on their own. Basically I would increase Ontario Works, provide more spaces for affordable housing, providing training for women if they so choose and child care” (Interview #9, Women’s Advocate, 2011). Shelters need annualized funding, particularly second stage shelters who had their funding completely decimated, rather than money to make them financially independent (Cross, 2005a). More money is needed for child care because although $300 million was promised in the 2007 Ontario Budget, the actual amount received fell far short of what was in the budget (Step It Up Ontario, 2007). A promise of 20,000 new housing units were assured by the Liberal government, but so far only 7,400 have been ‘approved’ which does not meet their promise (Step It Up Ontario, 2007), nor does it help most women escape abuse, poverty and homelessness.

Some of the most glaring funding omissions, in the opinion of feminist advocates, include advocacy activities (broadly defined), supports for services, the reinstatement of funding for second-stage housing and the lack of ‘real’ funding opportunities for
education, housing, employment and child care for abused women. This underlines the fact that only certain issues - punishment and punitive measures - are heard in government policy-making. The voices that remain chronically unheard are those attempting to address root causes of violence and establish preventative measures.

To sum up: the main themes raised by feminist anti-violence advocacy in relation to funding are the need for more stable funding that will support community-based violence against women services and the need for ongoing rather than one-time funding. Similar arguments have been made by the battered women’s movement since violence against women was first recognized as a social problem. It was echoed in the May-Iles (1996) and Hadley (2000) inquests, Canadian Panel on Violence Against Women (1993)\[103\] and countless other initiatives from feminist advocates and supporters. Indeed, as Beryl Tsang argues, “the province has yet to implement many of the detailed recommendations from the Arlene May coroner's inquest jury, and recommended changes must be put on the front burner” (Cross-Sectoral Violence Against Women Strategy Group, Hansard 30 October 2000: 16:40). This is one reason why feminist anti-violence advocates continue to express frustration with funding cuts and stress the need to restore funding to community-based services for abused women. However, their focus remains clearly on the issue of funding, not on policy issues or on changing the culture that supports violence against men, women and children. When funding is not provided

\[103\] Changing the Landscape: Ending Violence/Achieving Equality is the final report of the Canadian Panel on Violence Against Women (1993) that explored the types of violence experienced by women, the varied groups of women who experience violence including similarities and differences between these groups, and finally an ‘action plan’ to address a variety of areas in which women experience inequalities that could lead to violence.
to services designed to end domestic violence (including housing, education, child care, advocacy), it is hard to believe that government policy really does take the eradication of violence seriously because it is a “very deliberate way of undermining the women's movement while looking like you care about violence against women” (Interview #13, Women’s Advocate, 2011).

**Men’s advocates: How funding overshadows other aspects of domestic violence**

Women’s anti-violence advocates were not the only organizations upset about the allotment of funding by the Ontario provincial government over the last decade. It is clear from their advocacy that men feel left out of the domestic violence discussion, particularly as it relates to funding for shelters, services and family law related activities. One of the two men’s advocate interviewed noted: “When it comes to the actual practice [of funding] the governments do tend to all operate in much the same way. The Conservatives tend to not do a whole lot of change, the Liberals tend to do a medium amount and the NDP go to the radical feminist agenda where men have no rights at all” (Interview #6, Men’s Advocate, 2011). Or, as discussed in the Bill 117 debates, “there is a total absence of funding for men’s issues currently in this province…there are men’s issues” (Erik Tarkington, Human Equality Action and Resource Team, Hansard 24 October 2000: 16:10). A number of advocates pointed out the funding that does exist at the provincial level is generally reserved for court mandated partner assault programs and, less often, for men seeking support for/from childhood abuse. This was interpreted as showing the positioning of the criminal justice system in dealing with men and the assumption by governments that they do not experience abuse.
The primary argument put forward by men’s advocates is that if there are going to be provincial supports for victims of violence, they should cover everyone. In particular, “they [the provincial government] should ensure that there are services for all. So there are shelters for victims of abuse, well let’s ensure that there’s some for men and their children not just women and their children. We haven’t even gotten that far yet” (Interview #4, Men’s Advocate, 2011). One advocate felt that men’s groups faced insurmountable challenges to gain and keep funding: “we have looked into getting funding at various times and the hurdles to pass tend to be sufficient that really it didn’t seem to be worth the effort to try” (Interview #6, Men’s Advocate, 2011). Without what little funding some organizations get “we would diminish and we would diminish and do our best [to stay open], but essentially that’s core money for rent and insurance” (Interview #4, Men’s Advocate, 2011). In this sense their views are much like those of women’s advocates who continuously see what little funding they have diminishing.

Another noted a particularly interesting dimension to funding for men’s services when he stated:

How do you really pitch charitable dollars for a men's service?…You can't use teddy bears like a children's charity and women are historically seen as the ones that could be victims. Women's services have had generations of building these services so there is greater public sympathy for women victims. To a male victim who's now an adult man, it doesn't really warm the cockles of many peoples' hearts. They don't really think about men being abused…That's our mandate but that doesn't necessarily warm your heart for charitable dollars (Interview #4, Men’s Advocate, 2011).

He added that their funding comes from a different source than most domestic violence services because they are not a shelter - but said they would gladly present a men’s
domestic violence shelter idea to the Ministry of Community and Social Service if they believed it had any chance of success: “I still think we have a lot of work ahead of us even to have a funding pot that would be open this topic [shelter for abused men], let alone be accepted” (Interview #4, Men’s Advocate). To do this, according to this advocate, would require an ideological shift.

**Men’s advocates: Let’s use funding to get at the roots of domestic violence**

Men’s advocates, on the other hand, held a rather different understanding of where funding should go to address the roots. Although many agreed with feminists that the criminal justice system is not the best strategy, their primary argument was that women are given special treatment because they receive the bulk of government funding for domestic violence services. Some say that women’s anti-violence services do deserve funding, but so do anti-violence services against other victims, particularly men. Their general argument during the Bill 117 debates was that this lack of funding was due to a history of bias against men in policy-making circles. They also claim that because only women’s groups receive financial funding, men’s rights as set out in the Canadian *Charter of Rights and Freedoms* are being denied. In Hearing over Bill 117, Bill Flores claimed that this funding provided “women's advocacy groups with an advantage over the unrepresented other half of the population by enabling them to lobby and conduct research and ways to manipulate it to their advantage, frequently in very deceitful ways” (Children’s Voice, Hansard 4 October 2000: 17:00). Besides the ability for women’s groups to ‘gain an edge’ in research and advocacy because of government funding, men’s
rights groups, according to Gene Colosimo, ‘don’t count’ because there is no funding for men’s groups even though organizations such as FACT have been around for a number of years and have never asked for funding (Hansard 24 October 2000: 17:50).

Finally, in addition to these arguments, some organizations and individuals argue that without funding for supports and services for men, they have no one to turn to in order to address their varied social and legal needs. As David Osterman and Butch Windsor argue:

> If there was a funded and advertised helpline for men, then these people who are being overwhelmed by relationship breakdown because of the way they're treated by the court system...would have someone to turn to and not feel so isolated (David Osterman, Freedom for Kids, Hansard 31 October 2000: 1550).

> My goal is to prevent false allegations, such as those I faced, from materializing in the lives of others. Unfortunately, without government funding, it is difficult to intervene prior to the allegations (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:33).

These men’s rights advocates clearly articulate that men require supports and these do not exist due to a lack of funding. In particular, they say men need funding to help them through issues of childhood abuse, violence in their adult relationships, as well as various family law issues including divorce and false allegations brought against them by former partners. The above comments demonstrate their frustration with current government responses that, they argue, provide ample funding and support for women but completely discount men’s experiences as victims of violence.

Many of the men’s rights advocates, then, feel marginalized by ‘mainstream’ feminist movements and what they believe is a government that blindly funds women’s
services and discounts men’s voices entirely. This points to an issue that will be discussed in Chapter 10: namely that there is a hierarchy of victims that are deemed worthy and unworthy of funding and services. These excerpts also make clear that these particular groups feel they are being compared to a norm or standard that is deemed the ‘common sense’ version of the domestic violence problem, in this case the female victim.

The struggle by non-state voices in the Bill 117 debates is clearly a battle between under-funded groups and different conceptualizations of the domestic violence problem.104

The Fight for Funding Continues

Overall, this chapter has shown that state and non-state perspectives on funding overshadow any discussions on the root causes of violence against women in general and domestic violence in particular, and that funding decisions are often used as a tactic to recruit voters. All the parties that took part in shaping government policy in the first decade of the twenty-first century constructed the domestic violence issue primarily in terms of funding. And they all agreed that there was never enough funding to go around.

104 Despite research demonstrating the involvement and successes of men’s rights movements in other countries and institutions (Minaker & Snider, 2006), the men’s rights perspective given space in the Bill 117 debates appear to be the only representation thus far in the twenty-first century of their position in domestic violence policy-making circles in Ontario. These organizations were relatively silent throughout the DVAP and the subsequent DVACR which I would argue is likely due to the permanence of legislation such as Bill 117 versus an ‘action plan’, as well as the lack of knowledge about current government strategies to address violence. In fact, one men’s advocate had not heard of the DVAP until I asked about their thoughts on it. However, interviews with a few men’s advocacy organizations reinforced many of the issues highlighted above thereby acknowledging that these are still pressing concerns and that men are still ignored when funding is allotted to address domestic violence.
Women’s anti-violence organizations often linked funding to broader social issues, arguing that many social conditions lead women to remain in abusive relationships or face poverty. These include social housing, social assistance, employment and child care. However, these discussions were often submerged in the ocean that was the problematic and necessity of funding. Therefore instead of focusing on the issues that could potentially address the elimination of this pervasive problem itself, feminists are left with seemingly unending decades of struggles to keep organizations and social services afloat.

Men’s rights advocates also situated their funding discussions within more complex problems, namely equality and rights issues. They more often than not situated their discussions within a comparison to feminist organizations or their claims of gender bias, and attached these claims to broader arguments about false allegations (of abuse), or issues of parental alienation, custody and access, childhood abuse and an infringement on men’s Charter rights. Instead of focusing on issues of danger and death in relation to violence in their intimate relationships to garner support and resources for their cause, they would often try to explain why women’s groups should not have funding, or at least that it should be equally shared between men and women.

How Ontario provincial governments allocate money, how they defend their funding choices when in and out of power indicate how parties construct domestic violence as a social problem. Which faction has given or taken away more funding to

105 An inclusion of violence in same-sex relationships could potentially help strengthen their case as well.
support domestic violence rings loud and clear throughout each document and interviews as governments try to convey who ‘owns’ the pervasive problem of domestic violence (see Mann, 2000). The overall ‘motto’ of any Ontario provincial government, as revealed in these documents and interviews, seems to be that they have spent money so they have done their part to combat this problem, which absolves them from all responsibility in this area. While the job of opposing MPPs is to tell the government that they have not in fact done what they claimed they would to end violence against women (whether the claim is that money was not spent in the right places or not spent at all). In fact, opposition MPPs, regardless of party affiliation, used a decidedly feminist perspective to counter the reigning government’s claims that they ‘are doing more than other governments have ever done’. This is a significant victory for anti-violence advocates and a major step forward because it demonstrates that some voices, namely those of feminists, are (sometimes) being heard in government circles. For instance, MPP Dave Levac argued that “[Bill 117] doesn’t deal one iota with the critical lack of long-term, affordable housing for women and children” (Liberal MPP, Hansard 5 October 2000: 17:30), echoing a very familiar feminist argument during the debates about second-stage housing. However, while this could be constructed as ‘progress’, once in power these same voices tend to adopt a more moderate, less feminist position. As one women’s advocate argued:

The first goal is to get elected and then to get re-elected. So they tend to take a very, I don't want to use the word conservative, but they all tend to take a conservative view of social justice issues. They like to turn them into social service issues because that is easier for them to deal with and
for the government staff to deal with and it's easier for them to get re-elected because they don't have to take on any of the broader fundamental arguments (Interview #13, Women’s Advocate, 2011).

This is important because election promises do not necessarily equal stable base funding for anti-violence supports and services once in power. What this ultimately indicates is that neither governing party since 2000 has really listened to everything men’s and women’s advocates presented nor has anyone taken full responsibility to eradicate violence and protect the rights of all citizens. It is to this discussion on rights and responsibilities that we now turn.
Chapter 8

Everyone has a Right and Responsibility to End Domestic Violence

The second major theme around which domestic violence is constructed through state policy is the relationship between, and allocation of, rights and responsibility.\(^{106}\) Attaining human rights is a central goal for many advocate groups today, encompassing numerous social-political-economic issues worldwide. It is something feminists, in particular, have been seeking since the nineteenth century. What follows will include an examination of who is seen to have rights and under what circumstances rights are allocated. It will further outline the parties deemed responsible for ending violence.

Government documents are explored in the first section of this chapter to situate the focus on rights (legal, social, economic, etc.) and on responsibilities by state and non-state voices in Ontario. Debates over who should be accountable often overshadow equally pressing aspects of the domestic violence problem such as the need for immediate supports, for hearing voices still excluded from domestic violence discussions, and the quest for ways to end violence. The perspectives explored here add another, broader dimension of domestic violence - a victim’s (and even more broadly a woman’s) right to

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\(^{106}\) The majority of the documents and interview participants used responsibility and accountability interchangeably or used the latter as a subset of the former. While I see differences in these terms, I have chosen to rely predominantly on the word choices reflected in the documents and interviews. Therefore I sometimes oscillate between using the word responsibility and accountability depending on the word choice reflected by that person. I also note when they are used differently in the documents and interviews.
safety, housing, education, employment and child care. This also complicates the notions of responsibility and accountability.

This first section, then, explores the intersecting issues of rights and responsibility as constructed by the actors and interests represented in the Bill 117 and DVAP debates and initiatives. It begins by showing how government discussions of rights and responsibilities shaped provincial policies on domestic violence. As we shall see, all political parties constructed domestic violence by focusing on legal rights - as though rights were tangible objects all victims should have - predominantly through criminal justice initiatives. This discussion underlines the fact that only certain rights are recognized and only certain groups are deemed entitled. Following this, I delve into the allied but complex issue of responsibility and what it means in the construction of domestic violence in Ontario, looking first at how government constructs domestic violence and responsibility as problems requiring criminal justice system (i.e. courts, prisons, police officers) solutions. This representation of domestic violence privileges legal discourse, often silencing equally important alternative claims for social, economic and political rights. I then explore the dispersal of blame and accountability for domestic violence across all levels of government, communities, victims and perpetrators. This dispersal of responsibility, I argue, is a tactic used by MPPs that makes it difficult to place individual responsibility when domestic violence occurs. Overall the main

Victim, much like the term domestic violence, is itself a legal reference to differentiate the accused (or perpetrator) from the person(s) they hurt. It is also a term used in reference to a variety of reactive criminal justice services (more on this in the next section).
argument of state actors is that rights and responsibilities, as they pertain to domestic violence, are legal constructs and that the legal system should be used to address this pervasive and difficult social problem.

The second half of this chapter highlights aspects of rights, responsibility and accountability as positioned by non-state individuals and groups, as revealed through documents and interviews (see Appendix A). It begins by showing that all non-state actors construct domestic violence as a rights issue (whereas state perspectives often qualify rights based on the availability of funding)\textsuperscript{108} (see Chapter 7). Both women’s and men’s advocates defined as rights a number of social issues including the right to a fair trial, to education, employment, housing, child care, equally funding and gender equality. Because victims have a “right” to live free of violence, women’s anti-violence advocates argue that victims in particular and women in general have a right to housing, employment and child care to allow them to live violence-free lives. Men’s groups constructed rights in terms of Charter infringements (a legal perspective not unlike government constructs), but also argued that men’s rights - as they relate to domestic violence - are often ignored. All non-state actors argued that governments must take responsibility and be accountable for their actions (or inactions). The majority also felt that governments should consult with designated experts in the domestic violence arena to ensure that a ‘proper’ response is chosen. The chapter will conclude with a brief summary and analysis of the arguments presented throughout.

\textsuperscript{108} Most often services within, or related to, the criminal justice system.
The Right to Live Free of Violence? Ontario MPPs Construction of Rights

Governments in capitalist democracies are seen as responsible for ensuring their citizens have certain basic rights and that those rights are respected. However, under a number of circumstances, many people live without one or many of these rights. In Canada, although rights are often construed broadly as the political and civil entitlements set out in the Charter of Rights and Freedoms, political parties, whether in government or opposition, more often than not construct rights under the banner of legal entitlements to protection, safety and equality. This construction makes historical sense - considering that since the dawn of government funding for shelters and services, state emphasis has primarily been on securing rights through criminal justice strategies such as victim services, tougher police responses, designated courtrooms, legislation for restraining orders and overall harsher penalties (i.e. mandatory arrest/pro-prosecution; see Chapter 3). Under the guise of ‘a right to safety’, legal discourse is used as a way to construct domestic violence as a criminal justice issue and to provide services and responses to victims and perpetrators within a ‘crime and punishment’ framework.

After decades of feminist organizing and conscious-raising efforts, most people in so-called ‘advanced’ democracies would agree that certain basic rights should always be afforded to victims of (domestic) violence and their children. While not always clearly articulated in policy-making circles, rights play a central role in all the government documents analyzed for this thesis, yet political parties rarely referred positively to them.

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109 The majority of the rights discussed by state and non-state actors are reflected to varying extents in the Charter and where there is criticism it is generally because those rights are absent or being infringed.
The most negative references came from PC MPPs during the Bill 117 debates. MPP Garry Guzzo (Progressive Conservative MPP, Hansard 4 October 2000: 17:30), for example, stated that *The Charter of Rights and Freedoms* created more problems than it solved; while another PC MPP wanted to expand rights, arguing that “to further protect victims at risk, police could also have the right to seize weapons and guns if they have been used, or threatened to be used, to commit domestic violence” (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:20).\(^\text{110}\) It is interesting that rights are conflated here with legal authority to support an argument that police ‘should’ have the right to seize weapons.

That the focus of debates on domestic violence should be on the rights of victims was argued most insistently by NPD and Liberal MPPs, who claimed throughout the Bill 117 debates that the PC’s should start by focusing on the Victims’ Rights Bill that they had created and passed in 1996. In contrast, on the rare occasions PC MPPs discussed victims’ rights it was in vague and general terms. As one Liberal MPP pointed out,

> This is a government that speaks endlessly about victims' rights, yet at the very same time, with this bill [Bill 117], they are taking the focus off the victims. We need to focus our time, our resources and our efforts toward helping women who are victims of violence instead of focusing solely on the best and harshest way to punish the abusers. I repeat, we must focus on the victim (Claudette Boyer, Liberal MPP, Hansard 4 October 2000: 16:50).

\(^\text{110}\) While it is important for police to address risk factors in a domestic violence incident, including a number of rights that they should have to do so (i.e. powers of arrest/mandatory arrest, determining the primary aggressor, the ability to lay charges or not), it is equally important to consider the rights of others outside the criminal justice system, something that was lacking in the PC perspective (see Chapters 10 and 11).
This Liberal MPP seems to suggest that government should focus on the ‘best and harshest’ ways to punish perpetrators, as the PC’s suggest, but should not forget the rights of victims. This was also one of the rare mentions in any document of the relationship between rights and perpetrators (read men) signifying that rights - at least in the case of violence against women - are more often associated with victims than perpetrators. It should also be noted that during the Bill 117 debates, Liberal and NDP MPPs often linked general references to victims’ rights to a legal perspective. For instance, an NDP MPP argued that:

It would have been far more refreshing to have heard this minister stand up today and talk about getting real about the Victims' Bill of Rights and fulfilling that promise to create a Victims' Bill of Rights that indeed entails providing some rights for victims rather than the toothless one this government persists in maintaining. It would have been awfully pleasant…had this Attorney General stood up today and told us about the status of his sex offender registry (Peter Kormos, New Democratic Party MPP, Hansard 3 December 2000: 13:30).

Here there is a clear link between the Victims’ Bill of Rights and a criminal justice response. There is also a leap from a specific focus on violence in intimate partner relationships to a general and vague discussion of sex offenders. This demonstrates the links that are made between issues in order to push a particular agenda, in this case more ‘law and order’.

Throughout the documents the Liberals, unlike the PCs referred frequently to victims rights:

It should be the victims' right whether they choose to report their abuse to the police (Mary Bountrogianni, Liberal MPP, Hansard 3 October 2000: 16:50).
We believe that women and children have the right to live free from fear and violence (Dalton McGuinty, DVAP, 2004, Premier’s Message).

All women have the right to live in safety and dignity, free from threat, intimidation and violence (DVAP, 2004, p. 6).

In their DVAP initiative also the Liberals, clearly used women’s and victim’s rights as part of their construction of domestic violence. However, here too the construction is vague and rights are still understood as a safety issue. In their view, the only way to ‘protect’ victims is through the criminal justice system, which is why a large number of the projects outlined in their Action Plan were devoted to strengthening aspects of it through training and education for Crowns, legal aid, police and victim services and through affiliated institutions such as Ontario Works and CAS. Notice too that the Liberals focus, more often than not, on the rights of victims who are assumed to be women and children (with men as perpetrators). While this first appears as an important step towards recognizing the statistical fact that women are more likely than men to suffer frequent and severe abuse (see DeKeseredy and Schwartz, 2003; Dobash and Dobash, 1998; Johnson and Dawson, 2011), neither the DVAP itself nor Bill 117 focuses on creating policies to address social, political and economic inequalities between women and men. Instead, the Liberals construct rights within domestic violence as an aspect of service provision by evaluating and providing funding for criminal justice and community supports, again as though rights are tangible. They understand victims’ rights, then, as a right to safety/protection and dignity, not to equality of opportunity that feminists have long sought and men’s rights supporters increasingly demand (see
Chapters 2, 3 and 4). Rights are not linked by political parties to pressing concerns such as employment, child care, housing or a number of other issues deemed by feminist groups essential to supporting the rights of victims to ‘live free of violence’. It is therefore unclear how victims can live lives free of violence when the allotment of funding for these ‘essential services’ is not a right, but ‘merely’ a government option totally dependent on budget priorities. It is also worth noting that no political party discusses rights in the same way that men’s and women’s advocacy organizations do, which is demonstrated in the non-state discussion below.

When references to rights by MPPs are found they are linked to the safety of victims (women and children) which are in turn linked to retroactive criminal justice system initiatives. There were a mere twenty-six direct references to ‘rights’ of any kind by MPPs in both the Bill 117 debates and the DVAP documents, none of which spoke to the issue of rights outside a broad criminal justice framework. This appears to be a tactic to link rights with broader justice issues, particularly punitive policy initiatives, while silencing other (human) rights put forward by non-state advocates. This also allows the provincial government to avoid responsibility for other pressing social problems that link very intimately with domestic violence such as affordable housing and social assistance.

**Government Responsibility and Domestic Violence**

The role of responsibility in the elimination of domestic violence presented in the documents is complex. Responsibility is a term that is constructed differently by different actors, interests and groups. When state actors use the term they are usually referring to
the leadership role taken by the government to address domestic violence. While they say they have a duty or obligation to do something, this is often downloaded onto others, thereby diluting governmental obligations. Therefore responsibility is constructed both in terms of what governments need to collectively do, as well as what others are required to do as individuals and groups. When domestic violence first emerged as a social problem it was considered the responsibility of feminist inspired (and led) organizations to provide for and support victims of violence. Increasingly the state took on more responsibility for its eradication through predominantly criminal justice measures (see Chapters 3, 5 and 9). Yet there are still aspects of the domestic violence problem that are considered the responsibility of individuals and groups, specifically service provision and direct front-line supports. This allows governments to take responsibility for criminal justice and legislative measures and have some control over domestic violence responses while simultaneously arguing that everyone, in different ways, is responsible for ending violence (see Chapter 5).

Since the understanding that domestic violence is a pervasive social problem became ‘common sense’, political parties in Ontario have used a variety of techniques to demonstrate how seriously they take this issue. In the Bill 117 debates PC MPPs went to great lengths to document their achievements. One PC MPP argued that “during the past five years our government has taken a leadership role in the area of domestic violence” (Joseph Tascona, Progressive Conservative MPP, Hansard 3 October 2000: 15:30). Others added that,
As legislators we have the responsibility to help ensure that the residents of this province are as safe as reasonably possible. This is a responsibility this government takes seriously. During the past five years, we have taken a leadership role in taking action to protect and support victims of domestic violence. Some of this work has focused, appropriately, in the justice system (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:10).

Bill 117 is one more step we're taking to protect victims of domestic violence and to hold offenders accountable ... So you can say that we are indeed keeping our promises (Marilyn Mushinski, Progressive Conservative MPP, Hansard 4 October 2000: 16:20).

It is interesting that when PC MPPs in the Bill 117 debates referred to all the steps they had taken as a government to address domestic violence, the majority referred back to criminal justice measures, not ‘holistic’ responses advocated for decades by feminist anti-violence advocates (see Chapter 9). Liberal MPPs during the Bill 117 debates used this same law-and-order perspective to demonstrate the failures of the PCs when in power.

Dalton McGuinty and the Ontario Liberals know and understand that the responsibility of government is more than a punitive approach. That’s all this bill does, which is a part of the process, but only a part. To me, the real measure of good leadership is to address the complex layers of community support, the social impact and the generational effect (Caroline Di Cocco, Liberal MPP, Hansard 5 October 2000: 16:10).

We have a serious responsibility to very critically consider what we're doing here. Is it all it should be? Is it enough? I think not. So my challenge to the members of the government is to commit to doing all they can to make it the most effective bill against family violence that it possibly can be (Leona Dombrowsky, Liberal MPP, Hansard 5 October 2000: 17:20).

Despite this recognition by Liberals that a punitive criminal justice approach is insufficient, the community supports, social impacts and generational effects they advocated in their DVAP initiative four years later were never clearly articulated.
Punitive measures, on the other hand, received a great deal of attention, with an entire section devoted to criminal justice reforms. This rhetoric, then, was clearly a tactic by the Liberals to show that, unlike the PCs they take the problem seriously.\footnote{It should be noted that all political parties used responsibility in one way or another to show how much better they addressed the problem than their counterparts.} Responsibility is used here to promote one political party at the expense of another, to claim that “our work will continue until the violence ends” (Sandra Pupatello, Liberal MPP, Hansard 13 December 2004: 13:50). As one feminist advocate put it, this was a lot of “smoke and mirrors” (Interview #3, Women’s Advocate, 2010).

In the DVAP, however, the Liberals clearly advanced their claim as leaders in the movement to end violence. In their words: “government must play a leadership role in protection, intervention and prevention, using the legislative, regulatory, policy, program and funding levers it has available to address violence against women” (DVAP, 2004, p. 6). But as noted above the majority of their policies and regulations also fell within the criminal justice realm and the parts that did not, as the last excerpt reveals, are more like promises than policies. It is also noteworthy that the Liberal definition of ‘public leadership’ was followed immediately by their understandings of ‘shared responsibility’ and ‘personal accountability’ (see Chapter 5):

We all share the responsibility to protect women and children who are at risk of harm and to prevent violence from happening. We cannot look away. Partnerships are needed between and among governments, advocacy groups, corporations, charitable foundations, community organizations, educational institutions, neighbours, friends and families, and others to improve public understanding and to help change attitudes and behaviours that lead to violence against women. Abusers must be held...
accountable for their actions. Violence against women is contrary to this province’s values. Abusers should receive effective intervention to prevent future incidence of domestic violence (DVAP, 2004, p. 6).

While the PCs in the Bill 117 debates did not clearly articulate who was responsible or accountable, the Liberals make clear, both as opposition members and while in power, that in their view everyone has a level of responsibility but perpetrators (i.e. men) are particularly accountable. What ‘partnerships are needed’, how ‘public understandings’ would be improved to change attitudes (and what attitudes are to be changed and by whom) are never spelled out, nor is the meaning of ‘effective interventions’ to prevent abuse. In fact, their notion of shared responsibility reads as though individuals could be held accountable for ‘looking away’ when violence occurs.

For all parties, while responsibility is often conceptualized as taking a ‘leadership role’ to prevent violence and protect victims (presumably before they become victims), accountability is generally assigned after the abuse has occurred.

I am proud of the actions our government has taken to make our justice system more responsive to the needs of victims of domestic violence. They are very important components that support victims and hold abusers accountable for their actions…A brief comment on the second part of my sentence: holding abusers accountable. This is a most important goal…To minimize the role of the justice system in protecting and supporting victims is irresponsible (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:10).

This government makes no apologies for improving the justice system to better serve victims of crime and to hold those who commit the crimes accountable for their deeds. Domestic violence is a crime, a most repugnant crime, and must be treated as such by the justice system (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:30).
The justice system is a critical component in our battle against domestic violence because it holds abusers accountable for their actions (Joseph Tascona, Progressive Conservative MPP, Hansard 3 October 2000: 15:40).

Increase access to effective community supports for victims and hold abusers accountable for their violent behaviour (DVAP, 2004, p. 4).

Crown attorneys and victim/witness staff work together with community partners to keep victims safe while holding abusers accountable (DVAP Update, 2007, p. 13).

The use of the terms ‘victim’, ‘abuser/perpetrator’, ‘protection’ and ‘safety’ imply something has already happened. The criminal justice system is a defensive system: it only comes into our lives after a crime has been committed and someone has been victimized. Criminal justice responses, rarely encompass preventative measures. To wit: these “same systems that hold individuals who use violence accountable do not have the capacity to stop structural violence” (DVACR, 2009, p. 13). On the other hand, because accountability is focused on after-the-fact measures, it should make it easier to hold the government accountable for their promises, though the vague language employed in the statutes makes this difficult to do.

The result is confusion over who should be doing what, when and with what resources. This has resulted in the closure of many organizations and services (see Genge, 2007). As members of the political party responsible for neither Bill 117 nor the DVAP, NDP MPPs were quick to point this out. When “shelters are told today that they will have to deal with the crisis on their own through fundraising” (Marilyn Churley, New Democratic Party, Hansard 13 December 2004: 15:00), they are left with few opportunities to provide on-going quality support and advocacy for victims of violence.
Yet women’s anti-violence advocates are still being ignored in the creation of policies, as highlighted by NDP MPP Rosario Marchese:

I think we've got to do more as a government...The government has a responsibility, first of all, to meet with those 95 organizations which have made requests about what ought to be done and have not been listened to. When they take this bill out for discussion, they've got to listen to those organizations, again, because they are on the front lines. You, Premier, are not on the front lines. You, Minister, are not on the front lines...Those 95 organizations are on the front lines dealing with issues of abuse and violence, and they are the ones who need to be respected and listened to (5 October 2000: 15:30).

Clearly a minority of MPPs - particularly those on the left and out of power, say government has a responsibility to meet with community organizations and individuals to create an ‘appropriate’ response, a response that starts with the government but puts in place solutions worked out in cooperation with ‘the community’.

Though progress in taking domestic violence seriously has been made, responsibility for ending domestic violence is no longer seen as only a government responsibility (if indeed it ever was). As the DVAP claims, “we all share the responsibility to protect women and children who are at risk of harm and to prevent violence from happening” (DVAP, 2004, p. 6). This underlines the shift that has occurred from welfare to neoliberal forms of governing. Government discussions of responsibility emphasize individualized strategies that ‘off load’ programs and services to a number of private and public bodies, including different levels of government (Cossman & Fudge, 2002; Bonisteel & Green, 2005). And the emphasis on punitive criminal justice measures as the epitome of responsibility continues. As Gerry Martiniuk argues, “it is time for the
federal government to live up to its responsibilities to keep our homes, streets and neighbourhoods safe” (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:30), and we do this by encouraging the federal government to, among similar acts, “amend the Criminal Code to require reverse onus in bail situations” (DVAP, 2004, p. 13). The Liberal government argued that “partnerships are needed between and among governments, advocacy groups, corporations, charitable foundations, community organizations, educational institutions, neighbours, friends and families, and others” (DVAP, 2004, p. 6). It is one thing to say that responsibility should be dispersed, it is another to take a share commensurate with government revenue-raising authority, listen to others involved in its eradication and address the problem on this basis. As one women’s anti-violence advocate argued “the government must be told that it has a responsibility to support existing effective programs” (Cross, 2005b, para. 7) in order to ‘effectively’ provide a leadership role.

“A victim has the same rights as before [he or she] was a victim”: 112 Non-state Constructions of Rights and Domestic Violence

The focus on individual and collective rights has become more pronounced in the twenty-first century. The neoliberal emphasis on fiscal restraint, deficit reduction and the most recent global economic crisis have forced governments to ‘tighten their belts’ and as a result left many organizations and advocates worried about the future of their cause and the erosion of the rights of the people they fight for. This has resulted in more advocacy

112 Excerpt from Interview #14, Anti-Violence Advocate, 2011.
and a stronger push for the rights of victims of intimate partner violence (see Chapters 3, 4 and 5). This can be seen in the response of non-state actors to domestic violence policy in Ontario between 2000 and 2009.

Rights were more broadly defined by non-state actors than by MPPs. For non-state advocates, rights generally refer to a state of equality between and amongst all citizens. To achieve this equality, anti-violence advocates often argue that there are basic human rights that must be addressed to deal with violence. This is an argument that has been put forward since the nineteenth century when writings about feminist mobilization first emerged around equality of property rights and marriage dissolution (see Chapters 2 and 3). Unfortunately, many of the same rights are still being fought for today. This can be clearly seen in Bill 117 and the DVAP, where MPPs made only twenty six direct references to rights in both the Bill 117 debates and DVAP, while non-state actors, on the other hand, made thirty eight references in the Bill 117 debates alone.\(^\text{113}\)

Non-state actors clearly prioritize rights over all other issues, even funding, though the two are clearly linked in their representations. Funding is seen as necessary to ensure rights are maintained and respected (see Chapter 7), but it is not necessarily the most pressing aspect of the domestic violence problem.\(^\text{114}\) Broadly, rights are needed to end domestic violence and move beyond a punitive legal framework to encompass a number of pressing social issues.

\(^{113}\) This number does not include any discussions on their websites, interviews or other media commentary.

\(^{114}\) Though MPPs often made funding their first priority in domestic violence discussions, this was not the case for non-state actors.
Women’s advocates and rights

To me any wrong, hurt, any infringement of a women’s right as an individual as a human being is an act of violence (Interview #8, Women’s Advocate, 2011).

For more than a century now, feminist anti-violence advocates have claimed that women still lack basic human, legal and economic rights, privileges that men clearly possess. With regard to legal rights, Beryl Tsang argued that the provincial government still needs to “provide legal aid funding for representation of women making human rights complaints about harassment in the workplace…We need immediate direction to crown attorneys to argue women’s Charter rights to life, liberty and personal security in all bail hearings” (Cross-Sectoral Violence Against Women Strategy Group, Hansard 30 October 2000: 16:40).115 Similarly, when asked what rights victims should have many feminist anti-violence advocates I interviewed argued that victims should still have “a right to safety” (Interview #2, Women’s Advocate, 2010) and, more generally, have “everything, it’s simple…should [victims] have legal recourse? Well they do, they should have that (Interview #1, Women’s Advocate, 2010).

While references were made to the fact that legal rights are lacking, some pointed out the impact of this on already marginalized victims. For instance, Women’s Advocates noted a lack of rights for Aboriginal, Francophone and lesbian women and gay men who are abused. They noted that:

115 Though the Liberals have started addressing workplace harassment with the introduction of Bill 168: Occupational Health and Safety Act Amendment in June of 2010, the implications of these changes are still unknown.
I think up here in the north it's even more challenging because the women don't have the same rights. Being that Canada is one of the worst in regards to human rights and a lot of that pertains to the aboriginal woman and that's who I work with. They don't have the same luxuries of court, family law that a white woman has. It's not stuff that's even considered. They [MPPs] can't even begin to address some of the issues that the women facing violence up in these communities can even look at (Interview #9, Women’s Advocate, 2011).

I think the access to French language services is always a problem because in the criminal justice system if he is the accused he can decide whether the proceedings will be in French or English, that's the right of the accused and not of the witnesses (Interview #10, Women’s Advocate, 2011).

I think they [LGBTQ individuals] should have the right to be believed if they've been abused. It should be taken seriously and at least be investigated...I think they should have the right to have no contact with the abuser or the abuser's family or friends. I think that if their abuser is incarcerated even for a short amount of time they should know when their partner is released. I think there have been instances in clear cases where there has been abuse and there's been multiple times...they sometimes go very leniently on an individual...I think that they should have better ways that peace bonds are enforced to make sure they are enforced. So that individuals don't have to live in fear and now that we're seeing more and more children involved in these situations that their health and welfare be taken into account as well. Sometimes that can be tricky because children from same sex families because who is considered the true quote unquote mother or father (Interview #14, Anti-Violence Advocate, 2011).

While legal rights are seen as lacking for victims overall, these excerpts assert that this denial is more extreme for already marginalized populations. Clearly these advocates feel that a right to a fair trial, interpretation services, cultural sensitivity, legal aid, peace bonds and child custody are only a sample of the legal rights that should be encompassed in anti-violence policies. Even in urban areas, women’s advocates point out that interpreters are not always available when needed, and if the proceedings themselves are in a different language this is very intimidating (Interviews 8 and 9, Women’s Advocates,
2011). Outside cities, the community can be so small that all parties are known to each other. Thus though legal rights are constructed by women’s advocates similarly to the MPPs positioned above and men’s advocates discussed below (particularly with Charter references), they move beyond the ‘traditional’ legal construct by focusing on “rights” to a broader range of legal and community services.

In addition to legal remedies, feminist anti-violence groups advocate defining rights to encompass a number of other broad areas, many pertinent to minorities, including aboriginal and northern women. These issues serve to “compound the human rights problem” (Interview #9, Women’s Advocate, 2011). Within this broader notion of human rights, issues such as shelter (housing), employment (stable income) and a myriad of other opportunities not universally available for women are mentioned. For instance, one women’s advocate went to what she saw as the core of domestic violence:

We live in a patriarchal society…where in order to survive he must have control over his household…and women are still not recognized as equal. As long as these things still exist we’ll have violence against women including poverty, lack of opportunities for women, denying her rights as an individual and as a human being. Those things still exist in our society (Interview #8, Women’s Advocate, 2011).

Many women’s advocates interviewed felt that violence must be directly linked to women’s lack of rights. As one noted, “There’s still that hold that is over a woman. The right to choose, the right to do the things you want to do, if you want to pursue an education she has a right to do that. In some households and settings this is still being denied” (Interview #8, Women’s Advocate, 2011). Another women’s advocate pointed out that “[the government] didn’t make sure that women had somewhere to go if they
wanted to leave an abuser...[or] would be ok financially. Ensuring that all victims have rights, that wasn’t part of that Bill 117” (Interview #12, Women’s Advocate, 2011).

Further comments by women’s anti-violence advocates repeated the claim that since federal and provincial governments control access to information, victims’ rights are disregarded because “you don’t even know what your rights are” (Interview #13, Women’s Advocate, 2011). This is indeed a problem when a right that victims lack is a right to basic information! As one women’s advocate added,

For a victim sometimes it’s the knowledge of those rights because you don’t realize what you don’t have until you lose it. So once she becomes a victim she realizes "Ok I don't have the money, I’m poor so I have to apply to housing and I have to wait on a waiting list and I have to tell someone the details of my story of what happened in order for someone to acknowledge that I was abused”...It’s about understanding that you have rights, that you were not wrong (Interview #2, Women’s Advocate, 2010).

All of this is important because once victims know, understand and have access to the varied rights discussed above, governments could be challenged for not adhering to these obligations. For instance, “if the government has an obligation to provide some level of housing that’s adequate for everyone in the population, if it’s a right, and if the government fails to do that, you have some legal recourse, it creates entitlements on your part” (Interview #3, Women’s Advocate, 2010). Therefore the issue of rights for feminist anti-violence advocates comes full circle. Where feminists originally began arguing for legal rights for women and have subsequently branched out to other broader, more fundamental human rights, these eventually become linked back to law passage, because to carry any clout rights must be legally enforceable. Basically, the overall argument is
that victims (read women) should have “the same rights as before [they were] labeled a victim. Just because she became a victim of domestic violence it doesn’t mean that she’s not a person” (Interview #2, Women’s Advocate, 2010). This is the foundation of the entire feminist anti-violence rights argument, women should not have to become victims of violence to ‘earn’ rights, they should be treated equally both within and outside the law before and after victimization.

**Men’s advocates and rights**

Men’s advocates have also had a lot to say with regards to domestic violence and rights. In fact, the majority of their arguments are rights-based. In particular they often counter women’s claims to rights with the counter-claim that men are also victims, and they lack a number of legal and human rights (read equality rights), that are afforded to women:

In addition to the moral ground of fairness, we would also like to raise objections to the passing of this bill on legal grounds since this legislation is being introduced under preferred-gender policies, where only women’s groups are provided financial funding, and is contrary to section 28 of the Charter of Rights and Freedoms. This prejudice provides women’s advocacy groups with an advantage over the unrepresented other half of the population by enabling them to lobby and conduct research and ways to manipulate it to their advantage, frequently in very deceitful ways (Bill Flores, Children’s Voice, Hansard 24 October 2000: 17:00).

This argument articulates the position that men are not treated fairly because women are given more resources and their positions are favoured in government policy and research. Maxine Brandon, the head of an organization that supports men’s rights, argued that “Bill 117 would influence family law, civil law and criminal law” in such a
way that feminists will benefit (i.e. have their voices heard in policy and court decisions) and all others will be excluded (Mothers for Kids, Hansard 30 October 2000: 18:10).

Butch Windsor summarized the general men’s rights position in the Bill 117 debates when he argued that,

The legislation proposed here is similar to that introduced in other jurisdictions. In Massachusetts, civil liberties organizations have challenged the law in court on the grounds of individual civil rights. Has the government examined the case from that perspective, or is it the intention of the government to simply use schoolyard tactics in forcing the little guy to take the matter to court as a charter issue. I would recommend the government consider withdrawing this legislation. Further examination of the issue from both sides is required. Overall, I believe passing legislation which relies on a person’s belief as a ground for taking away one’s rights is social engineering at its worst (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:40, emphasis added).

While it is ironic that male advocates use threats (of legal action) in an anti-violence debate, the focus of this perspective is centered on the rights that Bill 117 would violate for male perpetrators of violence. Their counter-claim uses a decidedly legal discourse of ‘individual civil rights’, ‘challenging the law in court’ and ‘taking the matter to court as a charter issue’. Even when women’s anti-violence organizations are being targeted or there is a focus on children, men’s advocates perspectives are still couched in legal terminology, which is used to juxtapose their rights as men and fathers against those of women and mothers. For instance, Erik Tarkington argued that “harm to children and families, continued: possession of the matrimonial home comes with custody, again another motivation to lie” (Human Equality Action and Resource Team, Hansard 24 October 2000: 16:10). Maxine Brandon adds that “You can't dangle a child before a
parent and expect the parent to act properly. These are their heritage, their rights, their family…To take a child from one parent and give it to another is child abuse itself’ (Mothers for Kids, Hansard 30 October 2000: 18:10; emphasis added). One men’s advocate interviewed suggested that “the only way to have equal rights is to have half the child's time, that has to be the starting spot. Need to force judges to say that’s all they can do” (Interview #6, Men’s Advocate, 2011).

In fact the Charter of Rights of Freedoms is the framework most commonly used by both state and non-state actors. ‘Charter chatter’ was also adopted by MPPs seeking to counter the allegations of men’s rights groups: “The Legislative Assembly library research did a great job, and it can't be unconstitutional or against the laws of this country if Alberta, Manitoba, Prince Edward Island and a number of other provinces also include ‘act or omission’ in their definitions” (Marie Bountrogianni, Liberal MPP, Hansard 24 October 2000: 16:20). In this instance MPP Marie Bountrogianni uses a legal perspective to claim that the definitions the government created are sound because legal research had been done. However, Erik Tarkington argues that this is unfair to men: the government is then “forcing men, on their own private resources, to show the government that they are in fact violating their [men’s] rights” (Human Equality Action and Resource Team, Hansard 24 October 2000: 16:20). The Tarkington quote links men’s rights to money and power, because he is alleging that this legislation, by making men pay to challenge its constitutionality, is violating men’s rights by forcing them to prove their innocence.

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116 This legislation has in fact been challenged on constitutional grounds by men’s advocacy groups in other provinces (see Koshan & Wiegers, 2007).
Men’s rights organizations speaking in the Bill 117 debates based their claims on the grounds that the Bill was gender biased, it favoured women and was therefore in contravention of the Charter:

Although the legislation is not gender biased in its presentation, from my perspective the intention is to make it gender biased. If this happens, this will be in contravention of section 15(1) of the Charter of Rights and Freedoms...Standards of evidence should be consistent with criminal law in recognition of the Charter of Rights and Freedoms...Like I said before, the legislation is not explicit to gender bias, but I can read between the lines...If it is interpreted as such, it is in contravention, once again, of the equality provisions of the Charter of Rights and Freedoms (Peter Cornakovic, Fathers Are Capable Too, Hansard 24 October 2000: 16:50).  

While there were no comparable comments from men’s advocates on the DVAP, a number of men’s rights advocates spoke to legal issues and constitutionality in the interviews conducted in 2010-11. Several argued here that DVAP left out a number of rights for men including a “right to safety, health, education for all Canadians” and domestic violence services, because “there’s not one bed in Canada for a male victim” (Interview #4, Men’s Advocate, 2010). One advocate argued that “Ontario founded sexual assault centres for women and all their ongoing funding with ongoing care [goes to] women victims. Where’s the room for guys?” (Interview #4, Men’s Advocate, 2011). This argument moves beyond legal rights to equality rights, a goal advocated by feminist groups for decades. Many men’s advocates are now arguing for equal access to services for both men and women, but also for victims, perpetrators and those simply wanting

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117 It is interesting that men’s advocates claimed that the gender neutral language in the bill was only symbolic, yet there is no commentary to be found on their websites about the DVAP (and rights) which is gender specific in its wording and implementation.
help to prevent conflict from escalating until it becomes a legal issue. Much like women’s advocates in the 1980s, they cast themselves, whether straight or gay, as marginalized, powerless victims advocating on behalf of others in a similar position. For instance, one men’s advocate argued that “The research around violence in gay and lesbian relationships…suggests there are higher rates of violence than in straight relationships. That defies the patriarchal understanding [of violence] and also suggests that the basis for these services has been heterosexist in design…So there we have a human rights issue here” (Interview #4, Men’s Advocate, 2011). Figuring out how to reconcile violence in same-sex relationships while not losing sight of the fact that most of the time domestic violence involves a male perpetrator and female victim has been and continues to be a huge challenge (see H. Johnson, 2006; Johnson and Dawson, 2011).

The arguments above by both men’s and women’s advocates also make clear that rights are associated with power, particularly as they relate to legal and human rights. The assumption seems to be that when rights are violated or absent an injustice has occurred and it is the responsibility of government to rectify this.

**Why are we Responsible? Non-State Actors, Responsibility and Accountability**

As we have seen, the responsibility to address violence is often downloaded by governments to non-state actors, thereby leaving them accountable after the fact. This delegation of accountability has been resisted by both men’s and women’s advocates. Though non-state advocates, particularly feminist groups, publicly recognized their duty to address violence since domestic violence was brought under public scrutiny in the
1970s, they have increasingly emphasized the state’s obligation to assist their efforts. As the state took more and more control over the domestic violence problem, non-state advocates became increasingly marginalized (see Chapters 3 and 5). Today the state still plays a dominant role, but it has sought to disperse responsibility across a number of parties. Non-state advocates, as we shall see, have both accommodated and resisted this, emphasizing the role the government ‘should’ play while simultaneously highlighting their own role in eradicating violence.

**Women’s advocates and responsibility**

Politicians are very quick to say that we all have a responsibility but that (government) must take a ‘leadership role’ to combat this problem. While women’s advocates agree, in part, with this argument, they typically absolve the female ‘victim’ from responsibility. For example, when asked who should be responsible for ending domestic violence, advocates replied:

It’s definitely the responsibility of individual men and it’s the responsibility…institutionally and culturally of society (Interview #13, Women’s Advocate, 2011).

Of course it’s the responsibility of the abuser…The advocates play a role, society, the government, everyone (Interview #1, Women’s Advocate, 2010).

It sounds like a cliché yes, but [it’s] all of our responsibility. It begins in communities, talking about it, looking at it, social services, justice system, neighbours. If I hear something as an individual…and I think some people are tasked more specifically to do that like police or a social worker who’s working in the field, but I think the message really has to be that it's everyone's concern…I think that, generally speaking, all of us have to be contributing to a society where men and women are equal (Interview #7, Anti-Violence Advocate, 2011).
I think ultimately we are all responsible for ending violence against women but it needs to come from the top down and needs to start at the judicial level. We all play a role in ending it. However, the accountability there isn't a deterrent to ending it…I think the courts have to hold them accountable, the courts need to protect women and children first…I think we all need to be accountable but I think first and foremost we all need to be accountable to the survivor and listen to what she's saying to us and what she needs (Interview #9, Women’s Advocate, 2010).

Neoliberal as the assertion of equal responsibility may be, most advocates agree with MPPs that everyone is responsible for ending violence. Some focus on the obligations of legal statutes and the criminal justice system to end violence, while others spread responsibility amongst different levels of government, perpetrators, community organizations and individuals. Notice also that holding perpetrators accountable is still crucial for those advocating on behalf of (female) victims.

If you're violating a right, a rule, if you violate the sanctity of the community or the union, whether it's marriage or living together, if you violate that there's a consequence. You need to be held accountable. We teach kids that if they do something bad there are punishments, consequences. There is a consequence for an action...There's a consequence like it or not (Interview #2, Women’s Advocate, 2010).

The only people who can be responsible for ending violence is perpetrators. They need to end their own violent behaviour. Whoever's perpetrating it has to take accountability and stop it (Interview #11, Women’s Advocate, 2011).

Many feminist advocates expressed similar sentiments: “we all have a responsibility, [but] I think the movement has to be women led…I think that men should do something about it too. I don’t hear a lot of the voices of men saying we’re going to do something and when they do they’re big heroes right? I think that men need to be responsible for
their own behaviour” (Interview #10, Women’s Advocate, 2011). Ultimately, in their view, responsibility rests with everyone, but there is a particular focus on the role of men as perpetrators and of women as leaders to end violence. This push for women’s leadership and male accountability is also likely a response to the discourse on victim blaming. As one women’s advocate noted:

Policy in institutions play everything out as victim blaming still and the onus ends up being on victims to be able to make their environment abuse free or sexual violence free or we told you that you had to leave him. Nobody told him he had to stop being sexually violent, no one gave him an order that he’s not allowed to be around people and be gone or lock him up. No the onus always falls on the victim, falls on the women, falls on whatever (Interview #11, Women’s Advocate, 2011).

Thus the catch-22 of responsibility where women’s advocates want male perpetrators to be held accountable for their actions in order to move away from victim blaming; however, there is continued debate for the place of men in the broader movement (beyond the role of perpetrator) to end violence. As one women’s advocate added, “for the longest time it was about the women…and the fear that focusing on men would take away from, you know, the resources that women need…and I don’t know if we’ve had that moment of realization that we need the men” (Interview #2, Women’s Advocate, 2010).

Embedded within this understanding of responsibility for all and women as leaders, is the recognition that women’s advocates are responsible not only to their clients and the community, but also to the provincial government:

They [the government] insist on responsibility and accountability and I think that’s a good thing. We need to be accountable for the service
delivery that we give to women that we are a society and what’s the best services that we’re giving for what we do. That we’re responsible for our hiring and to the higher powers, that we’re responsible employers because we’re employers to our staff…we have to give them a report to show them that we’re being responsible and taking the proper actions to make sure that our clients are protected (Interview #1, Women’s Advocate, 2010).

The argument here is that the government has downloaded responsibility to these organizations, responsibility that was not given to many other institutions. This activist is claiming that community organizations (like the one she represents) recognize their responsibility to assist victims but they expect the same level of accountability from the government.

While women’s anti-violence groups “were pleased that the Premier of Ontario was, in effect, taking personal responsibility for the Ontario Government’s measures to address woman abuse [through the DVAP]” (OAITH, 2004, para. 15), many feminists, as well as men’s rights advocates, simultaneously argue that the government (regardless of the political party) does not take as much responsibility as it should and that this disbursement of responsibility allows the state to continue to ignore the problem.

Emotionally abused victims should not need to wait until an "act" occurs before getting protection. The responsibility of this government is to ensure that all victims can be protected (Helen Brooks, Durham Region Custody and Access Project, Hansard 30 October: 17:30).

While violence against women needs to be understood as a serious crime, which is the responsibility of the men who commit it, I think there’s a tendency for policymakers and for media to divert attention away from the needs of women and children. I find this a really dangerous position (Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group, Hansard 30 October 2000: 16:30).
[The ongoing focus throughout the document on public responsibility for ending violence against women remains of concern...too often in the past when governments made these kinds of announcements, it is code for the government offloading its responsibility to the community (Cross, 2005c, para. 17).

These excerpts highlight the link advocates see between rights and responsibilities. When the government does not take ‘appropriate’ responsibility, basic human rights are ignored. These advocates also argue that the government is responsible for ensuring equality, through the creation and implementation of policy, by protecting victims, holding abusers accountable and funding essential supports and services.

This was echoed again and again in my interviews with women’s advocates. Their main argument was that the provincial government needs to take a primary role in addressing domestic violence, and that this responsibility extends beyond the legal obligation to catch and punish perpetrators:

The government has an obligation to provide some level of housing that's adequate for everyone in the population...the state has a right to ensure that all citizens have adequate health care...a right to ensure that those programs are there (Interview #3, Women’s Advocate, 2010).

There's a responsibility by the Ontario government to provide services to the francophone community due to historical and cultural considerations. They have to provide French language services (interview #10, women’s advocate).

I want an actual change plan with years, dates, timeframe, responsibility, whose responsible, laid out ... specifics about who's responsible and when is this getting done (Interview #2, Women’s Advocate, 2010, talking about the DVAP).

I would say the state has a very significant role and that means it needs to provide resources (Interview #3, Women’s Advocate, 2010).
To summarize: women’s advocates construct government responsibility for domestic violence as encompassing legal responsibility, funding for services, and a recognition of services and supports necessary for marginalized victims. When talking about the role that the provincial government plays in eradicating violence, they see rights and responsibilities as one in the same. The government has a responsibility to ensure that rights are respected and supported. Therefore government responsibility is not solely for ensuring there is legislation and harsh punishments for perpetrators (that is, Criminal Code measures controlled by the federal government), but also for providing community supports and services (under the auspices of provincial and municipal governments).

Both men’s and women’s rights advocates argue that to properly address intimate partner violence requires holding the government accountable for their lack of action, echoing NDP MPP Andrea Horvath’s rhetorical question: is the DVAP just “another [Liberal] broken promise?” (Hansard 13 December 2004: 15:10). Women’s anti-violence organizations accuse government of condoning violence through neglecting domestic violence. Marion Wright argued that “if the police do not lay the charge, the breach never makes it into the criminal justice system and the abuser is never held accountable in the criminal courts” (Women’s Place of St. Catharines, Hansard 30 October 2000: 17:10). This means that the government is ultimately accountable to ensure that violence is punished. However, not all responses focused on the criminal justice system. As Pamela Cross (2005a, p. 3) argued, “training…must reflect a feminist, woman-centred approach to identification and intervention”. This is important to feminist anti-violence advocates
who have continued to argue for more community-based responses to intimate partner violence (Johnson & Dawson, 2011).

Many women’s advocates believe that it is the responsibility of women to speak out, of governments to act and support women’s anti-violence services, and of all of society to hold violent men accountable for their actions:

We ask, in all the submissions you hear, that you consider the importance of life, liberty and security of the person, which is in the Canadian Charter of Rights and Freedoms, and that you err on the side of caution, let these orders be made and worry less about trampling on the rights of potentially very dangerous individuals not being removed from their homes (Donna Babbs, Durham Region Custody and Access Project, Hansard 30 October 2000: 17:40).

Women have struggled for individual and group rights, particularly rights over their own bodies, since the nineteenth century. Embedded within rights arguments are key questions such as: who should be accountable for ensuring these rights and protecting victims of violence? And who is ultimately responsible for ending domestic violence? Women’s rights’ advocates took on a whole new level of organizing (and responsibility) in the 1960s and 70s which still resonate today:

Women must have fuller access to legal representation or they will not have the equal treatment under the law that is promised in the Canadian Charter of Rights and Freedoms (Pamela Cross, Metropolitan Action Committee on Violence Against Women and Children, Hansard 31 October 2000: 15:28)

The government of Ontario must (1) ensure that women know about it [in this case Bill 117] and how to access it; (2) monitor its implementation; and (3) provide the access to justice measures that ensure that women can exercise their rights to equal justice by applying for the orders, having them enforced and taking other actions women need to take to protect themselves and their children…Women are unable to receive fair and
appropriate representation or equal treatment under the law, which is their right. Additional specific resources must be allocated to address these equity and access issues (Eileen Morrow, Ontario Association of Interval and Transition Houses, Hansard 30 October 2000: 15:31).

Overall this section demonstrates that women’s advocates allocate responsibility for fighting domestic violence through increased calls for men’s accountability, the recognition that we all have a role to play in ending violence against women, and a clear understanding of women’s rights to address domestic violence. To combat domestic violence, they also stress the importance of having “a coordinated, government-based response to violence” (Cross, 2005a, p. 3), a response that commits the government of Ontario to lead by example. All of this begs the question, if everyone (or no one) is responsible how can the problem ever be eradicated and who is ultimately held accountable when abuse does occur?

**Men’s advocates, responsibility and accountability**

While men’s advocates did not refer to responsibility as often as MPPs and women’s advocates, when claims were made they constructed a decidedly different understanding of who should be held accountable. Men’s rights groups often hold women, particularly those who espouse a “radical feminist ideology” accountable for misrepresenting the domestic violence problem by using government funding “to lobby and conduct research and…manipulate it to their advantage, frequently in very deceitful

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118 Often they would make indirect references to responsibility in their discussions of funding (Chapter 8), rights (earlier this chapter) and victimization (Chapter 11). Part of their inclination away from discussions of responsibility could be the dominant association of responsibility in the construction of domestic violence with men as perpetrators.
ways” (Bill Flores, Children’s Voice, Hansard 24 October 2000: 17:00). Dori Gospodaric added that:

Feminists always wanted equality among genders. That was the ultimate concept they wished to achieve, and I agree. But now, when we've come a long way, baby, women often don't like that equality and it's now bad when it doesn't suit us. In common language, we want it both ways. Women want to have their cake and eat it too (Dori Gospodaric, Second Spouses of Canada, Hansard 31 October 2000: 16:10).

Feminists are also being held accountable for domestic violence because, according to men’s rights groups, they have manipulated the family court system in ways that disadvantage men and fathers. Many argue that women (read feminists) have distorted research statistics in order “to demonstrate that men are evil” (Erik Tarkington, Human Equality Action and Resource Team, Hansard 24 October 2000: 16:20). They often claim that the provincial government is accountable for gender inequalities that work against men, arguing that “there must be some sort of accountability for violence in this [family court] system” (Maxine Brandon, Mothers for Kids, Hansard 30 October 2000: 18:10). Government should be responsible for enforcing ‘gender neutrality’ in domestic violence situations and family courts. Therefore, in legislation (in this case Bill 117), they should acknowledge that both the male and the female partner are culpable because “the person who is accusing is equally responsible for the [act or] omission [that causes bodily harm]” (Erik Tarkington, Human Equality Action and Resource Team, Hansard 24 October 2000: 16:20).

While women’s and men’s advocates were in agreement that government should take primary responsibility for addressing domestic violence, men’s advocates moved
responsibility beyond a government setting to focus on the individual needs of men and ‘our’ (society’s) responsibility to them. One men’s advocate noted that “we don’t address [men’s] childhood experiences with abuse” (Interview #4, Men’s Advocate, 2011). While he added that anyone who is violent is responsible for this behaviour, he emphasized that as a society we look for individual experiences of abuse but hold men accountable for their current behaviour without looking at their past: “We shouldn't be shaming them, these people are highly shamed to begin with. There's research to indicate that if you're shamed to begin with and you throw more shame at that person you might be pushing people to reoffend” (Interview #4, Men’s Advocate, 2011). Who, he asked, is going to take responsibility to ensure that these men are not abused as children and that they get the help they need as adults? Men’s advocates, then, seek to cast men as victims rather than (or as well as) perpetrators and thus deflect what they see as the ‘unfair’ responsibility now placed upon them.

Similarly, they argue that if society takes responsibility for ensuring abuse does not happen in the first place, government would be required to step forward and lead the way: “I think it’s one of the responsibilities of government to allow for a society that’s safe and fair for all…that’s not really well thought through on how to do that” (Interview #4, Men’s Advocate, 2011). Without leadership by government there is no body to hold accountable for inequalities in service provision that disadvantage men, or for the continuation of domestic violence. This particular interviewee went on to outline the essence of male advocates’ responsibility argument:
I don't know [who should be responsible] it's a bit of a facile argument because I could think that everyone should be doing something. Violence will not end just because we think that other people should be doing something. Let's just say that it's men's violence. You and I could both agree that men should stop it, that they should be responsible, they should end it but it doesn't mean they will. It takes individual crisis and a change of heart ... how do you identify that? But without that nothing's gonna change...I think we're not doing a lot of things right (Interview #4, Men’s Advocate, 2011).

In summary, much like feminist advocates, men’s support group advocates argued that the provincial government needed to take responsibility for ending violence perpetrated against all victims of domestic violence. In fact they accused government of perpetuating violence by reinforcing gender inequalities.

**Rights and responsibilities for all!**

This chapter explored the intertwining issues of rights, responsibility and accountability as represented in government documents and interviews. Individually these issues represent key pieces to the domestic violence puzzle which, when put together, are hard to pull apart: where you have rights you have responsibilities, and without rights there is no ‘true’ equality or end to violence. Although it was often constructed as ‘common sense’ that we are all responsible for ending violence, that perpetrators should be accountable and that victims should have rights, these perspectives are complicated by the context in which something is (or is not) said. Governments and women’s anti-violence advocates hold men accountable yet do not include them in the responsibility to end violence. Indeed government was virtually silent on the need to find
ways to work with men to end domestic violence: there is still a singular focus on women.

Rights, responsibility and accountability are important determinants of how domestic violence is approached as a social problem and of who is heard. It is clear from the material presented here that domestic violence is more often than not constructed by state actors through a legal perspective, even when non-state advocates argue for a broader approach to the problem. The confusion and complexity of these arguments often links to broader arguments of basic human and equality rights, for if no one takes responsibility, who can be held accountable for its continuation? As Pamela Cross (2001, para. 10) argues, “maybe the responsibility rests with all of us as a society - a society that has yet to take violence against women seriously and that does not acknowledge the extent to which poverty, cuts to social services, education and health care spending continue to make women and children vulnerable to violence”. She adds that “to truly end violence against women, the government must look at much bigger issues than protecting the victim and holding the perpetrator accountable…Women must have access to decent affordable housing, quality child care, good employment, education, social assistance and other services that allow them to live with dignity” (Cross, 2001, para. 10). This means recognizing that domestic violence is not just a criminal justice issue, but a pervasive social issue seeping into all aspects of society. Governments need to take a leadership role in consultation with community anti-violence advocates. More
comprehensive ‘holistic’ solutions are sorely needed, which is the discussion to which we now turn.
Chapter 9

How do you solve a Problem like Domestic Violence? Anti-Violence Advocates, the Provincial Government and the ‘Solutions’ to Domestic Violence

Since the emergence of domestic violence as a social problem, advocates, individuals and MPPs have argued for a variety of responses, including differing amounts of state and non-state involvement. Feminists, in particular, have often argued that the state needs to be involved but so does the community, stressing the need for a holistic response incorporating organizations dealing directly with abused women. More often than not, however, state responses have focused on law-and-order strategies, particularly since the mid-1980s when governments shifted from emphasizing welfarist strategies of governance towards more individualized, retributive attempts to deal with social problems. The importance of creating an ‘appropriate’ response cannot be understated: the consequences for women and children are dire when violent, and potentially lethal events result from a lack of action.

This chapter presents my textual analysis of documents and interview transcripts. Its aim is to analyze the solutions proposed by different actors in Ontario to address domestic violence from 2000-2009. The two frameworks from which all solutions emerge are state and community responses. The ‘types’ of answers most often proposed
from both sources have been divided into three categories which I have labeled reactive, proactive (preventative) and holistic. Reactive responses can be understood as those which are implemented after a domestic violence issue has occurred. Proactive or preventative measures are generally created to stop a problem from happening before it starts. Alternatively these strategies are also advocated to prevent an escalation of violence. Finally, holistic remedies or solutions involve both reactive and proactive approaches aimed at both responding to any situation that has occurred while also taking measures to prevent violence from happening in the first place.

Much like Chapters 7 and 8, this chapter is divided into two sections. The first outlines the responses by Ontario MPPs to the domestic violence problem in debates over Bill 117 and the initiatives proposed in the DVAP. I start by setting out and critiquing what I argue is their overreliance on reactive responses to the problem, particularly their focus on criminal justice solutions. Superficially the PC and Liberal responses appear very different; however, once the solutions advocated in these new initiatives and the funding decisions have been explored, it became clear that reactive, law-and-order responses are favoured by both: they receive a disproportionate share of state funding while community-based groups and their solutions are typically underfunded and marginalized. Indeed this chapter will show that the proactive community-based approaches favoured by MPPs are still, more often than not, focused on providing training and education for segments of the criminal justice system (particularly training on the use of risk assessment techniques). The argument here is that solutions to domestic
violence are constructed by Ontario MPPs as proactive only when viewed as risk management issues to be tackled from a criminal justice perspective. Very few of the solutions proposed by MPPs are community-based and very few encompass a combination of responses that would ‘attack’ the problem from a variety of angles.

The second section of this chapter outlines the responses of men’s and women’s advocates to the domestic violence problem. This section outlines how non-state groups construct domestic violence and perceive state responses to it, followed by an elaboration of the community-based holistic solutions where they tend to focus their efforts. While men’s and women’s advocates held different opinions on how domestic violence should be addressed, they agreed that more balanced approaches were essential, and that community experts with hands-on knowledge of various aspects of the problem should play a much larger role in policy construction and service delivery than either Bill 117 or the DVAP would provide. Overall because the state dictates the agenda for the responses of all groups and they focus heavily on criminal justice reactive responses, non-state advocates suggest that there is a place for these state responses, but that community-based solutions are also necessary. Moreover, these responses should not be compartmentalized or placed in a hierarchy with community-centred preventative measures at the bottom. Non-state bodies advocate a wide range of remedies incorporated to form a holistic array of responses to combat domestic violence and find the ‘best’ response. Disagreements persist, however, over the necessity and amount of state involvement.
State Responses to Domestic Violence

Though the first time domestic violence was mentioned in a government setting in Canada there was laughter, today the struggle to end violence in intimate relationships is often a focal point of political debate, a strategy for re-election and a matter requiring serious investment of human and financial resources. Since the 1980s when the state became linked with domestic violence, MPPs debated what responses would ‘best’ address the problem (see Chapters 2, 3 and 5). More often than not, however, state responses have focused predominantly on law-and-order (reactive) strategies over other community-based preventative or holistic measures. This is not to say that resources were not put into education, training, shelters and a variety of other services, but that the focus on criminal justice measures is pervasive.

Legal perspective as the dominant claim to truth

Spurred by feminist advocacy efforts, many different responses have been used by Ontario provincial governments to address domestic violence; however, reactive criminal justice responses have remained central:

We created and expanded the domestic violence court program. It is the largest and most comprehensive of its kind in Canada. We allocated an additional $8 million annually to ensure that crown attorneys have sufficient time to meet with victims … We expanded the victim/witness assistance program … We expanded the victim crisis assistance and referral program and the SupportLink program. To support families in crisis, we expanded the supervised access program…I am proud of the actions our government has taken to make our justice system more responsive to the needs of victims of domestic violence (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:10).
That is why we prosecute. To minimize the role of the justice system in protecting and supporting victims is irresponsible (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:20).

The government continues to make improvements to Ontario’s criminal and family justice system to better protect women and children from domestic violence and to ensure the seamless delivery of services from the justice system (DVAP, 2004, p. 13).

As these quotes illustrate, both Bill 117 and the DVAP rely heavily on reactive legal responses to address intimate partner violence. The use of words like ‘victim’ and ‘perpetrator’ assumes something has already occurred, and these words are intricately linked with the criminal justice system. Rather than tackling the specific roots of violence as addressed by many non-state advocates (see also Johnson & Dawson, 2011), MPPs focus on training for Crown attorneys, on strengthening the role of the domestic violence courts, victim/witness programs (which are found in court buildings), and on increasing the powers of police when confronted with a domestic violence incident. The PCs in particular argued that they “feel no remorse” for their law-and-order stance. In fact, they appear to be quite proud of their position, claiming that a focus on the justice system shows they are taking violence in intimate relationships seriously:

Improvements to the justice system are critical in helping victims of domestic violence, because the justice system holds abusers accountable for their actions … The criminal justice system is a critical centrepiece for combating domestic violence, because it clearly delivers the message that domestic violence is a crime (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:50).

Thus, for PCs in particular, a legal perspective in the form of criminal justice responses is the only way to convey the message that violence in intimate relationships is wrong.
While minimizing our achievements, the members of the opposition maintained we had not supported victims through community-based programs. This is just not so...$10 million in annualized funding has been allocated to help children who have witnessed domestic violence and to establish a transitional support program...Fifty-one million dollars has been allocated to support 98 emergency shelters and related services in the year 2000-01...approximately $50 million has been committed to support innovative community-based projects that focus on vulnerable children and adults as part of the victims' justice action plan; $10 million annually has been allocated for the expansion of community-based programs, including...SupportLink [which] provides safety planning that can involve cellphones pre-programmed to dial 911...Fifty million dollars has been committed to rent supplements to help house up to 10,000 families and individuals; an additional $500,000 was provided to cover streamlined applications for emergency legal aid advice and the number of hours was doubled to assist abused women seeking restraining orders. The number of supervised access sites will be expanded from 36 to 54, providing for safe visits between non-custodial parents and their children...There are more than 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs of abused and assaulted women in Ontario (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:30).

It is interesting that they often refer to ‘community supports’ when talking about criminal justice initiatives such as victims’ justice programs, calling the police and accessing legal aid.119

A Liberal MPP pointed out the inconsistency in the PCs responses to domestic violence:

They [PC Government] cut shelter funding for women and children fleeing abusive situations and for emergencies. Worse than that, indeed, [they cut] funding for second-stage housing...Women and their children need to have a transitional place to go in order to get back on their feet, in order to get back toward employment, toward education, toward accessing health services. That's called second-stage housing. The Harris

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119 Legal aid is also an area of feminist advocacy but they focus on the need for more funding for additional lawyers not a vaguely worded ‘streamlined’ process.
government has eliminated funding for second-stage housing entirely across the province of Ontario (David Caplan, Liberal MPP, Hansard 5 October 2000: 15:40).

The excerpt above seems to be influenced by feminist anti-violence advocates who often focused on the cuts to second stage housing both in the Bill 117 debates and in my interviews. This is a strategy the party then in opposition used to align themselves with non-state advocates while putting down the PC government and strengthening their own position with community advocates. However, once in power the Liberals did not restore this funding and ended up with similar policies to the PCs. In fact, the DVAP has an entire section devoted to addressing aspects of the justice system including: “working with the federal government to improve funding for family and civil legal aid; working with stakeholders to examine other models to better support abused women in family law disputes; using community legal education publications to increase awareness of family law, domestic violence and civil rights” (DVAP, 2004, p. 13). I would argue that even one of the main DVAP (2004, p. iv) goals, to create “better community-based supports for victims” is reactive because the focus is on protecting women after they flee violence.

The state and preventative responses to the domestic violence problem in Ontario

While legal responses are the norm in government circles, that has not stopped a minority of MPPs from arguing for a more proactive response. However, responses designed to stop violence before it starts are few and far between in the Bill 117 debates and DVAP. The only reference to holistic preventative initiatives in either document was an educational campaign created by the Liberals as part of the DVAP designed to
“change attitudes to prevent violence from happening in the first place” (DVAP, 2004, p.12). However, funding was minimal compared to other areas (i.e. criminal justice initiatives) and the success of this campaign in changing attitudes is still unclear.

Risk assessment techniques - the quest to “identify women and children at risk and intervene earlier” with families deemed ‘high risk’ - are another approach that MPPs see as proactive in stopping violence (DVAP, 2004, p. iv). MPPs of all parties argued throughout the Bill 117 and the DVAP debates that risk assessments are forward looking in that they focus on prevention through governance of subjects through different risk markers of abusive situations, rather than through reactive after-the-fact criminal justice strategies.\(^\text{120}\) For example:

I wish…crown attorneys insist on a risk assessment being done…and that the person be detained…until the risk assessment is done. I wish we were hearing that there were more than two risk assessment units in this province” (Frances Lankin, New Democratic Party MPP, Hansard 4 October 2000: 17:20).

Pilot tests of the Ontario Domestic Assault Risk Assessment tool (ODARA) tool began in January 2005 in the North Bay area and Ottawa among police, Crown attorneys and others in the justice system to identify and assess risk in abusive situations ... Depending on the evaluation of these pilots, a province wide rollout will be determined (DVAP, 2004, p. 14-15).\(^\text{121}\)

Risk assessments have become a common tool for dealing with social problems because they allow for a cost-benefit analysis to be made in the governance of already marginalized populations (O’Malley, 2002). However, though claimed as proactive and

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\(^\text{120}\) The argument made by many MPPs was that risk assessments could help prevent the escalation of violence and the possibility of lethal forms of violence in the future.

\(^\text{121}\) There is no mention of the ODARA in the DVAP 2007 Update, though I did subsequently ask interviewees about it and was told basically told that it did not do what it was created to do.
preventative in nature, risk assessments are most often used with rather than instead of criminal justice measures - ‘offenders’ are assessed to set bail and determine treatment for offenders and through a host of other legal measures aimed at strengthening “the justice system to respond more effectively to abusers and better protect victims through the courts” (DVAP, 2004, p. i). Finally, risk assessment discussions, like all the measures discussed thus far, were often used by opposition MPPs to score political points against the PC government to illustrate why they were not adequately dealing with the problem:

the May-Iles jury recommendations, the coroner's jury recommendations, called on the province, the Ministry of the Attorney General, the minister, to put in place a training program for the judiciary to deal with the issue of domestic violence and domestic assault, the risk assessment issue, so that when justices are faced with making decisions about whether to release someone on bail and what the conditions are--whether they should be released at all, whether a risk assessment should be ordered first--they have some education about it (Frances Lankin, New Democratic Party MPP, Hansard 4 October 2000: 15:40).

Risk assessments were discussed in the May-Iles and Hadley recommendations and went unheeded by the PC government. This may be why few references to risk assessments by the PC government appeared in Bill 117 documents.\(^\text{122}\) It is likely that because this was not the route they wanted to take with their construction of the domestic violence problem, they refused to acknowledge voices defending this alternative view. However while many state actors (and some activists) promote them, risk assessments still require

\(^{122}\) The DVACR (2009, p. 6) had a section dedicated to “threat assessment and risk management” and while the Liberals were reviewing and piloting the Ontario Domestic Assault Risk Assessment (ODARA), it was subsequently missing from the DVAP Update in 2007.
an incident to occur prior to use and are heavily influenced by a legal perspective. They are not, therefore, incorporating feminist demands for holistic preventative responses.

Preventative responses in the form of educational campaigns also get less funding and attention than risk assessments, which demonstrates where they fall on the service provision hierarchy compared to justice system initiatives. While there was an exact amount listed for the educational campaign ($4.9 million over four years), there are no costs listed under the justice system initiatives. Other areas, such as public education, had entire monetary breakdowns including “$56 million to provide better community supports for victims…$5.9 million to train front-line workers, professionals, neighbours, friends and family to recognize early signs of abuse…$2.5 million starting in 2005-06 to address waiting lists and gaps in services for specific populations…a onetime investment of $2 million is being made to refurbish women’s shelters…[and] $5.9 million over four years for training, research and conferences in key sectors” (DVAP, 2004; MCSS, 2005). It is also interesting that the section on changing public attitudes was given one page versus the three pages dedicated to justice system responses. It is possible with the DVAP that, as Michael Bryant (Liberal MPP, Hansard 3 October 2000: 16:20) argued, if the Liberals “do improve prevention measures, then we’ll have more people turning to the criminal justice system”. All of this demonstrates the lower status of preventative efforts as a priority measure for eradicating violence, because MPPs assume that better prevention will somehow make the criminal justice response better. In other words, education and similar preventive measures are seen as a means to an end, the end being a
justice response after a domestic violence incident has occurred. This also ignores feminist anti-violence advocates’ arguments that proactive community-based responses are needed to stop violence from happening in the first place.

*The state’s version of a holistic response to domestic violence*

The documents analyzed in this thesis that approaches combining reactive and proactive initiatives were rare. Both Liberal and PC governments tended to compartmentalize domestic violence by focusing on reactive strategies that appeared to be completely independent from each other. For instance, funding was discussed and distributed to individual programs before examining the ways in which programs could work collaboratively to reduce the resources necessary to achieve collective goals. Often the state gave resources to one program by taking it from another (Step It Up Ontario, 2007; see also Chapter 7). Also, as noted earlier (and as non-state advocates argue below), reactive justice system measures received the bulk of government funds. When substituted for other supports and service provision, such measures, I would argue, provide little protection for victims, nor do they hold abusers accountable in more effective ways than the un-or underfunded community-based services advocate groups have consistently demanded (see Chapter 7; see also Comack, 1999, 2002; McDermott & Garofalo, 2004; Snider, 1994, 1998, 2003). This compartmentalization of initiatives was particularly evident in the Liberal Party’s DVAP, where each ‘type’ of response was given its own sub-section (community supports, risk, prevention, justice system, access to French services). It should be noted, however, that this represented an improvement on the PC’s Bill 117, which, as we have seen, focused solely on strengthening protection
orders. This division is underlined by the overwhelming focus by all governments on physical violence at the expense of all other forms of intimate partner violence (see Chapter 10).

Despite this compartmentalization, the Liberals claimed their DVAP was holistic because it “provides a balanced approach that strengthens community supports to better protect victims, focuses on public education, early intervention and prevention strategies to help reduce domestic violence, strengthens the justice system response and offers better access to French-language services for the francophone community” (DVAP, 2004, p. 1). This claim was criticized five years later in the DVACR (2009, p. 28): “a different paradigm is needed to achieve the vision and direction of the Domestic Violence Action Plan. The violence against women system will need to work in an interconnected and collaborative way to apply a systemic approach to addressing violence”. In order to do this an all-encompassing response is needed which would include:

[T]wo concepts simultaneously: work within the existing system to address the immediate violence that women are facing and lay the foundation for healthy relationships and communities through changes to that same system…This paradigm relies on the application of an intersectional approach, so that the VAW system is not imbedded in a single approach to addressing violence but can respond to the specificity of the social location and the unique situation of women and their families. It asks the professionals and public policy makers to be fluid in their thinking and approach and to recognize that this work will not be completed until we have achieved the vision of women and children living free from violence…The model that best reflects the paradigm shift the Council is promoting in its recommendations is referred to as the Ecological model. It has two central starting points: all people and systems are interconnected and each can influence and impact the other (DVACR, 2009, p. 28).
Unfortunately the DVAP’s ‘balanced approach’, though an improvement on Bill 117 which did not refer to ‘holistic’ or ‘balanced’ approaches at all, provided little in the way of community-based preventative measures aimed at attacking the roots of violence.

The DVAP did address welfare programs, specifically Ontario Works, by providing money for training to “assist Ontario Works staff in providing more effective responses to abused women” (2004, p. 10). To help solve housing problems, increased funding was provided for transitional and housing programs that help “victims of domestic violence to find safe, secure housing, counseling services, job training, income supports and other important services” (p. 8). However the interconnected nature of the myriad of problems that victims experience within these systems (see Mosher, 2006) was never addressed. And the rhetoric of the DVAP (2004, p. 7) is not matched by specifics. As the following illustrates, these are discussed in detail in one small section of one page of the DVAP and nowhere else.

It is a social issue, an employment issue, a housing issue, a child care issue, an education issue, a health issue, a community safety issue, a justice issue, and more. The lives of women do not conform to boundaries among programs, ministries, agencies, institutions or levels of government. Efforts must be coordinated within and across sectors to create an integrated continuum of supports.

Overall, neither the PCs nor the Liberals address the complexities of the problems, particularly the need for child care, educational and employment opportunities that feminist organizations have been identifying for decades. Despite their rhetoric, state

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123 Ontario Works is the program that delivers social assistance to residents of Ontario who demonstrate financial need.
bodies still put the majority of their funding into reactive criminal justice responses that do nothing to prevent violence.

**Non-State Responses to Domestic Violence**

Many feminists have argued that the state needs to be involved in addressing domestic violence, but that numerous other parties also have a responsibility. Their focus since the 1970s has centred on a combination of measures with particular emphasis on community-based, proactive policies to end the cycle of violence before it starts. Men’s advocates have similarly taken issue with state responses, but often identified different state and community ‘solutions’. Both feel that the provincial government is only scratching the surface of the domestic violence problem and that better solutions are needed requiring the expertise of non-state anti-violence advocates.

**Women’s advocates’ evaluations of state responses: the dominance of a legal perspective**

Women’s advocates have generally supported some of the reactive, criminal justice oriented provisions in Bill 117 and the DVAP. As one well known activist put it: “while [Bill 117] contains serious flaws and should not be resurrected, it did provide stronger enforcement measures for restraining orders” (Cross, 2005a, p. 5). Bill 117 overall was not well received. Several of my interview participants said that “protection orders would have been a good thing. It would have helped, but protective orders don’t stop abuse, they aren’t violence proof” (Interview #1, Women’s Advocate, 2010). When discussing the lack of safety that protection orders provide, another added that:
What happens is you go to the court house and in order to get a restraining order that person has to have verbally said "I'm going to kill you" and have the means to do it...I've stood there with women while they write out their statements and list everything he's done. She may as well be pretty much dead and they say “I'm sorry he hasn't said he's going to kill you”...We tell women the reality. It's just a piece of paper...but the one positive thing is that when you can get one the police do respond faster because it's on their screen...A lot of women don't call the police because it means more threat to them and it means he comes back and does something later (Interview #11, Women’s Advocate, 2011).

This view, that reactive measures in the form of protective orders do not stop violence and may even make it more likely, was balanced by the feeling that they do at least bring violence to the attention of police, resulting in potentially speedier responses to subsequent incidents.

Although this was the primary problem of protection orders from the perspective of women’s advocates, many were also concerned about how they would be enforced and whether funding was adequate. “I think [restraining orders are] wonderful, but who’s gonna do this? Is it the police who are going in and enforcing all this? It’s wonderful if she can stay in the house and they take all the weapons, but will somebody be keeping an eye on the abuser” (Interview #2, Women’s Advocate, 2010)? Again, their focus is more on keeping victims safe, which a restraining order cannot do because it “doesn’t have any teeth” (Interview #9, Women’s Advocate, 2011); it is a tokenistic gesture.

As another women’s advocate noted: Bill 117 is “really individualized in its focus, so it's individual women who have the responsibility to seek protection from the court and get a court order and I think protection orders often do very little to make women safer” (Interview #3, Women’s Advocate, 2010). State initiative providing
stronger protection orders are consonant with neo-liberal government policies in that ‘the victim’ must take the initiative to ensure her own safety. As the same women’s advocate later added, “the criminal justice system is about individual men who are responsible while…individual women are responsible [for protection orders]…Where the change has to happen is through state policies and practices” (Interview #3, Women’s Advocate, 2010). This reinforces that it is not that reactive state policies themselves are inappropriate, but the lack of enforcement, support and responsibility for them.

While protection orders were the focal point of Bill 117, the Liberals’ DVAP was also heavily criticized by women’s advocates. This was succinctly pointed out in one of the 2010 interviews: “the DVAP is [a] one stop shop crap that we absolutely do not support…Our voices weren’t being heard…and we won’t compromise…because you will further marginalize people who can’t access that one stop shop. If I have a sexual service here and a police service next door and someone else over here…[then] everyone can’t and won’t operate the same way” (Interview #11, Women’s Advocate, 2011). The DVAP, in their view, attempted too much, lumping different policy initiatives into one document that “just didn’t say a whole hell of a lot” (Interview #12, Women’s Advocate, 2011). For instance, with regard to the lack of ‘teeth’, one said:

Let’s just take the expansion of the domestic violence court program to all 54 court jurisdictions in Ontario. You’ve got people that are working on that, maybe they do some local consultations with judges, court administrators in different jurisdictions then they decide that it’s going to unfold differently in each of the 54 court jurisdictions in the province…What actually exists in each of the 54 court jurisdictions is hugely varied and many people in some of those jurisdictions will say the government says we have a domestic violence court program but we’d say
we don't...so I guess it's a really varied picture and there's lots and lots of things governments do where there's no consultation at all and often on things where people think they should have been consulted (Interview #3, Women’s Advocate, 2010).

When solutions are simultaneously ‘streamlined’ and significant enforcement or evaluation is lacking, a variety of drastically different responses across the province result. So while some domestic violence courts are working well, they might be absent or disastrous a few jurisdictions away.

However in general women’s advocates felt that most state-based criminal justice responses were ineffective (see Chapters 2, 3 and 5). The criminal justice system was described as a “complete mess” (Interview #12, Women’s Advocate, 2011), “horrible” (Interview #9, Women’s Advocate, 2011), while another added “I don’t see the justice in that system” (Interview #11, Women’s Advocate, 2011). The overall sense was that domestic violence responses to date have been “too heavily invested in the criminal justice system” (Interview #7, Anti-Violence Advocate, 2011). One respondent in particular painted a very detailed picture of the ‘imbalance’ with government criminal justice initiatives and the need to re-evaluate what ‘works’:

Looking at the percentage of women who access the criminal courts versus those who don't and compare that to the resources that go into the criminal courts for domestic violence - I'm including judges and attorney time and probation, parole, police and victim witness - I think it's unbalanced. I know that from early days back when women's advocates back in the 70s focused on criminalization strategies to give the message that violence in the home should be treated the same way as violence in the streets. So you can see that it's understandable that this is the way that it's gone, but I think even women's advocates are now thinking that it's time to have a conversation about zero tolerance and mandatory charging and at least looking at the unintended consequences of that
approach…What have we learned? Are people being brought into the system that could be dealt with in a different way (Interview #7, Anti-Violence Advocate, 2011)?

This is an important point, one that some men’s advocates also made. Understandings of social problems have changed over the last two decades, yet the dominant responses to domestic violence have remained embedded in a criminal justice response - despite evidence indicating that only a small number of victims come forward and that perpetrators are rarely rehabilitated or deterred. This same advocate goes on to suggest ways that the criminal justice system could improve:

I know diversion is kind of a dirty word in domestic violence...[but] if he's arrested for a push, can we decide or determine whether that push is part of a larger pattern of power, control...or is that push...simply an in the moment response to a particular stress in that individual’s life, which means that they perhaps need some assistance when dealing with that stress but don't necessarily need to be dealt with as a domestic violence offender the same way as someone who has attitudes and values and beliefs that support that (Interview #7, Anti-Violence Advocate, 2011).

Women’s advocates have consistently argued for variation in the methods adopted to deal with ‘offenders’, and pressured the state to recognize the context in which violence takes place and the very different needs of individual victims and offenders. This anti-violence advocate then went on to add that:

All these cases are pretty much treated the same way across the province. So there's a bail order, you can't go home and no association with the victim, there's a complainant and accused. If you're able to afford a lawyer then you're paying thousands in legal fees, if you can't then more and more accused are representing themselves and they don't qualify for legal aid and can't afford the retainer. So I think after the arrest would be a good time for a more in-depth assessment. What are we dealing with here? Are we dealing with someone where there's a definite history and pattern of violence, power and control in which case we really need to be looking at
putting measures in place to control the risks and protect the woman, or are we dealing with more situational things where we need to put other supports and resources into place that will help... A lot of resources have gone into a one size fits all criminal justice approach, and it’s not just the men that you’d expect to come in and complain about it but many of the partners that are now saying they’ll never call the police again (Interview #7, Anti-Violence Advocate, 2011).

This response illustrates the arguments most women’s advocates made, namely that there are different types of violence, victims and perpetrators, and a one-size-fits-all approach is inadequate (for more on this see Chapters 5 and 10). The Woman Abuse Council of Toronto (2006, p. 4) also outlined remedies to improve the justice system including: “early intervention, vigorous prosecution, support and advocacy for victims and effective coordination and collaboration between stakeholders to increase victim safety”.

**Women's advocates and community-based holistic responses**

Without completely ignoring the important role of the justice system in taking violence seriously by punishing offenders, feminists have long advocated community-based responses to violence in intimate relationships. Though shelters and community support services are often part of a reactive response, advocacy within these services is a particularly important component of all attempts to address broader issues to end violence. 124 As one women’s advocate who works with victims of violence pointed out:

You'll have welfare workers who actually don't know what they are supposed to give her because there's all kinds of regulation and things. They'll quite confidently tell someone they can't have “that”...Well what they told you at welfare isn't necessarily correct. It sounds ridiculous but people...just don't know how to do their jobs properly or they just don't

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124 It should be noted that advocacy work stopped receiving funding in 1995, but many services and supports still offer these services in recognition that education and awareness are needed to end violence (see also Chapters 3 and 5 ).
have enough experience so they're not aware of some regulations or referrals or exceptions for domestic violence...When I was at a shelter a woman was told by a police officer that he couldn't charge her partner with assault because he had charged him the week before. It sounds just like they couldn't be bothered...I'm sure that's what he was doing and he thinks there's no harm done because he was already charged last week (Interview #13, Women’s Advocate, 2011).

Without advocacy many victims would fall through the cracks (see Chapter 10), left on their own to navigate institutions they know nothing about. Advocacy helps victims find and access the services they need to get back on their feet. It also ensures that government and perpetrators remain accountable for preventing violence. As one feminist anti-violence advocate put it (Donna Hansen, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:50), the provincial government needs to look at the “[C]ommunity-based services to the 75% of assaulted women who do not access police or the justice system – shelters, rape crisis centres and second-stage housing”. This would “allow these community based women-centered agencies to be adequately staffed and...provide protection, counseling and other much-needed programming”.

Advocacy is not the only component of a proactive, holistic response to domestic violence. Indeed, while there are still major gaps in the system, women’s anti-violence advocates pointed out that advances have been made. Over time there has been “more awareness, we have more shelters and services available for women” (Interview #1, Women’s Advocate, 2010). Another advocate singled out the criminal justice for praise: those in the criminal justice system “have done a better job of responding…and the courts
[are]...a bit more educated than before” (Interview #13, Women’s Advocate, 2011). She qualifies the praise by pointing out improvements were only made because officials know “they are being monitored all over the place” by women’s advocates (Interview #13, Women’s Advocate, 2011). But criminal responses were seen as insufficient: to make a difference in this world. As one of my respondents said, “we need to make sure we fill those gaps in service with more education to make sure people understand that it’s not acceptable to abuse women” (Interview #1, Women’s Advocate, 2010). Accordingly we need to stop violence “before it happens which requires the prevention piece instead of band-aids. They [governments] don’t look at why the person is bleeding, they just put a bandage on it” (Interview #2, Women’s Advocate, 2010). Thus, many feminists feel that for every few steps forward there are a couple in reverse (see Denham & Gillespie, 1999). A serious focus on preventive measures that address the root causes of violence is still missing.

Women’s advocates, on the whole, preferred the McGuinty Liberal government and the DVAP to the PCs, Premier Harris and Bill 117. Many accused the PCs of doing nothing except make cuts to community-based supports, shelters, advocacy and public education. Their emphasis was seen as exclusively on law-and-order responses such as restraining orders. Speaking about these frustrations, a women’s advocate argued that:

When the Tories were in they were into all this stuff about direct service hours. And what does that mean? We want to know how many direct service hours you're providing, which is of course advocacy. With the Tories you're always scared because you don't know what they're talking about...So there was a big kerfuffle about it of course and the
shelters…said well it's 365 days a year 24 hours seven days a week, those are our direct service hours (Interview #13, Women’s Advocate, 2011).

Another noted that “we should have known what was going to happen there when he [Harris] took power. That was the beginning of the end for good programming for women” (Interview #9, Women’s Advocate, 2011). Although it could be argued that historically the relationship between feminists and all Ontario provincial governments has been turbulent (see Chapter 5), Harris and the PC government were particularly disliked - interview questions about the Harris government’s policies on domestic violence were met by derisive laughter, eye rolls and signs of visible frustration. McGuinty and the Liberal government did not garner as negative a response. In fact, many women’s advocates felt that the Liberals were doing some positive things both within and outside the criminal justice system, things that “the public wouldn’t necessarily know about [which do not]…cost ‘real’ money” (Interview #13, Women’s Advocate, 2011). An example was the Neighbours, Friends and Family Program, a public education campaign designed to bring awareness to the issue of domestic violence launched in 2006.

However, as one women’s advocated noted, while “they’ve done some things and taken some approaches that are much better [than the PCs], there are still all kinds of problems that haven’t been addressed. Legal aid’s failing apart and so is social assistance…These are huge issues for women, [as are] poverty and housing…This stuff is really important and hasn’t been done” (Interview #13, Women’s Advocate, 2011). Praise was not unanimous: one felt that the DVAP, like Bill 117, was “a joke” (Interview #9, Women’s Advocate), a lot of “smoke and mirrors” (Interview #3, Women’s Advocate,
2011). For her, it used “feminist-inspired language to promote their law-and-order agendas” (Interview #10, Women’s Advocate, 2011). It was also felt, by one advocate, who was consulted before the DVAP was written, that the discussions leading up to its creation were similarly: “a joke…it wasn’t specifically about violence against women…they’re consulting with community experts but they already have their mind made up about the issue. They consult about their initiatives so they can say the consulted people” (Interview #9, Women’s Advocate, 2011). Many of the women’s advocates interviewed did not feel they had ever been ‘heard’ on domestic violence “solutions”. Though “no plan is ever perfect” (Interview #8, Women’s Advocate, 2011), they felt that governments “did not understand the word collaboration” (Interview #9, Women’s Advocate, 2011).

This frustration came out again and again. One women’s advocate eloquently summarized the difficulties all women’s advocates experienced when trying to work with the provincial government to address domestic violence. She argues that:

The Ministry of Community and Social Services funds these programs [meetings between services] but so many other things affect women. Shelters do a lot of things beyond provide a safe space after abuse. We work with women on support, counseling…emotional support for women, advocacy. We work with every system that she has to work with in order to provide that support. So we need to know about the health care, welfare, educational, court, family court, criminal court systems. Housing, all of that stuff we need to be aware of so we can provide good support to her as she tries to navigate those systems, as well as child welfare. The only people sitting around the table for these local service systems are people that are funded by the ministry to provide violence against women services. We sit there and we say, we're doing what we do, why don't the Ministry of Community and Social Services talk to each other? Why don't Ministry of Child and Youth Services and MCSS at that top level, why
don't they talk to each other and address some of the issues we've been
talking about for years…At the top levels that's where things need to
change. Then filter down from there to the front line level where we're at.
All of us sitting around the table are in agreement over things that should
change but we don't have the power to make those changes and the people
that do have the power to make those changes aren't talking to each other.
It just doesn't make any sense at all (Interview #12, Women’s Advocate,
2011).

This excerpt demonstrates the frustration of working in a system that does not recognize
all the variables associated with domestic violence or recognize what is needed for a
balanced response. Women’s advocates feel they know what responses are needed and
what needs to change, but their interventions are often not ‘heard’. As they see it they are
‘the only people sitting around the table’ who provide violence against women services,
which gives them a legitimacy other ‘stakeholders’ lack, but the old arguments no longer
work. As one put it: “In the 1970s everybody was pretty radical, it doesn’t work today.
We’ve become a stricter society and you need to find ways to engage that work”
(Interview #1, Women’s Advocate, 2010). She suggested “talk to your MPP, be honest
with them, invite them in to see what you do. Show what we do and the value of our
work, it makes a difference” (Interview #1, Women’s Advocate, 2010).

What is clearly needed, many suggested, is a holistic response where state and
non-state advocates work together to make the connection between government
initiatives to address violence and the myriad of issues that impact victims and
perpetrators of violence. One women’s advocate proposed ways to move towards such a
response:
Additional specific resources must be allocated to address these equity and access issues... The government of Ontario must ensure that women and children have the supports they need to leave their homes, to move into safe, affordable or subsidized housing and to take the actions they themselves deem necessary to protect themselves and their children... The solution lies in a cross-community, comprehensive infusion of supports and resources to address all of the barriers women face in an abusive situation (Eileen Morrow, Ontario Association of Interval and Transition Houses, Hansard 30 October 2000: 15:31; 15:40).

Finally, this research shows that Women’s Advocates have thought long and hard about the ‘solutions’ to domestic violence. When asked ‘What do women’s advocates feel is necessary to end violence against women?’ in interviews, the answers were detailed and thoughtful, reflecting the complexity of the domestic violence problem and the need to draw from a number of sources to accomplish the diversity of things that need to be addressed.

I would do a gender analysis of the spending of this government and I would give women equal amounts... These are my taxes too, what do women need? Day care at $1,000 a month or whatever is nonsense. It just makes women poorer all their lives. I would look at the gender imbalance and do the corrections needed using public funding and that would mean well-funded shelters. It would mean severe examinations of laws and regulations to ensure women’s equality. It would be looking at women’s economic power and salaries... to ensure equality there too. I would not restrict my actions to violence against women because I think it's overall and it has a lot to do with women's economic independence (Interview #10, Women’s Advocate, 2011).

I guess increasing minimum wage for sure because not everybody’s on welfare, there's a lot of working poor some of whom are women. Doing something to ensure that the elderly women aren't living in poverty as well, not sure what that would be. Increasing the pension plan, I’m not sure if that's federal or not, but I would augment it somehow. Give more money to women's shelters and women's organizations so they can do their work. I would reinstate the funding to OAI TH so we could get together and meet and all the other provincial associations... I would make the
ministries…sit down together and come up with a joint plan that addresses how they're gonna work to support women who've been abused and implement those policies so that it would cross all ministry lines, housing, education…community and social services, child and youth services…attorney general. They all have to work together (Interview #12, Women’s Advocate, 2011).

First of all they should be educating…It's always seen as a woman's issue and I don't know why it's a woman's issue. It's not the woman's doing anything, they are on the receiving end of this…it would be nice to take the abuser and put him into programs…I would put together for Ontario, a task force on violence against women…Then we study it then I would expect them to give me an action plan but I want an actual change plan with years, dates, timeframe, responsibility, who's responsible, laid out…looking at it from different angles including the criminal perspective and the social work perspective…Police need training on a regular basis, part of the academy…there are agencies whose bread and butter is keeping this open so they're not gonna end it...so when you're trying to put something in place we need to find out if people are engaged in ending it or do they have an ulterior motive and it's an honest question to ask (Interview #2, Women’s Advocate, 2010).

All kinds of fundamental reforms that need to happen to social assistance...there's no attention to gender...welfare policy is a huge area where change is needed and it's not just the rates, it's the fraud regime, it's the definition of spouse...There's housing, which is a huge issue, lack of social housing…There's problems with the way in which peoples’ lives are regulated through the Social Housing Reform Act, there's a whole range of issues related to housing. There's child welfare and developing responses which don't take kids away because parents can't house them or feed them adequately but also the responses that work with women and children together that don't put a wedge between them. Another important area that I have not talked a lot about is immigration. There's been changes in immigration that make things riskier for abused women, immigrant women to contact the police, and the way in which sponsorship is used as another tactic of abuse and control, that's certainly another important area for reform. Family law - legal aid...among the significant issues are around custody and access and this is just another problem in relation to social assistance and welfare because there's an obligation to seek support…some of this is around educating lawyers and judges and some of it is around legislative changes...there is also a problem, you see this in both criminal and family side, of a view held by many people that women
fabricate allegations of abuse to get custody, it's a disturbingly common view...I think it's also a common view out there in the criminal and family law system that violence is kind of episodic...they actually have a hard time understanding the idea that these occasions when violence occurs are part of a much broader pattern of power and control. It's unbelievable the extent to which men will go to sabotage women's ability to get training or work...again, it's not that all women experience the same thing, that's another issue...to get around consultation on amendments and policies whenever they can...on the ground there are no real policy stuff for domestic violence in courts. Judges told her that although the government claims there are these programs in each court district it's just symbolic, nothing has changed at all (Interview #3, Women’s Advocate, 2010).

If I had the funding I would be providing it to the people who do the frontline work making sure that the survivors the woman, her spouse and her children can survive on their own. Basically upping Ontario Works, providing more spaces for affordable housing, providing training for women if they so choose, child care. In my perfect world there'd be lots of money for violence against women and a lot of money for advocacy for women's issues so that there's people out there at the forefront making policy change, making criminal code change for women as it pertains to violence against women ... The consultation process has to include survivors and everybody that is affected by violence against women making sure that everybody has accessibility and equity (Interview #9, Women’s Advocate, 2011).

Notice the types of services that feminist voices represented here discuss in reference to funding needs: they centre on community-based services (sometimes defined, sometimes left to the imagination), shelters, training and education, rape crisis centres and, sometimes, second-stage housing. Revisions to criminal justice responses are necessary, but only to enhance other supports and services provided to victims. Feminist inspired responses move beyond the narrow interpretation of domestic violence to address the broader socio-economic conditions that render victims susceptible to abusive situations in
the first place - but their voices are generally ‘unheard’ or ‘mis-heard’ by Ontario provincial governments.

Men’s advocates understandings of state responses: legal perspective as dominant perspective?125

Interestingly, men’s anti-violence advocates also argue for a place at the policy-making table, and for a more comprehensive approach that would better incorporate criminal and family law policies but they emphasize the need for resources to support men’s needs. They too would like governments to recognize them as victims and provide more money for services and research, much like the feminist arguments presented above. Men’s advocates agree with punishments for offenders and supports for victims, however they argue for equality in these punishments. Reactive responses such as protection orders and mandatory charging should be equally distributed between men and women, not solely designed to protect women and arrest men. They recognize a need to address policing issues and strengthen family and criminal courts, but want more equality and greater recognition of women’s violence and of male victims. In terms of community-based proactive or holistic responses, men’s advocates complain they are left out of policy-making discussions by both MPPs and women’s anti-violence advocates - they see the latter in particular as gatekeepers preventing them from being heard. They argued that there were a number of gaps in service provision that deserve recognition.

125 Due to the smaller population to draw on for interviews from men’s advocates and the lack of much website and media commentary, the men’s advocates sections are often shorter than their feminist counterpart.
and giving them a seat at the policy-making table would allow them to address some of these inequalities.

Men’s advocates, like women’s anti-violence positions presented above, centered many of their arguments within a broad reactive criminal justice framework, since that is the dominant response the state has offered. Like women’s advocates, they argued that equal treatment in a legal context is necessary to ensure that all victims are protected. One men’s advocate argued that,

> We still need some kind of police involvement because you do still have people who get completely insane. Police are there to handle the small percentage of people who do not want to cooperate with any kind of social norm; the people that break the law. Most people don't break the law not because they're afraid of breaking the law, but because they want to live according to the rules. You still need some police involvement (Interview #6, Men’s Advocate, 2011).

However, while women’s advocates generally focused on increasing police training on domestic violence to ensure identification of the primary aggressor and to avoid re-victimization (see Chapters 3 and 5), men’s advocates focused more on the context of domestic violence. They pointed out that the percentage of incidents requiring police involvement is small, but that when it is serious and a male perpetrator does not want to follow ‘social norms’, he is summarily removed from society:

> Police evidence…is often distorted by directives…This legislation [Bill 117] begins with an explanatory note stating that intervention in cases of domestic violence will occur where there is fear for safety. Is this not a "He said; she said" situation? Where is the call for evidence, other than this person's evidence, the one who stands to gain control of the family and the family assets? Should we be relying on the police when they are the targets of directives and political maneuvering (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:40)?
I think there's such bias with the charging process. You got cops going into situations having to make judgments calls about who hit who. It used to be before, historically that they wouldn't charge, then they wouldn't charge men, now they're charging who may be the primary aggressor. Well off hand I don't trust the cops in their first 20 minutes of a domestic disturbance call to analyze who could be the primary aggressor...because if it's bilateral violence, it's bilateral violence (Interview #4, Men’s Advocate, 2011).

Men’s advocates, in other words, resist increased police involvement because they feel that men are unfairly targeted by the criminal justice system. Many said that Bill 117 was unconstitutional because it discriminated against men, and accused the Ontario government of “trying to change criminal law” (Interview #6, Men’s Advocate, 2011). They saw the DVAP and later initiatives as almost equally problematic, because the state focus was still on arresting and charging men when, in their eyes, the violence might have been mutual or even initiated by the female partner. State responses after an incident occurs should not single out one partner and ignore the other.

While men’s advocates agree that ‘proper’ police involvement is necessary, they argue that family and criminal courts need to be revised because “people go broke...Getting people to go to trial and to go to custody trial, you’re talking a huge amount of money...and to have a lawyer involved is generally not economical and not affordable for many...So at some point the legal system gets derailed” (Interview #6, Men’s Advocate, 2011). He further noted that:

It's so incredibly easy for women to make a false allegation. We have to stop that from happening because there's no consequence and it happens all the time. So basically the state is giving people a weapon to commit violence...They should not be including the police and the criminal justice
system in petty acts of violence. Sometimes though you get to a certain point where yeah you have to do something. It use to be that you had to have proof of these things not just one persons' say so. Where's your evidence that you got slapped? No evidence is needed now, the justice system will jump...and what do they do? They take away the house, kids, children, put him in jail temporarily, they put restrictions on the family such as he can't go to certain place because it’s too close, can't go to child's school, supermarket. If he never was violent and she just alleged it, basically you're doing a major disturbance to law because you're teaching children...that the law is a weapon and the law is not necessarily good.

Indeed he views legislation and government initiatives themselves as forms of state violence because, when the provincial government does not recognize inequalities and problems its legal system has produced, they “condone and add to the violence that men experience…If you’re going to have any kind of level playing field you have to start off with the same equal rights” (Interview #6, Men’s Advocate, 2011). Accordingly, they predict, future generations (of boys) will perceive the law as a weapon that is used against them.

Men’s rights supporters also argued that they were left out of policy-making, “not even invited to the table” (Interview #4, Men’s Advocate, 2011). In fact, when men’s advocates testified at the Bill 117 debates they often referred to their credentials in ways that demonstrated both their expertise and their right to be consulted:

The question I ask is, what is it that the present legislation does not do which this legislation is supposed to do? Using the knowledge and training I have received by chairing my local 54 division police liaison committee here in Toronto, serving on the board of directors for one of Legal Aid Ontario's community legal clinics [I know it’s not going to work in practice] (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:33),

A strategic legal perspective is used here as a way of positioning himself as an expert.
Overall, men’s advocates argued that justice system responses and legislation focus on women as victims and men as offenders. The state does not even consult with men’s groups when creating these responses - in fact, one men’s advocate claimed he had not heard of the DVAP until I contacted him for an interview, while a number of feminist anti-violence advocates were included as stakeholders. They argue that justice system initiatives should include evaluations of current policies on custody and access to children, that false allegations of abuse are common, that non-discriminatory, judicial and police training are essential, and that shelters for men should be provided because protecting all victims means providing “legal and community responses for all victims” (Interview #4, Men’s Advocate, 2011).

**Men’s advocates and community-based proactive and holistic responses**

Men’s rights supporters argue that the provincial government needs to recognize that “there are men’s issues” and that “there is no outreach from government to ex-husbands, fathers and non-custodial parents” (Erik Tarkington, Human Equality Action and Resource, Hansard 24 October 2000: 16:10). They argue that responses to domestic violence need to move beyond a reactive criminal justice framework to encompass community-based supports and services for men, including proactive responses to address behaviours and attitudes before violence occurs.

Gaps in service provision were an important component of men’s advocacy as it relates to domestic violence. Many pointed out “gaps in services and the need to create

126 Though many women’s advocates who were considered stakeholders were rather surprised to be told they played such a role in its creation.
something” for men (Interview #4, Men’s Advocate, 2011). Three primary areas were identified: “working with abusive men…the needs for men who are childhood abuse survivors; and…a program…for emotional intelligence” (Interview #4, Men’s Advocate, 2011). These populations were seen as lacking community-based supports outside a criminal justice framework, and these are services that men’s advocates claim would help eliminate violence in intimate relationships.

In addition to the three areas above, Brian Jenkins argued during the Bill 117 debates for a number of additional social supports, services he felt men desperately need. He argued that:

Men’s suicide rate is currently about four times that of women's, on average. StatsCan analysis says that divorced men have about 16 times the suicide rate of women. Certainly divorce occurs well after separation and they do not check what the suicide rate of men is at separation, but you would expect it to be higher…I would note that if there were 18 women who died, there were about 12 or 13 men who died, based on the statistics of the same period of time (Hansard 24 October 2000: 16:30).

Some 48% of women had access to support services, 17% of men. If you go to the Attorney General's Web site, if you go to the Solicitor General's Web site, if you go to the Ontario Women's Directorate's Web site you'll find there is no support in Ontario for men. I'm not going to go into it, but just from my own personal experience, having been a victim of domestic violence…I can assure you there is no support for men in this province (Hansard 24 October 2000: 16:40).

Yet these community-inspired proactive approaches, men’s advocates argued, are ignored, silenced, or molded to fit law and order strategies to deal with violence. Proactive initiatives are still largely based within justice system initiatives, despite representations from all non-state actors for a community-based response. Men’s
advocates argued that criminal measures neglect to explore the roots of violence - including here the reasons men commit suicide. Exploring these roots, they argue, would go a long way towards the eradication of violence, establishing equality and sending a preventative message that violence would not be tolerated.

Another argument by men’s advocates is that some community-based ‘proactive’ responses are, in fact, not useful, “like transition houses” (Interview #6, Men’s Advocate, 2011), which only target half the abused population. In his words the houses “are actually not useful because they escalate violence rather than do anything else…To me the key changes to changing domestic violence policy are to acknowledge that it’s a 50-50 proposition” (Interview #6, Men’s Advocate, 2011). He argues that because governments do not recognize that violence is equally distributed between men and women, MPPs are unable to create strong policies that would lead to an end to domestic violence and transition houses will never be able to deal with the roots of the problem.

The most pressing community-based need men’s advocates see is the need for better public education. If we want to “reduce violence form happening in the long run we need to educate people in terms of relationship skills…because the one thing I hate about relationship stuff is that they [Ontario provincial government] don’t show how to deal with the follow through” (Interview #6, Men’s Advocate, 2011). This, he thought, would lessen the detrimental effects on men’s health - heart attacks, suicide, etc. - because there would be places where they could go for support and for counseling on how to deal with relationship conflicts. Accordingly, if MPPs focused their efforts on
educating the public about healthy relationships and the consequences of violence, many people would change their behaviours and attitudes and violence would decrease.

Like their arguments for a position at the table when state policies are made, men’s advocates lobby for a similar position within non-state policy-making circles and complain of their exclusion from ‘mainstream’ anti-violence organizations. For instance, one men’s advocate noted that:

We’ve gotten really nasty letters from [VAW organization] to our funder, which is really dirty politics, saying that this service thinks we believe women’s shelters should accept men…We said that shelters should have the resources to have one for women and one for men…I don’t understand that, why would shelters be resistant to that?…The Ontario Coalition of Rape Crisis Centres guidelines, for instance, says that sexual assault is an expression of male patriarchy and they go back to the issues of power and control. They say many things that don't allow for an understanding of why males are sexually abused (Interview #4, Men’s Advocate, 2011).

This advocate expresses his frustration with services that do not allow the space for male voices, services that he feels he should be working in unity to end all violence instead of fighting among themselves. He further notes that:

The only place where you get the cops and the Crowns and service providers meeting monthly to talk about how we can make a better system of services is for violence against women…We can’t get membership because they only address sexual violence issues relevant to women…We’re not invited to the table and they receive funding from the province to conduct that work…Also, if you pick up a brochure from a PAR program you’ll see a man on the cover, but on the inside it says for people who’ve been convicted of assault…You can’t really put a woman on the power and control wheel either because it’s all formulated to speak to men’s violence…All the tactics are kind of male defined…This bias is very institutionalized…and I don’t see these services doing a lot of soul searching about what could they have done differently to perhaps save more lives (Interview #4, Men’s Advocate, 2011).
Therefore it is not just women’s groups keeping men away from the policy-making ‘table’, but a refusal by MPPs to lobby for them, to allocate resources to them, or to recognize violence inflicted on men.

Many men’s advocates further argue that part of the problem with creating an all-encompassing response is the reliance on a ‘conventional framework’ that focuses primarily on wife assault and the ‘woman-friendly’ power and control wheel mentioned in the excerpt above. One men’s advocate noted that:

Conceptually I agree that all women could be sexually assaulted, but the research is very clear that women who are 16 to 20 are the highest risk population and it tapers off from there…So we really don’t speak the truth in our public education campaigns…This is some of the issues that we have when we get in scraps with the women's services community. We have received criticism as an agency from the VAW sector. They would say we overlook the fact that men's violence is more severe in terms of injury and that we discount sexual violence, and I don’t think we do…Again, it doesn't matter who’s the primary aggressor or whose violence is more severe, it’s got to stop and there’s two players there. Again, there’s different takes on this issue and people speak strongly on this…Through the evolution of this movement those simplistic arguments had more weight back in the 80s. The knowledge base is evolving, the research base is evolving, it should suggest that the service base would evolve. Yet the service base, we're the worst ones to evolve with the thinking (Interview #4, Men’s Advocate, 2011).

While acknowledging that there are a variety of opinions on how to respond to domestic violence, he argues that responses to domestic violence remain firmly entrenched in the patterns set out in the 1980s, patterns which he maintains do not adequately represent victims and perpetrators today.

Finally, when asked during interviews to suggest solutions, the responses were varied. One men’s advocate noted that he would create men’s services and “not just
services to address violence but other health promotion services for fathering and other things…more all encompassing…because guys generally don’t access services because of shame and stigma” (Interview #4, Men’s Advocate, 2011). He further added that:

You hold them and account for their abusiveness and when you seamlessly transfer them to programs to look at their own healing and recovery. Maybe he wants to learn to be a better dad and go to the fathering program or a program to help curb his alcohol or drug use, but not transfer them to another outside across town…In a perfect world I would give a 3 year time frame to every shelter in Ontario to serve all victims of domestic violence. That doesn't mean housing the men and women in the same building, but a lot of shelters have more than one building…there could be one for women and one for men…Every community could house men and their children who are fleeing domestic violence and it’s not taking away any resources from women, what would be so wrong with that (Interview #4, Men’s Advocate, 2011)?

Other men’s advocates mentioned their fight for the recognition of men as victims and for a response that includes both reactive and proactive measures to support men when violence does occur but also to promote healthy relationships before violence is even a factor (see Chapters 4, 7 and 8). Accordingly, a men’s advocate noted: “We need to create a system that will create more success stories, more changes of heart and healthy relationships. Most of all we need a system that could work with the man that is violent to accepting that he is carrying wounds with him and help him heal those wounds to get him back to being a better dad, partner and citizen” (Interview #4, Men’s Advocate, 2011).127

This men’s advocate recognized the importance of dealing with men who are both

127 While the comments in this excerpt focus on men, he clearly articulated that it was not just men who are perpetrators, but that this is one way to better assist those men who are violent instead of ‘blaming and shaming’.
abusive and abused and that both groups require attention, not a hierarchy creating a preference for one over the other.

Is there a ‘Right’ Response to Address Domestic Violence?

The provincial government of Ontario is not successful in addressing violence against women because they are jumping like a rabbit. They create programs, how are they evaluated? Are they successful? The money is not new money, I know they think it's new money and their money, but it's the people's money. So when you're putting a policy together, have you thought of all the different pieces? Has it been studied properly to ensure you know what is needed (Interview #2, Women’s Advocate, 2010)?

While many feminists advocated for state inclusion and a criminal justice system component to fight domestic violence, we have seen over the years the pros and cons of such a response (see Carrington & Watson, 1996; Comack, 1999; Comack and Balfour, 2004; McDermott & Garofalo, 2004; McMahon & Pence, 2003; Mosher, 2006; Snider, 2003, 2006). This has led many feminists to resist this construction of the domestic violence problem, change their position and emphasize again the merits of community-based holistic responses. However their representations have been virtually ignored by MPPs (except sometimes rhetorically), in their focus on law and order neoliberal (i.e. individualized) solutions to domestic violence. While the PC government was rather forthright with their positioning of policy and domestic violence response within a law-and-order agenda, the Liberal response was more equivocal. They addressed justice system issues in their Action Plan, but also incorporated feminist gender-specific language. Yet they ended up with largely the same justice system focus as the PCs and only used feminist language to bolster their position. Criminal justice solutions, however,
have not worked to eradicate violence but to regulate and incarcerate already marginalized populations (Comack, 1999, 2002; Cossman & Fudge, 2002; McDermott & Garofalo, 2004; Snider, 1994, 1998, 2003). As this chapter has shown, the justice system is always-already the dominant state response. This is not to understate the importance of the justice system in addressing intimate partner violence. It plays a symbolic role in the recognition of domestic violence as a pervasive problem and a protective role for victims when they experience violence. However, the justice system itself is too often seen by victims as an extension of the violence they experienced (see Johnson & Dawson, 2011). The state’s heavy reliance on legal measures is alarming, because research has shown that they do not address the underlying causes of violence. This is why many feminist and men’s rights advocates have argued for approaches that start by digging up, exposing and attacking the roots of violence. Yet because the state shapes (if it does not determine) the agenda for response, non-state advocates must start from within that broad criminal justice framework.

The policy responses of government officials are important both ideologically and legally. They represent one important and powerful claim to truth. The criminal justice focus on domestic violence implies that it is a legal issue best left to criminal justice ‘experts’. At no point in the documents analyzed do MPPs acknowledge, let alone address, the class and race bias of such policies (Comack, 1999; Fournier & Crey, 1997; McDermott & Garofalo, 2004; Mosher, 2006; Snider, 1994, 1998, 2003). Nor do they address equity concerns in the eradication of violence in intimate relationships. One
MPP, Marie Bountrogianni (Liberal MPP, Hansard 3 October 2000: 16:40), did recognize cultural differences that policies like mandatory charging ignore, pointing out that “with respect to reporting to the police, it has to be the woman's decision. Family dynamics and personal dynamics are too complex to have a black and white solution for everything. In some families, whether it's cultural or personal, going to the police is not the first step, for various reasons”.

If it is argued that a holistic response is needed to address areas of concern for victims of violence, this means that both state and non-state actors should be equally involved in policy-making, and that a variety of state and non-state approaches should be tried. A holistic approach also assumes that attempts to get at the roots of violence and address the existing gaps in service provision will be made, notwithstanding the fact that, as this chapter has illustrated, ‘roots’ are rarely addressed by reigning governing bodies in debates, website commentary or official policy. No government seems to know the ‘right’ solution to the problem and instead of making community-based experts leaders in the struggle, it merely takes pieces of past feminist-inspired initiatives.\textsuperscript{128} Another important component of a ‘better’ response is a more thorough understanding of the diversity and complexity of victims, perpetrators and issues that shape their lives and experiences. Unfortunately most domestic violence policies in Ontario offer largely symbolic solutions to this very complex problem.

\textsuperscript{128} The allotment of funding clearly demonstrates where a particular service, support or initiative falls on the domestic violence response hierarchy.
While this chapter looked broadly at state and non-state constructions of domestic violence through the initiatives created to address it, the following chapter explores the diversity of victims, perpetrators, violence and how they are constructed in the responses to domestic violence as a social problem.
Chapter 10

Deserving and Undeserving Victims: Inclusion, Exclusion and Intersectionality in the Ontario Governments’ Response to Domestic Violence

How domestic violence is constructed through government policies and varying initiatives defines who is or is not a victim or perpetrator for both state and non-state bodies. As anti-racist, Aboriginal and French feminists have argued (see Chapter 2), governments typically ignore the intersection of various oppressions in policy making. In fact, when looking at the history of the anti-violence movement it has often been an attempt, usually by middle-class white women, to speak with one voice on behalf of all abused women. Though this has garnered a number of life-saving changes for many women (i.e. shelters, rape crisis centres, recognition of the seriousness of the problem, changes to the Criminal Code, etc.), some groups are excluded while others are given priority status. As this chapter will show, the excluded are deemed ‘unworthy’ victims, their voices are unheard, their needs unmet. Governmental exclusion, I will argue, underlines and exacerbates the subordinate position of these individuals and groups. This chapter is about the silences, gaps and overshadowed positions in the construction of domestic violence policy in Ontario. It is about whose claims to truth are heard, which are dominant and those that are ultimately silenced or ignored as victims. To explore the
complexities of domestic violence requires reading what is and is not in said in the documents and interview transcripts.

Thus I first outline the positions of MPPs as they relate to the complexities that make up the victim typology, contrasting this to images of the perpetrator. I explore how MPPs present the concept of domestic violence ‘victim’ and what that ultimately means for those who are excluded. I argue that there is a ‘norm’ to which all victims are implicitly compared, a stereotype all victims must fit - the white, middle-class, heterosexual woman with children. This has implications because only those deemed ‘worthy’ victims are recognized as needing support and protection. This is then compared to MPPs’ constructions of perpetrators of domestic violence - almost exclusively male, even when there are attempts to remain gender neutral. Unfortunately marginalized groups of men are targeted more intensively and punitively by state interventions than others (see Baskin, 2006; Comack & Balfour, 2004; Monture-Angus, 1999; Snider, 1998). I will also look at the place of children in these debates. As we shall see children are increasingly cast as the primary victims of violence. Finally, the discussion shifts to the act of violence itself. Here I note that MPPs discussed a variety of violent events, many of which are only loosely related to domestic violence (such as bullying), and seemingly constructed a hierarchy that gives higher standing to physical forms of violence. This treatment of physical violence makes sense since, as shown in previous chapters, MPPs demonstrate a distinct preference for criminal justice solutions (see
Chapter 9);\textsuperscript{129} physical violence is a crime while emotional violence (sadly) is not.\textsuperscript{130} This leads to the harmful belief that women do not experience other forms of violence in their relationships, in particular sexual violence.\textsuperscript{131} The main point here is that many voices are excluded from the gaze of the state.

The second half of this chapter explores the position of non-state women’s and men’s advocates in the construction of domestic violence victims and perpetrators. The main argument here is that the position of women’s advocates comes much closer to MPPs than that of men’s supporters - in this area the two are worlds apart in their construction of who should be recognized as victims of domestic violence. But the voices presented here, both women’s and men’s supporters, still privilege some positions, some victims and voices over others and, like MPPs, essentialize victims as if they were homogenous. However, non-state advocates were more likely to give credence to marginalized victims than were government officials, presenting on the whole a broader, more complete picture. The chapter concludes with a summary of the arguments, their significance and implications.

**MPPs and the Construction of Victims, Perpetrators and Violence**

*Am I a victim or perpetrator? Government constructions of domestic violence victims and perpetrators*

\textsuperscript{129} Though it is also interesting that sexual and physical violence are separated as if sexual violence cannot be a form of domestic violence, and as if sexual violence is not physical in nature.

\textsuperscript{130} This is sad because often advocates and victims claim that emotional violence leaves scars that do not heal nearly as quickly as those of physical violence and that the emotional effects can have just as detrimental an impact (see Johnson and & Dawson, 2011; StatsCan, 2011).

\textsuperscript{131} Research has demonstrated that women who experience abuse at the hands of an intimate partner also report sexual assault by their partner at a similar rate as the general population (StatsCan, 2008).
Dominant culture has equipped us with a relatively clear picture of the ‘typical’ victim of domestic violence. This picture is informed by the initiatives created by governments, as well as media images and other representations. However, the construction of the domestic violence victim is more complex than it might appear at first glance.

Gender is the clearest and yet most debated aspect of victimization in intimate partner violence. The PC’s attempted a gender neutral stance by arguing that Bill 117 was “one more step we are taking to protect victims of domestic violence and hold offenders accountable” (David Tilson, Progressive Conservative MPP, Hansard 3 October 2000: 17:40). The PCs took further measures in the Bill 117 debates to clarify their gender neutral position. As one argued: “When we talk about spousal abuse - and it's been bandied about here in this House - I want to emphasize the fact that spousal abuse includes both females and males” (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:40). However, as the PCs boasted about their accomplishments (see Chapters 7 and 9), they focused on the resources allotted to women-focused victim services, supports and shelters, thereby revealing the gender specific assumptions within their gender neutral terminology. For instance,

We fully understand and support the wish of victims of domestic violence to be able to stay safely in their homes...In fact, one of the goals of this bill is to provide further protection for women and their children so they

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132 It could also be argued that there is more allowance for gender specificity in an Action Plan versus legislation. Legislation must be neutral or justified by section one of the Charter. However, even in the Bill 117 debates the PC’s attempted to present an air of gender neutrality.
can remain in the family home (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:20; emphasis added).

This PC MPP also added that “there are more than 40 projects and initiatives in the areas of safety, justice and prevention to help meet the needs of abused and assaulted women in Ontario” (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:30).

The Liberal position was quite different. The DVAP used gender specific terminology throughout, positioning women as their typical victim. It articulated a vision “of an Ontario where all women and children are safe from violence in their homes and communities” (DVAP, 2004, p. 5). This position was also supported by members of the NDP, one of whom confronted the PCs on their attempt at gender neutrality:

Please. Yes, there are some examples of males being abused by some woman but, good God, the abuse is by men against women, and that's systemic. It's an issue of power and it's an issue of the abuse of that power. Please, let's not confuse it. The real issue is violence against women, not the other way around (Rosario Marchese, New Democratic Party MPP, Hansard 5 October 2000: 16:10).

The Liberals seldom used the gender neutral term, ‘abusers’, going so far as to state that the aim of the DVAP is to “change the attitudes and behaviours that make it [domestic violence] possible, even acceptable, for women to be victimized by the men who are closest to them” in the DVAP’s Forward (DVAP, 2004, p. i; emphasis added). The image of a man as a victim or woman as offender was rarely invoked outside of the men’s rights groups. In light of this gendered process, it is interesting to note that while most legal statutes focus on the offender, laws governing the female-themed offences of domestic
and sexual assault, focus almost entirely on the victim. This gendering process reveals that in state - as well as feminist - perspectives women are seen as victims, men as perpetrators.\textsuperscript{133} Consciously or not, this impacts how policy is written which then trickles down into how it is implemented and constructed by criminal justice officials and by the larger public.

In the construction of the domestic violence victim, not only is the victim female and the perpetrator male, but she (the victim) also has children. This not only implies heterosexuality, it has increasingly meant that women and children are treated as inseparable in policy discussions:

Not only is domestic violence a crime against the person abused, it deeply affects children who witness violence in the family. It destabilizes families. In the broadest sense, then, domestic violence is a crime against the foundation of an orderly society: strong families...The Domestic Violence Protection Act would go a long way to keeping victims of domestic violence and their children safer, and it would help to better protect more victims and their children from that crime (Gerry Martiniuk, Progressive Conservative MPP, Hansard 3 October 2000: 15:10).

More women and their children fleeing violence will benefit from an annual funding increase of $2.5 million to help women’s agencies strengthen counselling services (DVAP Update, 2007, p. 1).

Our government is committed to protecting women and children from domestic violence. We believe that women and children have the right to live free from fear and violence (DVAP, 2004, Premier’s Message).

\textsuperscript{133} Research has demonstrated that women are more often the recipients of frequent and severe violence by their partners (see Johnson & Dawson, 2011), a construction feminists have fought to include in state understandings of domestic violence since they first brought it to the public consciousness (See Chapter 3).
On this point all political parties seem to agree: for the PC’s, protecting ‘gender neutral’ victims means also protecting their children; for the Liberals, women and children require protection from abusive males.

Apart from children, few men or women ‘othered’ by race, class, sexual orientation, language, geographical location and other identity markers were mentioned. For instance, the PC’s attempt at strengthening protective orders through Bill 117 never acknowledged the victims these orders would miss: Aboriginal women in isolated northern reserves, for example, lesbian or gay couples, women who feared the possibility of dual arrest, those economically dependent on their partner and those lacking the language or cultural permission to access legal services (Chunn, 2006; Chunn, Boyd & Lessard, 2007; Comack, 1999; Crocker, 2005; Johnson & Dawson, 2011; McDermott & Garofalo, 2004; McMahon & Pence, 2003; Monture-Angus, 1999; Mosher, 2006; Sokoloff & Dupont, 2005). In fact, the only mention of ‘othered’ victims in Bill 117 itself was in the inclusion of same-sex couples in the definition of those who could access these orders.

In the original DVAP (2004, p. 1) only women and their children were defined as victims worthy of funding:

- $56 million to provide better community supports for victims, including enhanced counselling services and transitional and housing supports.
- $5.9 million to train front-line workers, professionals, neighbours, friends and families to recognize early signs of abuse and help victims get the information and support they need.
- A comprehensive $4.9 million major public education and prevention campaign, designed to change attitudes and mobilize communities to stop violence before it happens.
• Improvements to Ontario’s criminal and family justice system to better protect women and their children and hold abusers accountable for their violent behaviour.

The rationale was that “The plan also targets programs and services to meet the needs of women from diverse and at-risk communities” (DVAP, 2004, p. 1). Maybe so, but this is not evident from the Action Plan, where only a token acknowledgement of marginalized victims was made. This seems rather telling since it is on the very first page of the DVAP and lists a number of ways in which resources will be distributed, then ends with what seems like a footnote - but was actually one and a half pages - to explain that ‘other supports will be addressed’ as if these are extraneous to the original plan of attack. In the entire seventeen pages of the DVAP there are only three occasions when a range of possible victims is set out:

Improved access to French Language Services and targeted initiatives to address the unique needs of people with disabilities, seniors and aboriginal, ethnocultural/racial, rural/farm/northern communities (DVAP, 2004, p. 4).

DIVERSITY AND EQUITY OF ACCESS: The ethnic, linguistic, cultural and geographic diversity of Ontario requires targeted and sometimes unique responses. What will work in a big city may not work in a rural area or in the north. If programs are to be successful in reaching women outside the mainstream, differences must be respected. Women with disabilities have special needs. Aboriginal women need services that recognize their culture and issues in their communities. Francophone women should receive services in their language in accordance with the French Language Services Act (DVAP, 2004, p. 7).

Training initiatives will address the unique needs of people with disabilities, seniors, ethnocultural/racial, rural/farm/northern, aboriginal and francophone communities (DVAP, 2004, p. 11).
These quotes also illustrate the essentializing of victims, showing how they are lumped together as if there is an ‘ideal’ victim to whom all others are compared (see Chapter 3). It appears that such lists were token, symbolic acknowledgments, phrased in ambiguous language, of the diversity of the populations in need, not the diversity of populations actually served. The DVAC report (2009) confirms this suspicion by outlining the access and equity needs still to be met (see Chapter 11 for more on this).

**Intimate partner violence: types of violence that ‘count’ in state perspectives**

Although a number of voices are silenced in the construction of domestic violence, the types of violence omitted from policy are even more glaring. Physical violence as the form of domestic violence dominates all policy discussions by all MPPs:

I'm going to refer to the legislation with respect to those areas that would be covered, as defined with respect to domestic violence under the act. Those include:

1. An assault that consists of the intentional application of force that causes the applicant to fear for his or her safety, but does not include any act committed in self-defence.
2. An intentional or reckless act or omission that causes bodily harm or damage to property.
3. An act or omission or threatened act or omission that causes the applicant to fear for his or her safety.
4. Forced physical confinement, without lawful authority.
5. Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation.
6. A series of acts which collectively causes the applicant to fear for his or her safety, including following, contacting, communicating with, observing or recording any person (Joseph Tascona, Progressive Conservative MPP, Hansard 3 October 2000: 15:40).

I say to you that the deaths of the women this summer--and the Gillian Hadley case is a very good example--occurred with abusers, violent men who had already violated restraining orders, who had already violated bail orders. The violations of bail orders are already a Criminal Code offence.
If someone is determined to kill a woman, a piece of paper, a restraining order, and the fact that a violation of it is now a Criminal Code offence is not going to deter that (Frances Lankin, New Democratic Party MPP, Hansard 3 October 2000: 16:10).

I say to the member for Dufferin-Peel that violence against all members in society is an issue for which we share a concern. I say to him, though, that the Premier of this province said there was going to be a focus on initiatives in response to six brutal murders of women this summer. You're saying this bill addresses a whole lot of other issues, and I agree with you, so I'm now waiting for the response from the government to the six brutal murders of women this summer, the 44 women who have been killed since the May-Iles jury recommendations, the 50 women killed in this country every year and what we can do in Ontario, in our province, to address it (Frances Lankin, New Democratic Party MPP, Hansard 4 October 2000: 16:10).

Domestic violence is a very serious crime that has serious repercussions. I think one thing that this bill does, and I think it's long overdue, is that it defines domestic violence to include acts and omissions that cause bodily harm or damage to property, physical assaults and threats that cause a person to fear for his or her safety, forced physical confinement, sexual assault, sexual exploitation, sexual molestation, and any series of acts which collectively cause a person to fear for his or her safety (Gary Stewart, Progressive Conservative MPP, Hansard 5 October 2000: 15:40).

Sadly, it [domestic violence] is a term all too familiar. Hearing it brings to mind horrific images from news channels, shocking reports from the courts and, worse, the faces and personal stories of women who have suffered abuse or whose lives have been brutally taken by a spouse or partner. To our government, to our citizens, this is intolerable. Every woman deserves to live her life free of fear. Every child deserves to grow up knowing no threat of violence in the home (DVAP, 2004, p. i).

For MPPs violence implies physicality. References to safety, risk, protection, weapons, fear, and the May-Iles and Hadley inquests, all emphasize the seriousness of physical assault (particularly assaults that lead to culpable or non-culpable death such as murder and manslaughter). Such an emphasis in domestic violence laws could be seen as
‘overkill’, since physical assault, including stalking, has been defined as a punishable offence in the federal Criminal Code for some 130 years.

The focus on physical violence comes at the expense of equally pervasive and serious forms of emotional and financial abuse. Controlling a partner made vulnerable around issues such as sexual orientation, immigration status or economic destitution is arguably as serious as a physical attack (see Johnson and Dawson, 2011). As Dave Levac (Liberal MPP, Hansard 5 October 2000: 17:30) points out,

We do not deal with the 75% of women who do not report abuse. The government does not recognize or deal with the devastating effect of emotional, psychological, sexual and financial abuse. Because 19% of adult women are poor, they are already susceptible to abuse, and you don't need a degree to figure out why. If you are poor and have no money, you have to stay in an abusive setting. We need to kick the roots out of those problems.

Yet there is total silence from MPPs on virtually all of these types of abuse, therefore Levac’s comments stand alone. A protection order would not redress and might exacerbate many of these other forms of violence as has been the case with mandatory arrests and pro-charging policies (see Chapter 3).

**Criticisms of the State’s Construction of Victims, Perpetrators and Violence**

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134 Much like many feminists advocates, government representations of financial abuse includes “preventing knowledge or access to the family income”, while emotional abuse includes “being put down or called names by their partner to make them feel bad, having their partner not wanting them to talk to others, having their partner demand to know where they are were at all times and trying to limit their contact with family and friends” (StatsCan, 2011, p. 14). This construction of emotional and financial violence is included in state surveys because “these other forms of abuse help to create a better understanding of the context in which physical or sexual violence may occur” (StatsCan, 2011, p. 8), while feminists would see these as independent categories of violence that may or may not be in conjunction with other forms of violence. Some men’s advocates also support these positions, while others have claimed that emotional abuse “isn’t a crime for grown-ups” (Peter Cornakovic, Fathers are Capable Too, Hansard 24 October 2000: 16:50).
Neither women’s nor men’s advocates were completely supportive of the state’s constructions of victims, perpetrators and violence. Women’s advocates felt that MPPs, particularly the PCs, did not wholly recognize the importance of focusing on women as victims, men as perpetrators and using the gender specific terminology ‘violence against women’. Men’s advocates, on the other hand, felt that some MPPs may have attempted gender neutrality but beneath the surface they all support the feminist position that women are victims and men are perpetrators. Thus, in this respect, women’s and men’s advocates present positions that are polar opposites.

*Am I a victim or perpetrator? Women’s advocates constructions of domestic violence victims and perpetrators*

When women’s advocates first brought the issue of violence against women out of the private realm and onto the public stage, they were clear to articulate that this was a gendered issue of men exerting power and control over women through violence. This has not changed. When asked how they define domestic violence and who is included in that definition, women’s advocates used broader - albeit vague - understandings of violence which included:

We don’t use that term [domestic violence] and we don’t agree with the term…We don’t use it because it’s gender neutral and violence is not gender neutral. The definition first of all is violence against women, not domestic violence, or family violence, or spousal assault, or spousal violence. All the other terms that people have come up with to pretend that this is something wrong with the family, it usually ends up being something wrong with the woman…Our definition would be, of violence against women, the mechanism and manifestation of power and control of women by a patriarchal society and violence is conducted by men
primarily against women as a method of control and domination or oppression (Interview #13, Women’s Advocate, 2011).

Normally I would say domestic violence slash family violence because that’s the predominant piece that we see at a shelter. There is of course violence against women in general…Then I talk about abuse…We generally use the term survivors…Someone was a perpetrator and a victim. *She is a victim* of a crime. In the *violence against women* community they say it’s not very empowering because you’re labeling them as a victim as if they’re fragile but it doesn’t mean that every victim is a fragile victim, but that something happens at that moment that made them a victim…If you’re talking law, victim, police, or courts or anywhere else who’s outside this sector, she’s a victim of crime…It’s still the same person…regardless (Interview #2, Women’s Advocate, 2010; emphasis added).

Similar comments emerged throughout my interviews with women’s advocates, such as: “men who are abusive will see themselves as the victims. We’re the ones that are…We’re victims here. Abusers do that, she’s the one who’s abusive and she should be doing what I tell her and I’m the one who has to put up with all this” (Interview #13, Women’s Advocate, 2011).

These positions clearly designate women as victims of male perpetrated violence. Women’s anti-violence advocates felt that gender neutrality disregarded the fact that the majority of the victims of domestic violence are women. Assuming something is gender-neutral implies that the problem is evenly distributed when it is not. Their position is very different from men’s advocates and their definition of violence is much broader than that of MPPs - they often use non-criminal justice terminology such as survivor, a term which carries much less stigma, rather than victim. Whatever the terminology, women’s
advocates emphasize that domestic violence is a crime against women and deserves recognition as such.

This emphasis is underlined throughout. Note these examples from non-state advocates:

The government of Ontario must (1) ensure that women know about it and how to access it; (2) monitor its implementation; and (3) provide the access to justice measures that ensure that women can exercise their rights to equal justice by applying for the orders, having them enforced and taking other actions women need to take to protect themselves and their children (Eileen Morrow, Ontario Association of Interval and Transition Houses, Hansard 30 October 2000: 15:31; emphasis added).

Approximately 40 women are murdered by their estranged partners each year in Ontario, according to a 1994 study of intimate femicide. The study also shows that women are most often killed after leaving the relationship. The slayings of three of the six women in Ontario this summer prove that point (Joanne Krauser, Alliance of Canadian Second Stage Housing Programs, Hansard 24 October 2000: 15:40).

I think if you look at it, even though it’s called the DVAP, the Ontario government did a gender analysis in there. I think they have made commitments through some of the work that we’ve done with them through a gender analysis (Interview #10, Women’s Advocate, 2011).

Women are sexually abused primarily by other men. So it’s reasonable that women are looking for a safe space away from men to be able to deal with that. It’s a very different dynamic happening and far more women are sexually abused (Interview #11, Women’s Advocate, 2011).

This does not mean women’s advocates refused to acknowledge that men were ever victims, as noted in the last excerpt. As another spelled out: “men can be victims of domestic violence, but the numbers are much lower” (Interview #1, Women’s Advocate, 2010). This person admitted, though, that while the calls received at shelters are disproportionately from women, they have received a few calls from abused men:
“We’ve had one or two over the last few years, but we refer them to other services” (Interview #1, Women’s Advocate, 2010). I would argue that services for domestic violence victims receive few calls from men at least partly because the majority of such services are created to cater to female victims.135 As two women’s advocates said:

We haven't achieved complete equality with men on a number of levels, so it's hard to even compare males being abused to women being abused. I think women are doubly oppressed...I haven't really given a lot of thought to males as the victims. Our shelter certainly doesn't do any work around providing any kind of support to men who are abused. If they called us...we refer them to counseling or organizations in the community...It's quite possible that there are men living with that type of fear and helplessness, but I don't believe the numbers are as high as people try to make them seem to be (Interview #12, Women’s Advocate, 2011).

Because oppression fits into all of that and all the different oppressions in society differentially affect all those kinds of abuses on women and it is primarily women who are experiencing these kinds of violence and it's primarily men who perpetuate this violence on women. Not to say that men aren't abused and women aren't abusers but it is in a different, it's coming out of something different. Men are doing it to prove masculinity to prove power...Women do it for different reasons. They don't get the power out of the abuse because so many men will follow women down the street and abuse them for instance, any many walking behind you on the street you're gonna fear to some degree. He owns power without ever having to touch me, without ever having to do anything. A woman walking behind me down the street, although she might have abused ten other women, I'm not fearing her because it's not systemic, it's not an overarching oppression. it's a discrimination, an act that's being done but not something coming out of an entire power thing that she gets to own (Interview #11, Women’s Advocate, 2011).

135 This is not to say that violence between intimates is equally distributed – in fact research has clearly demonstrated that women are more often the victims of frequent and severe forms of violence (see Johnson and Dawson, 2011) - just that services that are clearly created to serve women would not hear from men nearly as often.
Reliance on the differences between numbers of victims and the oppressions experienced, while common among advocates, represent only a tokenistic acknowledgement that men can be victims too.

This excerpt also demonstrates what women’s advocates have always argued, which is that the experiences of men and women are different and that, although patriarchy plays an important role in understanding oppression, there are a host of other considerations that need to be acknowledged (see Chapter 2, 3 and 5). There were also many women’s advocates who said that if a man called they would refer them to ‘counseling’, ‘community groups’ or ‘family organizations’, others noted that men have plenty of options in the community if they are being abused; however, only one women’s advocate mentioned a particular place they could go. Perhaps the creation of specific designated services - besides criminal justice programs - would go a long way towards including men in the movement to end violence.

One advocate, however, did take the conversation about men as victims a step further and clarified differences between men’s and women’s experiences with violence, when relaying a personal story of abuse in her own family:

My father was abused by my mother. I know it happens. We called it “incoming” when she’d throw things at his head. So I think there is a place for men in the movement. Do I think their needs are the same? Not at this time…A man has a better chance of moving out and reintegrating into the community but he may need transition services. He may need shelters that are accessible. Do I want to compare apples and oranges? No, because I do know it’s much greater for women. We’re not equal yet. Our salaries

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136 For instance, patriarchy alone cannot explain the experiences of abuse that people experience based on race, class, sexual orientation, culture, etc.
are still lower. There’s still much more going on for women (Interview #1, Women’s Advocate, 2010).

This thoughtful comment reinforces the point that while women can also be violent, the aftermath and context of the violence are quite different. Due to a host of inequalities that women experience, their victimization is amplified in ways that male victims, for the most part, are able to avoid - including the very real possibilities of poverty and homelessness. Women’s responsibility for children is another of the complications that gender neutral language covers up. Women’s advocates, much like MPPs, often spoke of women and children together:

While the orders in Bill 117 may provide exclusive possession to women of their homes, they will not guarantee that women and children will be able to stay there. The reality is that abusers do not stay away and that…women and children often do have to leave their homes to seek safety, either from a shelter or from family and friends (Eileen Morrow, Ontario Association of Interval and Transition Houses, Hansard 30 October 2000: 15:31).

For a budget [Ontario’s 2007 budget] that promises to make child poverty a priority (the word children appears 67 times in the budget papers), it dismisses the poverty of their mothers, the primary caregivers of children (the word women appears only once)...Women will still be forced to choose between violence and poverty (Step it up Ontario, 2007, p. 3).

For women’s anti-violence advocates it is women and children who require protection from violent men. The second excerpt emphasizes, however, that when the focus shifts to children as the primary victims, the fact that more often than not their primary caregiver

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137 MPPs and non-state advocates spoke of a homogenous group of children without really elaborating on the differences experienced by boys and girls who witness domestic violence (see Hayes, Trocmé and Jenney, 2006).
is their mother is completely ignored. So too are the economic repercussions of this fact: women are more likely than men to be living below the poverty line (see Hamilton, 1996; Johnson & Dawson, 2011; Little, 2005; Mosher, 2006; Snider, 2006). One women’s advocate said that if there was a shift to children as primary victims, children who witness should be given special treatment, but “any [new] policies shouldn’t take away from the women who are abused” (Interview #1, Women’s Advocate, 2010).

It is important to note that - contrary to the views presented by some anti-feminist supporters (see Chapter 4) - women’s anti-violence advocates do recognize the importance of protecting children when domestic violence occurs. It is interesting that the focus for MPPs and women’s advocates is on women with children, but nowhere is there any mention of pregnant women. Yet we know that the risk of abuse increases when pregnant (Johnson & Dawson, 2011). Childless women are also pushed to the margins through the use of the word ‘domestic’ and a lumping of women and children together as though one is indistinguishable from the other, which implies a sort of ‘female helplessness’. Although children witnessing violence are in need of protection and many women escaping violence do in fact have children,\(^\text{138}\) state - and often non-state - perspectives are constructed in a way that portray women as vulnerable, feeble and in need of state (meaning paternal) protection.

In addition to drawing attention to the needs of children, many women’s anti-violence advocates spoke of already marginalized female victims of violence. Their

\(^{138}\) Many feminist anti-violence advocates would argue that when the focus is on children it is to bring recognition to the fact that in order to protect them you have to empower their mother first (see Chapter 3).
understanding of marginalized victims went beyond the tokenistic responses by MPPs in DVAP and Bill 117 initiatives. Many recognized that “lots and lots of groups of women are given an opportunity to speak, but are not heard, and then there are those that don’t even get an opportunity to speak” (Interview #3, Women’s Advocate, 2010). Many women’s advocates felt it was particularly important for them to bring attention to those voices that often went unrepresented in government initiatives to end violence against women:

We're add ons when they speak…and we've found that over the years, because even if you look at the research and various documentation, they talk about the issue from a global perspective and then you just see a paragraph or half a page on aboriginal, francophone and immigrant women, you know. Francophone women have been pushing…to get the recognition that they deserve and to make sure that dollars are allocated to French language services (Interview #8, Women’s Advocate, 2011).

From what I've seen, we've got a lot of Aboriginal women…A lot of Aboriginal women that we've worked with…have ended up being involved with the criminal court system…We’ve found they've had a real disadvantage with that system. Sometimes there's addictions involved and just support for them just isn't always enough. I find them falling through the cracks a lot and it's not just the court system…There's nothing there for them to provide after care…A lot of it is because we're so sparsely populated so the funding just isn’t there to ensure that people have the support they need when they need it (Interview #12, Women’s Advocate, 2011).

Disabled women are very under-served…Our service has been around a long time but our building is very old and if a woman comes in a wheelchair she's relegated to the first floor because that's all we can provided. It says we're fully accessible but we're not (Interview #2, Women’s Advocate, 2010).

139 In defense of the PC and Liberal responses to domestic violence between 2000 and 2009, they were not part of those interviewed for my study and therefore I was not able to directly ask if they thought any victims fell through the cracks.
I think there’s a general policy and I don’t think they get specific enough for groups, as if women are all the same, you know, they don’t break it down. The government recently talked about accessibility as a priority on their list...because of the work that was done around women and accessibility and the high rates of women with disabilities that are abused. We’re not just talking about mobility but mental ability, hearing, sight all that, people who are marginalized. So, is there a gap? There’s a gap around mental illness, there’s a gap around addiction (Interview #1, Women’s Advocate, 2010).

These women’s advocates recognized gaps in policy through which particular groups of female victims fall. They argue that francophone, Aboriginal, disabled (physical and mental), immigrant, rural, northern and poor women are further marginalized by existing policies on domestic violence, as are women with addictions who for safety reasons cannot access shelters. However, while many women’s advocates pointed out the need to diversify services, one noted the problems that satisfying widely diverse populations presents:

When you start and you say aboriginal, French, disabled...if you start creating distinctions with violence against women into little clumps you’re able to lose some women. If you say it’s language specific like French language, I understand that but we have two languages in this country French and English so it’s important to have shelters in both official languages, but what happens with all the other languages in this country? We are a growing immigrant population which means there are many, many languages. So are we gonna make shelters for each different language or are we gonna come up with services that are multicultural (Interview #1, Women’s Advocate, 2010)?

This recognition - that acknowledging some forms of oppression and marginalization does not help all victims - is an insight that (some) feminist-inspired activists are presently taking up, in the form of advocating for more multicultural, multilingual
services. Other women’s advocates also considered the intersecting forms of oppression that women face every day, as the following comments show:

I think overall there's kind of deserving and undeserving population and I think that's the way that policy is really made…a middle class white woman doing my best, working a job, contributing, voting regularly, [no] criminal record, never done anything bad, PTA meetings and my husband punches me. That's a deserving victim. That's what the DVAP is looking at, those mainstream women. They don't care about women who are doing survival sex, the woman who is criminalized, the woman who is homeless. Those kinds of intersections I don't think come into play and they do lump everyone together (Interview #5, Women’s Advocate, 2011).

There's so many things that I would do but that's the biggest part of it: making all of it accessible for all women…so that it's not easier for the white middle class woman to get services compared to the immigrant woman (Interview #9, Women’s Advocate, 2011).

These excerpts clearly recognize that a host of victims are excluded by the state’s failure to acknowledge the complexity of female victims’ needs. If you are not “pulling yourself up by your bootstraps” when confronted with an abusive partner (if you are, for example, drunk, a prostitute, childless, Aboriginal or lesbian), then you are not recognized as deserving of state support.

While women’s advocates recognize the varied types of victims and under-served populations, they also recognize the lack of government funding to deliver them. As one women’s advocate noted: “If you're providing services to women…things you have to look at…is child care, transportation. These are things that people need in order to assist them in getting to and being a participant of that particular service is” (Interview #8, Women’s Advocate, 2011). This is an argument feminist anti-violence advocates have
been making since the 1970s, yet governments still fail to consider the variety of resources needed to allow marginalized victims to access these services.\footnote{This is, again, an instance of not addressing the root causes of violence in intimate relationships.}

The problems of the male partner/perpetrator also go unmet:

Minimum sentencing or harsher sentences for domestic violence or sexual abuse create false security because the men who are poor or unable to access good lawyers or not as educated or are discriminated against end up in prison, but not the ones who can afford to defend themselves. So we're not safer. What it means is that women who are marginalized, and the men of their own community, they will not want to renounce them because they know they'll be treated more harshly with the courts (interview #10, Women’s Advocate, 2011).

This quote is one of the few by women’s advocates that recognizes the needs of marginalized men or discusses the problems of marginalized perpetrators. Female victims may not come forward if they believe their partners, themselves and their communities will be unfairly targeted by criminal justice interventions. Governments create these policies, presumably, to serve and protect those experiencing domestic violence, but if certain populations will not call the police, governments assume it is because the services are not needed (see Chapter 3). In fact, the very reverse could be true: communities that do not have good relationships with police and the courts are also likely to lack the resources to get child care and transportation to access the services.

While MPPs might have a tendency to lump victims together or neglect their individual needs, many women’s advocates recognized the advances made for some marginalized groups of women:
This government [Liberals] I would say is rather exceptional…What really made a difference for the francophone community was the French Language Services Act which was voted in 1986 and put into application the following year…There's a responsibility by the Ontario government to provide services to the francophone community due to historical and cultural considerations. They have to provide French language services…because up until the early 1990s it was really very little access for francophone women through French language services when they were victims of violence (Interview #10, Women’s Advocate, 2011).

Although French language services had to be legislated before their inclusion was considered in anti-violence initiatives, the fact that legislation was created and that (some) Ontario provincial governments responded to the needs of French-speaking victims is important. However, not all political parties were as supportive, as the same women’s advocate went on to note that:

When we had the joy of having Harris and his bunch of idiots in power for 8 years there was some development of French language services because it is in law and we've lobbied and they did recognize that they had to develop some French language services. There was some development and with the Liberals…It was really very limited access for francophone women and that's what we've been working on. It has improved somewhat but we're far from total access. Now direct services is one thing…If you go to court you should be able to use French and have equal services but it's not true, it's not true it does not exist, it's very hard to find (Interview #10, Women’s Advocate, 2011).

This advocate underlines what she sees as the continued need for marginalized groups to fight for inclusion. While some governments are more responsive than others, change

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141 In fact, that particular women’s advocate also mentioned that her organization contributed a section for the DVAP on French language services which was included (almost) in its entirety, and with the work that was done for the Sexual Violence Action Plan they were consulted even more, but it has yet to be seen how their work will be implemented.
will not happen without awareness of the current gaps in service and a better understanding of the root causes of violence.

The role of power and control in domestic violence was discussed by a number of advocates, particularly in relation to violence experienced by same-sex couples:

Certainly trans individuals in trans relationships are missing. I think a lot of times LGBT partner abuse is missing in general. Just by the lack of services, the lack of education or training in those services, the lack of shelters. I think all of those things point to a definite void (Interview #14, Anti-Violence Advocate, 2011).

While this anti-violence advocate runs a service that accepts LGBT victims - who come from across the province to utilize its services - this service is the exception to the rule. The bulk of services elsewhere privilege heterosexual male violence against women, thereby rendering violence in same-sex relationships invisible:

We receive probably between six-or-seven-hundred referrals a year and I would say of same sex maybe 10 to 15 cases...With women we have tended to just incorporate them into our women's groups and found that the women have been open at least in the groups themselves. We've had a couple of transgendered women in the groups and there doesn't seem to be the same level of homophobia with our female clients as we believe we would see with our male clients. So when it's happened and we have...3 or 4 gay men who happen to be referred at the same time, we'll do a group with 3 or 4 men. If not then we tend to see them individually for one on one counseling...It's not like we're hearing homophobic jokes right to their faces but our belief is that it wouldn't be a welcoming or safe place, and we want them to be safe (Interview #7, Anti-Violence Advocate, 2011).

Even the term ‘domestic violence’ conjures up images of male violence perpetrated against women in heterosexual relationships.
Only two women’s advocates referenced same-sex relationships:  

There are men who experience violence and let’s face it it’s a fact, but the numbers are insignificant to the numbers of women who experience violence. Even in same-sex relationships there is violence and that only reinforces the point that it's an issue of power and control because one partner assumes he or she must have control over the other, and that too me is the crux of the problem of violence (Interview #8, Women’s Advocate, 2011).

If I’m doing violence against women work I just talk about violence. Violence is violence regardless of whether you’re white, gay, whatever. Whether it’s man to man or woman to woman it’s violence and I stay with that statement because if you don’t someone will nail you…Women still have not achieved equality and therefore it is still one in four, where women abuse men is much rarer but we don’t have the stats yet to quote. Then also for same-sex relationships, relationships are relationships and there will always be violence regardless (Interview #1, Women’s Advocate, 2010).

Men’s advocates and (sometimes) PC MPPs (see other sections of this Chapter), on the other hand, frequently referred to it. If, as feminists insist, domestic violence is about power and control and not gender per se, why is this not a focus of their advocacy? The evidence indicates that discussions of violence in same-sex relationships is a sensitive area for many advocates as it adds to the complexity of feminist arguments about who the victims and perpetrators are, as well as the types of violence deemed worthy of consideration.

Overall, while MPPs came closer to constructing victims in the same manner as women’s advocates, there were still many differences that women’s advocates felt needed  

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142 I should note that I did not explicitly ask about same-sex violence but, rather, asked about victims who fell through the cracks, how they defined violence and anyone who might be excluded from government initiatives.
to be addressed. In particular, women’s advocates wanted governments to recognize that women are the more frequent victims of male violence and that a number of intersecting oppressions are preventing abused women from accessing necessary services. This is further complicated by the state construction of women and children as dependent and in need of protection - much like a child - while not recognizing that the needs of the mother must be met to ensure protection of their children. Unfortunately even within this construction certain voices are silenced including those who are childless and in same-sex relationships (to name a few) and a deeper understanding that men can be victims too.

**Intimate partner violence: What violence counts in the construction of domestic violence by women’s advocates?**

In the construction of domestic violence by all state and non-state actors the abuse experienced is spoken of in narrow policy terms which do not get at the complexity and variability of the violence suffered. When references are made to specific acts of violence, more often than not, state and non-state advocates focused on physical violence. Women’s advocates were no exception:

> When you think about women who never tell anyone, never call, see a shelter. Any of these services it's a minority of women who go. *Most women are out there trying to live through it* or trying to find a way to get out of it somehow *without dying* or losing their kids to the family court system” (Interview #13, Women’s Advocate, 2011; emphasis added).

Women’s advocates often used stories to reinforce the violence they have seen and the horrific experiences of abused women. More often than not, these examples were of physical forms of violence, much like their use of the May-Iles and Hadley inquests in the Bill 117 debates (see Chapter 5). However, others would break it down and explain
that “Within that [definition of violence] you have domestic violence, you have sexual violence, you have physical, sexual, financial violence, things that cause a detriment and that it's systematic” (Interview #11, Women’s Advocate, 2011).

It is quite possible that the hierarchy of violent experiences was created in response to the governmental focus on physical abuse, which forced feminist anti-violence advocates to fight within that framework. But as Cynthia Wasser (Canadian Bar Association, Hansard 31 October 2000: 16:20) points out:

Assault causing bodily harm, threatening, physical confinement, sexual assault, sexual exploitation and criminal harassment are all currently found in the Criminal Code. Therefore, the code covers all aspects of the definition of domestic violence already. If the Criminal Code is not available because the police do not have reasonable grounds to lay a charge or the prosecutor does not feel there is a reasonable prospect of conviction, then the use of provincial legislation may be ultra vires and abusive.

This argument acknowledges that an avenue for legal recourse for physical violence is available. This focus on physical and sexual violence, both reactive responses to the domestic violence problem, helps to shed light on the complexity of domestic violence. Solutions that may work for stranger violence will not work in many cases of intimate partner violence because they ignore the unique characteristics of violence in abusive relationships (see Chapter 4; men’s advocates discussion below; as well as Kelly & Johnson, 2008).

Many women’s anti-violence advocates maintain - and research indicates - that many women do not report abuse because it does not conform to Criminal Code
stipulations,\textsuperscript{143} or because legal constructions of domestic violence do not recognize that “emotional and psychological abuse can be just as life-threatening and injurious to a woman and her children as physical abuse. That has been a very tragic and very important learning for us in this project” (Deborah Sinclair, Durham Region Custody and Access Project, Hansard 30 October 2000: 17:30). As this quote shows, advocates are themselves conflicted over “the best” ways to tackle domestic violence, although there is widespread acknowledgment that the exclusion of emotional, psychological and financial violence from legal codes is problematic. Overall they favour looking at the “multiple ways in which both individual men and social systems and structures create circumstances in women’s lives which control, constrain and harm them” (Interview #3, Women’s Advocate, 2010). This women’s advocate, much like the others interviewed, argued that understanding has to move beyond a focus on physical violence:

Men control women’s access to education, access to economic resources or shaming, belittling kinds of behaviours. Also, part of what we're doing...more generally the way I look at it is that individual men are responsible and accountable, but we socially structurally enable lots and lots of men's abusive tactics and lots and lots of our approaches mirror the tactics of men...the way in which the definition of spouse is used to regulate women's lives...[because] women aren't to be trusted so you have to very closely monitor and surveill them, what are you monitoring and surveilling? You're looking to find out whether or not, if you're an abusive man what you're most obsessed about is whether she might be interested in another guy. So what the state is doing is monitoring her closely to see whether or not she is engaged in any kind of behaviour which might suggest that she is forming a relationship with a man, but the ways in which women are constantly assumed to be violating the norms and

\textsuperscript{143} Although there are a number of complex reasons why victims do not report the violence they experience by intimate partners (see Chapter 3), and even in those cases where their experience is covered under the \textit{Criminal Code} – such as sexual assault – the laws are so unclear and the potential for re-victimization so high that few victims come forward (Snider, 1985; Johnson & Dawson, 2011).
expectations of behaviour. There's just all kinds of ways in which the regulation of women's lives through the welfare fraud regime mirror the tactics of abusive men (Interview #3, Women’s Advocate, 2010).

The main point in this section is to show that, while other forms of violence are recognized by women’s advocates, the bulk of their advocacy has focused on physical violence targeted at women victims. As we shall see in the next section, men’s advocates interpret the focus on women as victims of violence very differently.

Am I a victim or perpetrator? Men's advocates constructions of domestic violence victims and perpetrators

Unlike the gender specific approach taken by women’s advocates and the gender neutral domestic violence constructed by some (particularly Conservative) MPPs, men’s advocates claim that domestic abuse cannot be encompassed as simply men’s violence against women. They also tend to use different terminology: as one respondent explains “I favour the term intimate partner violence because it’s broader and more inclusive, but differs from the mainstream convention of using a violence against women framework” (Interview #4, Men’s Advocate, 2011). They see the state’s attempts at gender neutrality as transparently false. As Butch Windsor (Equal Parents of Canada, Hansard 24 October 2000: 15:40) said of Bill 117, “it was developed through public consultations with shelter organizations, transition houses, hospitals representing the female side of the issue, and…no male organizations. Being allowed to the table is part of the solution”. Peter Cornakovik added, “Although the legislation is not gender biased in its presentation, from my perspective the intention is to make it gender biased” (Fathers are Capable Too,
For these advocates, while the wording of Bill 117 may have been gender neutral, the consultation process and application were not.

Website commentary produced by male advocacy groups further explains their critique of what they consider legislative ‘bias’:

The radical feminists have already eliminated the possibility that men can be victims as discussions of domestic violence and partner violence inevitably begin using the word woman victim exclusively in the text. This discriminatory classification deprives men of identification and services despite the clear evidence that men are victims of domestic abuse at rates that are virtually identical for females (McKay, 2007).

The fact that the DVAP (the legislation referred to in this quote) specifically identifies women as victims, they assert, makes the creation of services for male victims impossible. And since the Ontario provincial government has been captured by ‘radical feminists’, men can never be ‘deserving’ victims:

Funders say they like research [to evaluate the effectiveness of a program], but that costs money to do that and they generally don't fund that... We’ve had two outcome studies of our population. When the ministry came in I thought their intention, back in the early days, I was half worried they were doing the evaluation to shut us down. They did the evaluation, focus groups with guys, conversations with men and service providers, and then we couldn’t get a copy of the evaluation. It took two years to get a copy even though we were told right off the bat that we would get a copy. Then they gave us a little slice of the evaluation. It concluded that it was a very successful program. About two years ago...I called the ministry said I misplaced it and the guy sent me a whole copy. We also collect outcome data, every 10 weeks that guys are in the program we measure post traumatic stress levels...and Beck Depression Inventory...again, successful outcome data...it's not just us coming up with that stuff. The ministry has really not been that interested in this material (Interview #4, Men’s Advocate, 2011).

144 Female anti-feminist groups such as REAL Women also blame feminists for ignoring men as victims.
Governmental neglect of male issues is particularly frustrating for men’s advocates because governments demand appraisals of domestic violence programs, then ignore the results of the evaluations if they do not conform to its pre-existing positions. Yet the DVAP, they point out, was based on evaluations of existing programs and services (see Chapter 5).

While men’s advocates have taken issue with MPPs over their positioning of victims and perpetrators, they do agree - much like feminists advocates - that children are important victims who should not be overlooked. However, while women’s advocates favour focusing on the needs of the mother in order to protect the child, men’s advocates stress the need of children for their fathers, and the negative effect on the socialization of the child that labeling (all) men as perpetrator can have:

Try to convince me that we are doing our children any favour by forcing them to believe that all men are violent while all women are victims. We are, in the long run, setting the wrong example, one which will lead to a further lack of respect toward others. If our male children grow up with the idea that they cannot better themselves, they quit and become the image that you, as legislators, are presenting with this legislation. Using gender-neutral language does not remove the motivation behind such legislation (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:33).

This argument, that governments perpetuate violence through the positions they advocate, was repeated by both men’s and women’s advocates. Many men’s advocates argue that this portrayal of men is further reinforced by the removal of children from fathers regardless of the circumstances surrounding the situation:

How many times were children removed from a loving parent as a consequence of the investigation of a false allegation? How many times
were the false allegations used in civil proceedings to prevent and oftentimes eliminate a father from the child's life? Who is being responsible for the children's interests to have a loving relationship with both parents? Do you believe this legislation will not create more of the same results (Butch Windsor, Equal Parents of Canada, Hansard 24 October 2000: 15:33)?

The overwhelming weight of research shows that children urgently need both parents but increasingly lose their fathers. Lack of a father is the strongest predictor of a person being jailed in his lifetime. Emotional and behavioural problems are seriously increased in father-absent homes for children of both sexes. Most governments have responded to this perversely by punishing good fathers harder, and Bill 117 is a continuation of this perverse tendency (Erik Tarkington, Human Equality Action and Resource Team, Hansard 24 October 2000: 16:10).

This call for more equitable treatment in domestic violence situations, the accusation that existing policies are harmful to fathers and children and fail to recognize the important role men play as fathers, is the most common claim of men's advocates. As one noted:

I know we need to attend to them [children], I hate using the word primary victims, but they’re the most vulnerable victims of violence. It seems like they’re [children] always framed as an adjunct to women's services ... if that helps understand a portion of family violence [that women experience borderline personality more than men], just a portion then not only is that genderless, men may be getting it [abuse] more from gals because women have a greater tendency for borderline. What the hell are we doing only providing services for women under this feminist framework or a framework that suggests that men can't be victims, that's madness (Interview #4, Men’s Advocate, 2011)!

State policy, then, is seen as a source of suffering for children. He also claims that women have higher rates of borderline personality disorder than men, and equal if not greater potential for violence. Abused fathers, he says, have nowhere safe to go, no place they can take their children when removing them from the matrimonial home. His main
point is that gender should not play a role in service provision and that state services should be based on need, not gender.

Men’s advocates noted the under-served populations, pointing out that poor, French, immigrant men and those in same-sex relationships are ignored and/or excluded from domestic violence circumstances. For example, one noted that when he worked “in the PAR\textsuperscript{145} system you would just see that you get a lot more francophone guys, poorer, newer Canadian populations…The marginalized are overrepresented there” (Interview #4, Men’s Advocate, 2011). However the fact that marginalized populations are underserved in the community and over-charged in the criminal justice system has been known for decades (see Comack and Balfour, 2004; Fournier and Crey, 1997; Hamilton, 1996; Monture-Angus, 1999; Mosher, 2006; Snider, 1994, 1998, 2006).

They also argued that research showing high levels of partner violence in LGBTQ populations supported their contention that while men and women were equally violent, only female victims received support and help:

The research around violence in gay and lesbian relationships…suggests there are higher rates of violence than in straight relationships. That…suggests that the basis for these services has been heterosexist in design. Of course women victims and lesbian victims can be accommodated within shelters, gay male victims cannot be. So there we have a human rights issue here going and every now and then human rights issues comes up because we're not providing services to victims on the basis of gender then what the hell are we doing here (Interview #4, Men’s Advocate, 2011)?

\textsuperscript{145} He is referencing a Partner Assault Response program which is a court-mandated program implemented in metropolitan areas across Ontario that deals predominantly with perpetrators of intimate partner violence. These programs are designed to try to change abusive attitudes and behaviours.
Men’s advocates, as this quote illustrates, use the evidence of violence in same-sex relationships to challenge feminist claims that patriarchy is the only source of men’s violence against women. Elaborating on this claim, another men’s advocate noted:

[T]here is research out there that shows abuse in same sex relationships is about the same as it is in heterosexual relationships...People don't report or they could go to other agencies, or they’re unsure to report...Most of the reports that we get are from gay men. We do get some women reporting, but historically it's been the majority have been men who access the services here (Interview #14, Anti-Violence Advocate, 2011).

Unfortunately for the speaker here, this quote unwittingly supports feminist claims that males are more likely to use (physical) violence than women, whether they are in homo- or hetero-sexual relationships! It could also be interpreted as demonstrating that not all men’s advocates ignore the concept of patriarchy as one of many forms of oppression. It is unclear how female perpetrated violence against men or women would fit in here.

To summarize, men’s advocates’ argue that neither the state nor women should be so quick to assume that women cannot be perpetrators and men cannot be victims. And if men are victimized then male victims should receive commensurate services and supports. This claim is underlined by the argument that recognizing male victims will help to keep abused men and children safe.

**Intimate partner violence: What violence ‘counts’ in the construction of domestic violence by men’s advocates?**

Like their female counterparts, men’s advocates recognize broader types of violence than is recognized by ruling and opposition MPPs. As we have seen, LGBTQ violence is recognized by both groups - though used to construct different arguments. For
example, when defining violence one anti-violence advocate says: “Anybody who states that they are being physically, mentally, financially, emotionally abused…[who finds] that their partner is not treating them in a respectful manner” (Interview #14, Anti-Violence Advocate, 2011). Many men’s advocates supported this position:

Any physical abuse within an intimate relationship whether that’s straight or gay…We…tend to agree that domestic violence say in straight relationships is bilateral. Some researchers say it goes both ways, fully recognizing that men's violence against a woman can be more severe and the issues of sexual violence are generally speaking a male offence. So that's how we would define it and that's how we would understand it (Interview #4, Men’s Advocate, 2011).

Others went farther, maintaining that while provincial domestic violence initiatives should cover physical, emotional and financial abuse, they should also charge (women) who make false allegations of domestic violence - and treat access denial (also typically by women) as child abuse (Peter Cornakovic, Fathers Are Capable Too, Hansard 24 October 2000: 16:50). David Osterman (Freedom for Kids, Hansard 24 October 2000: 15:40-15:50) adds yet another type of violence:

The violence that is never really addressed by these kinds of laws is third-party violence or court-based violence. Third-party violence is where somebody counsels somebody else to injure another party. Court-based violence is using the court system, the process itself, as a way to inflict damage.

This advocate addresses many of the same concerns as women’s anti-violence advocates, including lack of equality in the justice system, revictimization by courts and problems with custody and access. However, the victims he is primarily trying to protect are men.
But while men’s advocates touch on other kinds of violence, they also focus primarily on its physical forms.

One anti-violence advocate points out that arguments abound as to who the ‘deserving’ victims are and which types of violence that should be prioritized. As this person explained:

….one of the big concerns I have is that we're using the word domestic abuse to talk about really different kinds of things...I think it makes both research sense, clinical sense and practical sense, talking about intimate terrorism and coercive controlling violence and contrasting that to situational violence or violent resistance where the woman is fighting back…I think that the discourse both within public policy and society generally has been to use domestic violence to mean all of those things (Interview #7, Anti-Violence Advocate, 2011; emphasis added).

This anti-violence advocate, unusually, is considered an expert on violence against women and men and this kind of hands-on experience with different kinds of violence has produced a broader, more analytical perspective where more severe forms of violence are associated with female victims but other forms are seen as more equally distributed.

Victims, Offenders and Violence: What does it all mean in the Construction of Domestic Violence?

MPPs’ attempts at gender neutrality angered many non-state advocates who argued that this disguised gender biases favouring women (particularly men’s advocates) or implied that gender violence was equally distributed (women’s advocates). While children are included in state definitions of domestic violence victims, other categories of victims are lumped together or ignored. MPPs focused on physical forms of violence almost exclusively, with the exception of sexual violence which was rarely discussed.
The fact that the majority of MPPs constructed women as victims and men as perpetrators shows that this important component of women’s advocates’ arguments has been ‘heard’ in policy-making circles.

Thus, women’s advocates’ position on domestic violence victims is more similar to that of MPPs than of men’s advocates. Victim and offender are divided along gendered lines with victims being female and perpetrators male. Children also factor in as victims of violence; however, women’s advocates argue that ensuring children are properly protected means providing for their mother first, because only then will children flourish. Marginalized women are discussed more by women’s advocates than by any other group, but policies helping these victims to come forward are few and far between. Broad cries for ‘more resources’ for already established services do not serve the needs of such groups. Marginalized victims in same-sex relationships were overlooked by both MPPs and women’s advocates, perhaps because this area of violence shifts the focus off gender and onto power and control more generally. If women can be victimized in relationships with other women, then how can the focus remain solely on women as victims? Finally women’s advocates, like MPPs, focus primarily on physical violence, but also recognize broader forms of violence, those left out of government discussions and debates, but physical and sexual violence usually remain compartmentalized.

Men’s advocates focused primarily on men as victims of, more often than not, women’s violence. Although they speak more about same-sex relationship violence than any other group, this claim is used to emphasize that both sexes are capable of violence.
against their partners. Children were positioned as victims in terms that privileged fathers’ custody, access and the generational and harmful effects of anti-male labels. Finally, all non-state advocates pointed to government policy itself, particularly the courts and the criminal justice system, as a form of violence. Government policy is seen as condoning or perpetuating certain kinds of violence by its failure to condemn all violence and/or recognize when state policies leave victims in further danger.\textsuperscript{146}

As outlined throughout this chapter, the version of domestic violence presented in Ontario provincial government documents fails to recognize the complexities of this issue. Recognizing the dominant voices that have shaped debates, documents and service provision is essential because excluded victims are left vulnerable to future abuse. Ambiguous terminology and policies that target already marginalized victims or focus solely on gendered concepts of ‘victim’ and ‘perpetrator’ are not helpful. To create sound solutions concrete understandings of the domestic violence problem drawing on the perspectives of a variety of state and non-state experts are necessary.

Overall the last four chapters illustrate glaring omissions and problematic inclusions in state policy and initiatives designed to address aspects of the domestic violence problem, particularly with respect to funding, resource allotment, rights, responsibilities and accountability. Non-state advocates contend that government policy needs to ensure that basic human rights to be free from all kinds of violence are

\textsuperscript{146} For instance, historically custody and access issues have left victims vulnerable to further violence upon meetings to exchange children. Non-state advocates have also argued more generally that the criminal justice system as a whole serves to re-victimize people.
respected. In all the interviews, debates and website commentary, reactive, symbolic and tokenistic responses are condemned as failing to address the systemic issues that characterize domestic violence. If serious about understanding and addressing intimate partner violence in Ontario, provincial governments need to listen to advocates and address their concerns. In particular we need to stop evaluating and creating partial solutions and instead fight for broad social change a discussion to which we now turn.
Chapter 11

Do Good Intentions Beget Good Policy? Two Steps Forward and One Step Back in the Construction of Domestic Violence in Ontario

Domestic violence was clearly placed on the government’s agenda in the face of startling statistics and increased media coverage of several domestic murders which occurred at the close of the twentieth century. As a result, the first decade of the twenty-first century in Ontario saw a number of initiatives put forward by different reigning political parties (see Chapter 5). As with most government attempts to address social problems, the results were mixed. State responses based firmly on legal remedies are not the only ways to address domestic violence. Laws are good symbolic gestures that underline the importance of a particular social problem and they provide concrete measures to protect victims and punish offenders. However what this study has shown is that domestic violence is an incredibly complex problem and, while the attempts by PC and Liberal governments to address abuse are noteworthy, their conceptual maps remain partial, full of exclusions and notably - despite some attempts discussed in Chapter 9 - non-collaborative. Because of the complexities of defining and reporting incidents and establishing causality, it is not clear whether these measures have done anything to decrease domestic violence in Ontario, though they have certainly spurred discussions and debates that continue today. As we have seen, MPPs and state officials in general have presented to the public a particular picture of the domestic violence problem, but
their remedies are often very different from those of non-state men’s and women’s anti-violence advocates. Responsibility is downloaded to shelters and those working directly with victims, but frequently governments are not listening to these organizations nor providing them with enough support to do what they are mandated to do. The purpose of this thesis was to provide a better understanding of the current construction of domestic violence through state policy with the aim of understanding where policy has gone and where it should go in the future.

This final chapter pulls everything together. First it summarizes the preceding four chapters to provide a comprehensive picture of the key themes through which domestic violence is addressed: funding (Chapter 7), rights and responsibilities for domestic violence (Chapter 8), solutions (Chapter 9), and the positioning and definition of ‘deserving’ and ‘undeserving’ victims (Chapter 10). The goal here is to better understand the evolution of domestic violence, how it is conceptualized by state and non-state actors, what has and has not changed, and how this has translated into state policy. This section asks what these constructions mean and how these policies relate to the goals sought by feminists over the last 40 years. The chapter also explores the emergence of men’s groups and their claims for services and supports for men as victims of violence. What do the representations of men’s advocates tell us about the complexity of violence? Finally, this chapter will examine the socio-political-economic climate in Ontario (and Canada) today and explore what has happened since the DVAP initiative came to a close. The aim is to understand the context that allows for representations of the domestic
violence problem that silence, ignore and marginalize some voices while valorizing others.

**Current Constructions of Domestic Violence in Ontario: What does it all mean?**

Government initiatives set out a guide for addressing aspects of domestic violence and communicate to the citizenry ‘common sense’ or ‘normal’ understandings of this social problem. Through government interpretations of domestic violence, particular representations of ‘victims’, ‘perpetrators’, ‘violence’ and ‘solutions’ are made and reinforced. Policy initiatives are often accompanied by increased surveillance of particular populations backed by largely punitive criminal justice solutions. In the construction of domestic violence policy that has been the focal point of this dissertation, Ontario provincial governments have used normative and coercive tactics (i.e. funding cuts, narrow definitions of rights, punitive measures, exclusion of victims) to encourage support of a particular representation of domestic violence while disqualifying other positions. As Walker (1990) and Collier (2005; 2008) found in their studies on the terminology and policies of domestic violence, the current construction of domestic violence in Ontario promotes a particular vision of what it means to be a victim, perpetrator and more broadly an anti-violence advocate fighting for change. This position recognizes that the state still plays a vital role, one that is far more complex than merely resource provider (see also Comack 2006; Rose, 1999).

**Funding**
As this thesis has demonstrated, equality in policy-making and ‘strategic’ solutions to end violence are difficult to achieve when organizations are pitted against each other in the never-ending fight for resources. As a result of an ideological shift that was most clearly articulated through the Harris government in the 1990s (see Alaggia and Vine, 2006), community-based supports and services have faced severe funding cuts which resulted in intensified struggles to provide ‘adequate’ services and even more pressing, to stay open. As Vickers (1992, p. 45) argues,

Most Canadian feminists perceive the state more as a provider of services, including the service of regulation, than as a reinforcer of patriarchal norms, and most seem to believe that services, whether child care or medicare, will help. This attitude towards the state, therefore, probably best explains the willingness of many women’s groups, however apparently radical, to receive state funding.

As a result, of a continued reliance on state funding, all other aspects of the domestic violence problem are often overshadowed by endless fights for more resources. The allotment of resources is seen by many as a clear articulation of which violence, victims and perpetrators are taken seriously and where a government’s priorities lie. Funding battles pit men’s groups against women’s groups and women’s anti-violence organizations against each other. Taking from one anti-violence organization and giving to another has frequently produced funding that every group sees as inadequate. Often the funding shifts between domestic violence shelters and sexual assault centres, and between this kind of ‘mainstream’ services and marginal, ‘new’ or issue specific services (see Chapter 7). Violence in intimate relationships, I would argue, will never be adequately addressed if organizations are repeatedly forced to compete against each other and
‘prove’ their worthiness for funding, activities that serve only to divert advocates’ time and energy. It is ironic that those struggling to end violence have often been forced to adopt aggressive postures and find faults in groups fighting for similar objectives. This is a situation the anti-violence movement has long fought against.

Funding debates also illustrate government’s shift from welfare to neoliberal language and techniques to address social problems. This perspective highlights the shift from long-term stable funding once given to many women’s shelters and services under the welfare state, to the gradual claw back that has characterized neoliberal forms of governance in the 1990s (see Cossman and Fudge, 2002; Morrow, Hankivksy & Varcoe, 2004; Rose, 1999; Snider, 2006; Todd and Lundy, 2006). Battles around funding show the subtle, and not so subtle, ways that a neoliberal political agenda has permeated every corner of the domestic violence debate. The issue of funding demonstrates today’s reality, with neoliberal law-and-order strategies and costs/benefits approaches firmly entrenched in government discourse and policy. However while many institutions have faced cutbacks, downsizing and downloading of responsibility, the shift has been partial and incomplete. As this thesis and others (e.g. Collier, 2008) demonstrate, the state is still directly involved in the governance of domestic violence. It still funds various long- or short-term measures that help keep shelters and services up and running, privatization has been minimal.¹⁴⁷ Thus, despite evidence of the damage done by neoliberal political

¹⁴⁷ Feminists did argue that the tenets of the DVAP were to make shelters self-sufficient within the timeframe of the plan, something they did not support at all (OWJN, 2010), and has not yet come to fruition.
agendas (Cossman and Fudge, 2002; Snider, 2006), welfarist philosophies remain in the funding of anti-violence services and supports. The rhetoric has shifted, however, and government funding is now rationalized on a ‘sound’ cost-benefit analysis of primarily individualized law and order strategies. Moreover, the governmental focus on keeping the deficit down and fostering a stable economy has been achieved, in part, by cutting back on services provided to the most marginalized, vulnerable and needy.

The incessant but constantly changing demands of the provincial government have made it a struggle for feminist-operated organizations to get - and keep - stable base funding. Activists have been forced to devote ever more time to getting funding rather than using this time to offer better services and more public advocacy. If ‘reasonable’ levels of base funding were guaranteed, this would free up time and lessen competition between anti-violence advocates.

What is also lacking from state policy is recognition that funding cannot be removed from one necessary program (such as social housing) and inserted into another (such as emergency shelters). This ignores the complexity of violence and demonstrates a lack of understanding of the domestic violence problem and the links between issues such as abuse and poverty (see Mosher, 2006; Scott and Myers, 2002). “Those are my tax dollars too” (Interview 10, Women’s Advocate, 2011), one participant noted to support her argument that governments should not prioritize things such as new hockey arenas when basic citizen needs are not met. Battles over funding reveal the intersection of

148 As many of my interview participants pointed out, short-term project funding is usually much easier to secure.
gender, power and governance (see Carrington & Watson, 1996; Foucault, 1991; Garland, 1997, 2001; Macleod & Durrheim, 2002). The governance of citizens is not purely top down and patriarchal, at any given time a number of interests and groups battle for and exercise varying amounts of power and influence.

Rights and Responsibilities

Focusing on a rights and responsibilities model is another strategic way that domestic violence is now constructed by state and non-state actors. All interested parties make claims about the conception of rights that best fit their interests, because couching claims in the language of legal rights remains one of the most effective ways to get particular arguments heard. Both men and women’s advocates argue for their definition of equality. This begs the question: Who is entitled to equality and human rights? Men have stood almost entirely on their equality rights (claiming, for example, that women are favoured by government policy and related initiatives), women’s groups emphasize human rights. Academic studies have supported both types of claims (see Bala, 1999; Bertoia and Drakich, 1993; Boyd and Young, 2002; Chunn, 2006; DeKeseredy, 1999; Girard, 2009; Mann, 2003, 2005, 2008), yet MPPs recognized rights for only certain people and groups (see Chapter 10). While funding discussions were heard in government policy-making circles broader discussions of rights were not. Many interview participants and website comments bemoaned the lack of acknowledgement of women’s basic human rights - and men’s equality rights - by government officials. This
could indicate why many of the underlying causes of violence are left unattended to, since they are largely premised on rights-based arguments. 149

So what or who prevents ‘real’ equality and human rights from happening? According to my interview participants and website commentary, it is a lack of responsibility and accountability for the complexity of the domestic violence problem by different levels of government, and their reliance on criminal justice solutions and endless evaluations and pilot studies. As Pahl (1985, p. 182) noted, “a major difficulty in identifying a source of funding…is that the problem of any one woman may be the responsibility of a number of different agencies…It is important that central government makes it clear where responsibility lies for providing funding”. This lack of responsibility and acknowledgement of the varied needs of women makes ignoring the particular rights of certain individuals easier. Thus despite widespread rhetorical agreement that everyone has a responsibility to end domestic violence, certain voices are (over)represented in policy-making circles (read white, middle-class, heterosexual, urban, able-bodied English women) at the expense of the specific rights and needs of, for example, French and Aboriginal women. One interview participant recounted her experiences trying to get a copy of one government policy in French - even though the English version was readily available on the internet - and the lack of respect and discrimination she encountered over the phone even though “I have rights as a French speaking Canadian woman” (Interview

149 Many of the recommendations made in the May-Illes and Hadley inquests - among others - speak to rights-based issues which are often overlooked due to a focus on the criminal justice based recommendations such as bail and protection orders as well as a misunderstanding of how Charter rights actually work.
Everyone should not be made responsible if everyone is not given a chance to participate equally.

Responsibility is also commonly linked to blame because if someone is held responsible there is a certain level of blame attached. This can be seen in the shift over time of domestic violence being regarded as a private family responsibility (i.e. be a good wife and go home), to a state-centred responsibility for domestic violence, and finally, under today’s neoliberal regime, to a dispersion of (most) responsibility to community-based services (Pleck, 1987). Solutions have become progressively more individualized: they focus on making individual men accountable and tasking individual women to seek protection through the criminal justice system (if you are a ‘good’ victim) (Comack, 1999, 2002; Comack and Balfour, 2004; Snider, 1994, 1998, 2003; Todd and Lundy, 2006). As McDermott and Garofalo (2004, p. 1246) argued: “his being held responsible also validates her victim status (she was not crazy, she was not to blame)”.

This individualized focus on victims as helpless and perpetrators as responsible fails to recognize the complexity of violence and often leaves victims feeling just as helpless and abused as they did at the hands of the offender.

**Solutions**

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150 One interview participant explained how Aboriginal women were to be approached independently for the Sexual Violence Action Plan. She thought this was a great step because it meant they would take their concerns seriously; however, she wasn’t sure if they ever did consult with them or not (Interview 13, Women’s Advocate, 2011).

151 This is very much like Ontario Works legislation where individuals have to be responsible for themselves (see Little, 2005; Mosher, 2006; Scott, London & Myers, 2002). However, unlike ‘welfare cases’ deemed a burden to the state, women in shelters are still often seen as requiring paternalistic state protection.
After four decades of attention to intimate partner violence, it is important to take stock of how far we have come and where we are at. Significant changes have been made in the criminal justice system including pro-charging and pro-prosecution policies, domestic violence courts, domestic violence legislation and a number of amendments to the federal *Criminal Code*. We have witnessed a dramatic increase in the number of shelters and services available for abused women and, more recently, numerous collaborations between these community-based and state initiatives. The difference between community-based and state services is that community services have “their genesis in grass roots community efforts…to distinguish them from criminal justice services that have a law-and-order rather than supportive/advocacy mandate” (Johnson & Dawson, 2011, p. 153). The goals of the criminal justice system are to hold perpetrators accountable and protect victims (and subsequently society), but the number of women murdered every year by their current or former partners (see for example the DDVDRC, 2009) suggests that criminal justice sanctions alone provide insufficient deterrence (see Chunn, 2006; Comack, 1999, 2002; Cossman & Fudge, 2002; Durazo, 2007; McMahon & Pence, 2003; Mosher, 2006; Snider, 1994, 2006).\(^{152}\) This is despite the fact that the province of Ontario has “one of Canada’s most comprehensive domestic violence programs…with specialized courts or processes reportedly [in] operation in all 54 court jurisdictions” (Johnson and Dawson 2011, p. 168). It seems very promising that these courts exist in each jurisdiction, but as one of my interview participants pointed out, their

\[^{152}\text{The rate of those killed by current or former partners has steadily decreased over time (H. Johnson 2006).}\]
quality varies widely and in many areas of the province these ‘specialized courts’ exist only in theory (Interview 3, Women’s Advocate, 2010). In light of the weaknesses inherent in legal solutions and the state’s unswerving focus on ‘justice’ responses, preventive, non-state initiatives are a necessary part of any solution.

Community-based supports in the form of shelters, rape crisis centres, advocacy and health services are offered not just for physical injuries, but for emotional healing (i.e. empowerment through independence and equality) and advocacy as well. These services are largely focused on victims. Though treatment programs for abusers began in the 1980s (see Johnson and Dawson 2011), options for perpetrators are largely based within a criminal justice framework (i.e. PAR programs), in contrast to the vast array of (under-funded) non-state options for victims. As several of those interviewed pointed out, when abusers recognize that their behaviour is wrong there are few non-justice options available and those that exist are costly (Interview 4, Men’s Advocate, 2010; Interview 7, Anti-Violence Advocate, 2011). Effective initiatives do not marginalize those who choose to do something about their violent behavior! The absence of well funded supports and services outside the state apparatus demonstrates a state imperative to maintain an increased level of governance over marginalized populations who cannot afford private alternatives since they are forced to ‘wait’ for state involvement, and therefore state surveillance, to gain access to services.

153 This begs the question, what else only happens ‘on paper’?
Collaborative approaches between state and non-state experts have been touted since feminists first recognized the need for government resources to meet growing demand for services. While governments often portray collaboration as new, arguing in a blizzard of documents, recommendations and evaluations that they are the first to create ‘holistic’ responses, cooperative strategies have been employed by community-based service providers since the 1970s. Indeed collaborative models have “continued to evolve and change over time, adopting a variety of coordination and community involvement models…Despite variation in structure and operational mandates, these approaches all share the common understanding that violence against women cannot be effectively responded to by one individual, agency, or sector working in isolation” (Johnson and Dawson, 2011, p. 166). While government mandates to increase the equity in the relationship between state and non-state anti-violence services would be ideal, often MPPs increase the responsibility to community-based service providers and create more rules and responsibilities for them, without insisting upon the same level of accountability for state institutions (Interview 13, Women’s Advocate, 2011). I would argue that collaborative or ‘preventative’ partnerships should mean an equal voice and position for all those involved in ending violence in intimate relationships. Thus, because of state reliance on legal solutions, non-state advocates are often forced - due to funding guidelines - to find ways to work within the framework they are given.

154 There is a history of hostility between some institutions, particularly CAS and women’s shelters because of their different mandates and a lack of communication and knowledge sharing between the two agencies.
State-sponsored solutions to domestic violence tend to rely on the kinds of visible deliverables that can be measured. This links well to current neoliberal strategies in the form of individualized law-and-order solutions to current social problems (see Cossman and Fudge; Morrow, Hankivsky, Varcoe, 2004), clearly articulated by the unapologetic PC law and order focus in Bill 117, the ‘subtle’ focus on a legal framework in the DVAP and other research (see Bashevkin, 1996; Collier, 2005, 2008; Young, 1996). By focusing on solutions specific to individual victims and offenders, governments can avoid focusing on broader group oppression and discrimination.

Non-state groups, on the other hand, lacking the resources and power of the state, must work within the framework (and funding) provided to them. However, they - both men’s and women’s advocates - see domestic violence as much broader than the individual (or multiple) act of violence. Solutions, they insist, require more than just locking up bad men, they require communication and collaboration between experts at various state and non-state levels. Though this appears obvious, there is no unanimity within or between groups on how this should be achieved. This diversity makes it easier for the state to pick and choose solutions most consonant with the party’s current political priorities. As my themes indicate MPPs have generally chosen solutions relying on

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155 However, which is better a Progressive Conservative government that ‘makes no apologies’ for their law-and-order focus or a Liberal government who claims they will ‘free all women from the fear of violence’ with their holistic response to resource allotment that, according to feminist anti-violence advocates, is only balanced on paper?

156 As Sherven and Sniechowski (1988) have argued, blaming men does not stop domestic violence from happening. So a paradigm shift is required because men are often blamed but not held responsible or actively involved in ending violence.
criminal justice measures.\textsuperscript{157} The ambiguity of advocates’ positions further complicates the search for solutions and facilitates government cooptation. The very definition of domestic violence, for example, is contested, with definitions ranging from very narrow (the outdated term ‘wife abuse’) to very broad (violence against women; family violence) (Dobash & Dobash, 1992, 1998; Mann, 2003; Rhatigan, Moore & Street, 2005; Strauss, 1993, 1997; Tierney, 1982; Tutty, 1999; Walker, 1990).\textsuperscript{158} Walker (1990) pointed out that, as policy shifts and governments co-opt more feminist language and positions, feminists must then legitimate their claims in language that is acceptable to everyone. This is not to downplay the importance of naming; however, the less clarity and specificity of definitions from activists, the easier it is for governments to interpret claims and choose solutions that best fit their political position.

\textit{Deserving Victims}

All of this creates a construction of the domestic violence problem that divides victims into those who are and are not deserving of state and community supports. Getting governments to recognize (some) women as the primary victims of domestic violence and provide funding for services could be construed as feminist victories. Such support provides public recognition of their view of the causes and solutions to domestic violence. As Collier (2005, p. 5) notes “although measuring policy results is not the only way to indicate movement ‘success’, it is the most substantive way to show whether

\textsuperscript{157} Or as some interview participants noted, whatever will get them re-elected.

\textsuperscript{158} As I have noted in Chapter 4 these definitions come with varying ideological positions and carry different weight in government circles. Based on differences between and within feminist anti-violence organizations it is also difficult to come up with one definition that reflects the positions of all victims of violence.
lobbying efforts are producing actual, measurable results”. This success is evident in the
feminist supported and inspired positions presented by many MPPs and in the counter-
arguments by men’s advocates that governments prioritize women’s needs over those of
men. Yet while this data certainly supports the position that some women’s advocates are
heard in some situations - at least more so than men’s advocates - there is ample research
demonstrating that feminists victories are partial and incomplete (Bala, 1999; Minaker
and Snider 2006). This has allowed some feminists and groups to act as gatekeepers with
the power to privilege some voices over others.

Among the many voices that are not heard, those belonging to Aboriginal, French,
same-sex couple violence, childless women - and men - stand out. The intersection of
various forms of oppression compounded with violence in intimate relationships is
typically glossed over by MPPs and by many non-state advocates. For instance, despite
an individualized neoliberal climate, aspects of race, culture, ethnicity, sexual orientation,
language, geography, age, ability and a host of other aspects of one’s identity, when
discussed at all, are usually lumped into one amorphous mass. Even when they are
acknowledged by state and non-state actors and advocates, there is the sense that they are
being compared to a ‘norm’, within some sort of hierarchy. Aboriginal women are often
unheard and when they are consulted it is separately and their issues rarely make it into
the ‘mainstream’ initiatives presented to the media and public. French Canadian women
still have to fight to even get copies of government initiatives in French, which makes the
potential language barriers for immigrant, migrant and undocumented women all the

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more apparent. Couples in same-sex relationships are relegated to the periphery since their violence does not fall neatly into normalized conceptions of victims and abusers. In fact, men’s advocates are the only ones to really focus on the abuse experienced by those in same-sex relationships (beyond advocates who specifically serve same-sex populations). However, they often do so strategically to say ‘see women do it too’ instead of highlighting their experiences to challenge feminist conceptions of patriarchy, power, control and male dominated violence.

A one-size-fits-all strategy does not allow for the recognition of men as victims. As one women’s advocate said when asked about men as victims: “the numbers are so low who cares about the men” (Interview 5, Women’s Advocate, 2011). This position was reinforced by Liberal MPPs who, as we have seen, used gender specific language in their discussions of domestic violence while PC’s did not with Bill 117. It could be argued that comparing language in legislation to an action plan is difficult given that the wording in legislation must remain gender neutral, while ‘other’ documents are given more leniencies. For instance, the Liberal government recently released Bill 53: Escaping Domestic Violence Act (2010) where much like the PC’s they use gender neutral language.159 However, when talking about the Bill in debates and media pieces the Liberals refer specifically to women as victims, something the PC’s did not explicitly do during the Bill 117 debates. This difference in the use of gender neutral and specific

159 Bill 53: Escaping Domestic Violence Act (2010) was tabled by the Liberal government and refers to changes to the Residential Tenancies Act to better protect victims of violence who need to be released early from lease agreements for their own safety (see Legislative Assembly of Ontario, 2010). It is currently being reviewed by the Standing Committee on Social Policy.
language reflects differences in the construction of domestic violence, not the types of measures instituted by each party. However, I would also argue that the focus should be on violence, regardless of the victim’s characteristics; maybe instead of just asking ‘what about the men?’ as victims and ‘why won’t she leave?’, the questions should focus on addressing the complexity of the domestic violence problem, particularly abusive behaviour.

The latest shift in ‘deserving victims’ has been the identification of children as the dominant focus of domestic violence initiatives and as the parties most ‘at risk’. This is to some degree a rejection of the long-standing feminist focus on ‘battered women’ as the primary victims, though many interview participants did argue that children have always been a focus of anti-violence community-based service provision and advocacy. Thus we see state and non-state actors and advocates, particularly PC MPPs and men’s advocates, focusing on the risk to children of witnessing and experiencing intimate partner violence (Hayes, Trocmé, Jenney, 2006; Magen, 1999; Strega, 2006; see also Bala, 1999). One effect of this focus is to add another category of ‘bad mothering’ for women who do not leave violent situations! This shift also minimizes the impact and suffering of women without children and demonstrates the catch-22 of domestic violence policy: government initiatives often focus on protecting the (traditional) family, keeping it ‘intact’; however, a family cannot necessarily stay together when there is violence happening. Creating a

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160 This goes against Collier’s research (2008, p. 21). She argues that “although party differences have been somewhat muted during neoliberal times, significant differences in left and right wing approaches to violence against women were still present”.

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perspective that promotes the family on one hand while putting an end to violence in intimate relationships on the other sends conflicting messages to the public and victims, where victims are torn between keeping their family together and being held responsible if they do not leave.

The linking of women with children also adds to patriarchal understandings of the domestic violence problem where women are ‘helpless’ victims - like children - in need of state protection. For instance, with no-drop or pro-prosecution policies once arrested not only does the victim not get a say in whether charges are dropped, but she also does not have a say in whether it goes to trial. If she has children this also implicates the Children’s Aid Society and further surveillance of her parenting with expectations that she leave or lose her children (Magen, 1999). Would the government take a right to choose away from a man because it was thought to be in his best interest?

The construction of domestic violence is also complicated by the types of violence deemed ‘worthy’ of recognition. Intimate partner violence in various forms is still on the policy agenda; however, some forms of violence are remarkably absent from government initiatives, discussions and debates. Physical forms of violence with punishments under the Criminal Code are given priority over other equally important forms of abuse presented by non-state advocates. These crimes are also compartmentalized and regarded hierarchically in government initiatives as though domestic violence and sexual assault - as well as financial, psychological and other forms of violence - were distinct categories. Thus some are criminalized and others are not.
Physical and sexual violence in intimate relationships are heavily victim focused and
gendered crimes and the majority of victims of severe and frequent violence are women.
This is particularly the case for sexual violence in intimate relationships - the victim
being female - which could explain why these two forms are regarded separately in
government initiatives such as the DVAP and Sexual Violence Action Plan. This means
that only certain victims experiencing certain forms of violence will feel they can come
forward, others will fall through the cracks. Many of my interview participants
commented that community-based services must advocate for and assist victims who
experience a number of different kinds of abuse. The compartmentalization of different
forms of violence also means that victims frequently have to access a number of different
services to address all their needs - unless community organizations work extended hours
and venture outside their mandate.

The issues discussed above demonstrate the complexity of violence in intimate
relationships. The next section will examine the light this thesis sheds upon initiatives
undertaken in Ontario since the end of the DVAP demonstrating the continued focus on
legal remedies.

**Now that the DVAP has Long Since Ended where do we go From Here?**

Researchers who are not sensitive to the political environment in which a
program exists inadvertently may provide fuel for its enemies (Riger,
1999, p. 1101).

Understanding how social problems are constructed within and outside the state
apparatus helps state and non-state institutions dedicated to the eradication of violence
better understand how to address social problems in the future. Addressing policy in one area can have an impact on other areas (i.e. fixing social assistance would mean victims could have more options) and it further illustrates who is being heard and under what circumstances. With reference to domestic violence policy, it is important to know where we have come from and where we are going if more effective ‘solutions’ are to be achieved. This ensures that scarce resources are being effectively used. Yet as we have seen the same debates and remedies are being re-visited in a number of current recommendations, particularly the focus on criminal justice solutions for a complex social problem. Evidence from my research also supports Collier’s (2005, p. 4) argument that “claims that are made in non-threatening liberal terms will likely be better received than those made in more radical terms”. All this to say my findings support the work of others in the field demonstrating that research, advocacy and policy are moving in the ‘right’ direction, but that much more needs to be done. This section looks at the government initiatives that have taken place since the DVAP came to a close. It highlights the strengths and weaknesses of these positions in order to get a sense of whether or not they will ‘work’ in practice. Some are unique initiatives and steps forward, while all still remain firmly embedded in a legal framework which is a side step at best. In this section I discuss the DVACR, Bills 133, 168 and 53 and Toronto’s new domestic violence courts.

Since the end of the DVAP the feminist inspired DVACR (2009) focused on what was still missing from a government response. Through the DVACR they put forward a
number of recommendations for a variety of social service sectors in order to improve Ontario’s response to domestic violence using the DVAP as a starting point. What should be helpful for the Ontario government in implementing these recommendations was the breakdown provided between those recommendations which do require new resources and those which do not. Fortunately, many of these recommendations do not require new resources, just a shift in existing funds. For instance, no new resources would be required to develop tools and strategies to increase women’s safety, nor for research to determine who benefits from anti-violence services, policies and programs. Other ways to save money included a recommendation by the DVAC that a learning institute be created which would reallocate existing DVAP funds into this particular program as well as mandatory on-going training for child welfare workers. Legal Aid Ontario could also shift their resources in order to increase the number of communities able to access their services, but this could also result in a reduction in the amount and quality of Legal Aid service provision everywhere. While the continuation of existing resources, not an increase in funds, were recommended for on-going public education and training initiatives. On the other hand new funding is still required for a number of recommendations including the development of the Violence against Women Access and Equity Framework, which was developed in the DVACR with community and government stakeholders; resources for the Strategic Framework to End Violence Against Aboriginal Women; development and implementation of woman-centred, French

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161 Of course new financial resources would also be required to maintain the institute over the long term.
Language Services; workplace policy development and implementation; and a CAS specialized domestic violence response, including an Aboriginal stand alone guide. The recommendations made by the DVAC in their report clearly demonstrate that there are still marginalized victims of violence in Ontario who are not receiving anti-violence services and support (see Chapter 10).

Stemming also (presumably)^{162} from the DVAP was Bill 133: *An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000*, which received royal assent in May 2009. Though the DVAP included a section outlining evaluations that would take place to the *Children’s Law Reform Act*, Bill 133 seems to have taken that evaluation and turned it into law while simultaneous repealing the previous PC attempt to address domestic violence through Bill 117: *An Act to Better Protect Victims of Domestic Violence*. Bill 133 creates new rules for those applying for custody in child custody cases in terms of the information they must provide and the background checks that are completed. It also allows a parent to petition to have their last name added to the child’s birth certificate and makes changes to restraining orders and enforcement of breaches, designed to make victims safer. Many feminists consider this a large step in protecting women in abusive relationships as it addresses some of the concerns raised in my research about the criminal and family courts working collaboratively thereby reducing the instances of revictimization experienced by women entering the criminal justice system (i.e. through mutual

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^162 An email sent to the Liberal Party asking about whether or not this measure was a result of the DVAP was never returned.
restraining orders and dual arrest/charges). Further as McDermott and Garofalo (2004) have pointed out, what starts as a feminist victory often has unintended consequences. Because governments are still working to standardize restraining orders across the province, it is unclear whether or not this will have an impact on the rates of violence. However, because these are all law and order initiatives, it is likely that they alone will not ‘solve’ the problem of violence in intimate relationships.

Following closely on the heels of Bill 133 was Bill 168: *Occupational Health and Safety Act Amendment* to include violence and harassment in the workplace given royal assent in June 2010. This Bill came about because of feminist outcries over the lack of protection afforded to female victims of violence in their places of work. Presumably this initiative would better protect victims by forcing employers to take better steps and precautions to protect women experiencing violence (instead of just firing them) and to look for the signs associated with violence to help intervene earlier. This also draws on feminist advocacy to better recognize that violence against women is not solely confined to the home and that women are stalked, harassed and often killed by partners while at work. This Bill also helps draw attention to the issue of violence against women and will (hopefully) decrease the number of women who lose their jobs due to time off for reasons associated with their abuse (fear, illness, medical treatment, partner’s refusal to let them leave that day, etc.).

Also recently released as of March 2011 was the Sexual Violence Action Plan which many of my interview participants discussed and hoped would not be ‘window
dressing’ like the DVAP. Many feel that it is just a tactic for re-election (since there was an election in October of 2011). Yet MPPs claim it will address many of the sexual violence omissions from the DVAP and work to better protect victims of sexual violence.\textsuperscript{163} And finally there is also Bill 53: \textit{Escaping Domestic Violence Act} - which is currently being evaluated by the Standing Committee on Social Policy - and would help victims of domestic violence to seek early termination of their lease when attempting to escape abuse. Often renters must provide at least 60 days notice which results in victims staying in potentially violent (or lethal) relationships. This would allow them to get out much faster.

Finally, on June 10, 2011, Toronto began to pilot a new integrated domestic violence court system (Baluja, 2011). This new system is a compelling feminist victory as it finally addresses decades’ of advocacy and research around the serious flaws when victims must negotiate both criminal and family court systems. This integrated court would see both cases one after the other presided over by a single judge. This should avoid many of the confusions, revictimizations and serious problems with previous systems. For instance, previously there was the potential for protection orders being issued in criminal courts while family courts issued joint custody thus forcing people to breach restraining orders or face other repercussions for not sharing custody of their children. If successful this will serve as a model for other parts of Ontario and the rest of Canada (Baluja, 2011). Unfortunately there are strict conditions that must be met in order

\textsuperscript{163} It should be noted that men’s organizations that deal with victims of sexual violence were not included as stakeholders in its development, though they are certainly not the only voices excluded.
to utilize this new system and all parties must agree to use the integrated system instead of the ‘traditional’ separate court systems. Again, this does not take into consideration tactics used by abusers to delay proceedings and continue to control their former partners through the court system.

Throughout all the Liberal initiatives in the last few years you can see ‘sprinklings’ of the DVAP and feminist demands over the last few decades. It is clear that these initiatives are feminist victories and instances of (some) voices being heard in policy-making circles. Though they remain within a legal framework, that position is broadening as in Bill 53’s focus on changes to lease agreements. Bill 53 also begins to look at broader definitions of violence, though still on a compartmentalized basis. Yet, again, it remains to be seen how they will play out in practice, how much responsibility will be downloaded to community advocates, whether or not ‘sufficient’ funding will be allotted and whether the links between violence, race, class, ethnicity, sexual orientation, and so forth will be made on paper and in practice (see McDermott and Garofalo, 2004).

Most research also focuses on the experiences of police and victims of domestic violence. However, even when perpetrators are arrested, many of these crimes are

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164 Government initiatives need to move away from a law and order focus because it leads to the criminalization of some individuals and groups and not others (Comack and Balfour, 2004). MPPs need to recognize the links between different policy areas and the implications these have for victims of abuse. For instance, while these initiatives were being created the Liberal government moved to allow mixed martial arts events to take place in Ontario (the first event was held in April 2011). Though they cite the boost in local economies as their rationale (Ministry of Consumer Services, 2010), research has demonstrated links between violence in sporting events and violence against intimate partners (Benedict, 1997; Dabbs, 1997). How can a government denounce violence in intimate relationships on one hand, claim to promote healthy relationships to boys and girls in schools, while reaping the economic benefits of professional fighters on the other?
funneled out of the system through PAR programs (if they make it that far), or dismissed completely. Often this is a result of a lack of awareness of the complexity of domestic violence by attorneys, judges and others involved in the criminal justice system. While more attention is shifting to the culpability of judges (see Women’s Court Watch Project, 2006), recent comments by a Toronto police officer who stated that “women can avoid sexual assault by not dressing like a slut” (Kwan, 2011) and a judge in Manitoba who claimed that “‘sex was in the air’ through her suggestive attire and flirtatious conduct” (McIntyre, 2011), indicate that many individuals still hold victim blaming attitudes and that systemic issues remain unattended. These recent comments demonstrate a need for ideological change and not just an integration of new legal strategies. Further, recommendations and new legislation, initiatives and amendments are great; however, non-state advocates can be excused for being cynical since so many recommendations and policies made in the past remain on a shelf collecting dust.

**Possible Implications and Future Directions and Research**

Beyond current government initiatives, one solution rarely used to overcome some of these funding inequalities is a current assessment of the economic costs of domestic violence. In today’s economic climate governments’ speak more to cost-benefit analyses and empirical results as opposed to more emotional responses as indicated by one interview participant who acknowledged that what “we did in the 1970s won’t work today because when you storm the hill they just don’t listen” (Interview #1, Women’s Advocate, 2010). Yodanis, Godenzi, and Stanko, (2000, p.274) argue “it is not the
victims or the services to victims which cause the costs. Violence causes the costs. Therefore, the costs will only be reduced when violence against women is reduced”.

There are tangible costs that exist, but they have not been significantly evaluated since 1995 (see Greaves, Hankivsky and Kingston-Riechers, 1995). Unfortunately, as Bonisteel and Green (2005) note, often the evaluation of these services puts more emphasis on medical and criminal models of service delivery negating the work of anti-violence movements.

Another area for government policy consideration and future anti-violence advocacy is the acknowledgement that voices involved in the construction of domestic violence in Ontario are talking about different types of physical violence, a phenomenon which partly accounts for the varied constructions of the domestic violence problem. As one anti-violence advocate eloquently explained:

I do think that one of the big concerns I have is that we're using the word domestic abuse to talk about really different kinds of things...I think it makes both research sense, clinical sense and practical sense, talking about intimate terrorism and coercive controlling violence and contrasting that to situational violence or violent resistance where the woman is fighting back...I think that the discourse both within public policy and society generally has been to use domestic violence to mean all of those things (Interview #7, Anti-Violence Advocate, 2011).

This same advocate went on to explain the complexities of these different kinds of violence by drawing on the work of Michael Johnson (2006):

Yet I think that those types are really different in terms of dangerousness, prevalence, how you should intervene in families where those kinds of violence where that's happening...My personal belief is that if we're talking about...domestic violence what we have been talking about is coercive controlling intimate terrorism. The power and control wheel
that’s what that describes...I think it's an individual problem for those few men I don't see it as a social problem. So I would say that men can be victims of that kind of domestic violence, but I think it's extremely rare and I don't think that negates their personal experiences and pain and we need social workers not to just assume that if a man is claiming he is a victim of that kind of violence that it didn't happen. My personal opinion is, if we're talking about violence including physical, sexual, economic control, isolation and intimidation, threats and using children and all that, than I think is still women are victims men are perpetrators. For the other kinds of violence, more situational, I think that's more what the language that gender symmetric uses, that it's almost as likely at least in terms of prevalence that a woman in a particular stressful situation might yell, swear, or slap her partner (Interview #7, Anti-Violence Advocate, 2011).

This argument recognizes that state and non-state advocates need to focus less on the gender debate and more on the differences between the types of violence that are being ‘lumped’ together under the banner of domestic violence and the techniques that are created to address these diverse experiences of abuse. What this anti-violence advocate claims is that we are likely talking about very different types of violence which is why solutions to address violence are often incomplete, lacking substance and unable to eradicate current and future instances of abuse. Future research could explore the links between Michael Johnson’s (2006) types of violence and government policy to determine if there are ‘better’ ways to go about addressing this pressing social problem.165

Despite these advances, with the recent global recession, and a minority Liberal government (elected October 2011), it is unclear what this means for social supports and services for victims of abuse. History tells us that if the PCs were to get a majority government things would not look good for anti-violence services. Many of my interview

165 For instance, do policies focus more on intimate terrorism at the expensive of other types. Should policy focus on all types or focus efforts more on one particular area?
participants spoke very passionately of the 1995 cuts that Mike Harris and the PCs made: “The conservative government (laughs), honestly forget it, policy will just be ridiculous and further marginalize more and more people. Funding forget it” (Interview 11, Women’s Advocate, 2011). Another added that: “Harris government it was brutal, brutal, brutal and they just cut back everybody right off the top and it was mean and nasty and bad” (Interview 12, Women’s Advocate, 2011). This is reinforced by research demonstrating a history of conflict between feminist movements and the PCs and better relations between these organizations and Liberal and NDP governments (Collier, 2005; Young, 1996). This is one of the problems with integrating long-term comprehensive policies. Different provincial governments construct social problems, including domestic violence differently and, therefore, do not continue with previous government policies that have yet to be passed. Further, they generally do not want to tout the successes of previous governments and would prefer tabling legislation, amendments, and initiatives through their own version of a particular piece of the problem.

Future research could also interview victims about their experiences with government policies. According to Johnson and Dawson (2011) only recently have researchers started to investigate the types of services and supports that matter most to women experiencing violence. Though my focus was on how domestic violence is constructed in government policy and how this becomes normative in the public eye, victims add an extremely valuable perspective. Only they can tell us how it feels to be on
the receiving end of government initiatives that seem to be constantly in flux. Speaking to MPPs might also prove helpful for future advocacy work. Finally, future research should be comparative, comparing government responses to domestic violence across provinces or between other countries such as the United States and the United Kingdom, both of which have had very active feminist and men’s rights movements. Resources are saved by understanding what has and has not worked elsewhere - Toronto did this with its integrated domestic violence courts which are based on a tried and tested American model (Baluja, 2011).

Conclusion

The aim of this research was to explore the multiple ways domestic violence is constructed through the creation and implementation of policies and the impacts of power exercised by competing interest groups in Canadian and especially Ontarian domestic violence policy arenas. I explored their relevance to a social context shaped by advanced neo-liberal rationalities of governance, Liberal and Conservative provincial government strategies of crime control, feminist activism, and men’s rights counter-activism. This study focused on the provincial Bill 117 and the DVAP initiatives, with the goal of making Ontario safer for all victims of violence in intimate relationships. As an activist myself I hope to use my findings to advance discussions of domestic violence policies by contributing to existing literature on the dynamics and outcomes of law and order policies, preventative partnering initiatives and efforts to better protect women from

166It should be noted that many of the anti-violence advocates, both men and women, have themselves been victimized.
domestic violence in the Canadian context. One of the central claims here is that Canadian governments, both federal and provincial, need to move away from an either/or dichotomy in policy initiatives that focus on a law and order agenda or a community response and work towards more effective responses that include creating links between different levels of government and competing agencies and interests. Through this exploration of policy-making, its origins and effects, I hope to contribute to understandings on how policy is forged, to debates on the strengths and limits of efforts to assist assaulted women to resist domestic violence through criminal justice sanctions and community partnerships, and to related debates on the strengths and limitations of criminal justice empowerment strategies. Although Ontario does not have domestic violence legislation like many other provinces, a coordinated response is needed with victims of abuse at the forefront of everyone’s minds when creating future initiatives to eradicate all forms of violence.

Overall my findings suggest that domestic violence is not a simple problem with an easy solution. Domestic violence is constructed in a number of different ways by a variety of different ‘stakeholders’, further complicating an already complex problem. It is not just a matter of giving more money, allocating blame and responsibility, giving symbolic rights, creating reactive, proactive or holistic responses or focusing solely on one particular population as victims and/or perpetrators. As many of my interviewees noted, and feminist advocates have been claiming for decades, if we are to lessen, or eventually eradicate, violence we must address things ‘beyond’ the primary issues of
violence (money for shelters, services, etc.) and focus on what makes us a violent society and how to create a space where everyone feels safe which would include affordable housing, stable full time job opportunities with benefits and affordable child care. As Snider (1998, p. 1) argued “effective social control of aberrant behaviour must be sought outside criminal justice institutions, and that…feminist and progressive focus should shift towards examining how to create less violent people (particularly men), families, communities and societies”. My research reinforces this need as the fixation on legal solutions continues without recognition for some of the inherent biases within that system.

These arguments also fit readily into discussions of patriarchy and capitalism presented in Chapter two, since many feminists have linked our patriarchal system to the lack of rights that women enjoy not to mention the lack of accountability for the men responsible for the abuse. Further, accountability and responsibility fall easily within discourses of capitalism because if it is not deemed particularly profitable to end violence against women and does not align with individualistic neoliberal attitudes towards self-improvement. The focus then is on individual rights in the marketplace, not group rights or individual social or human rights designed to aid the many over the few. It is about the shift to a neoliberal framework which emphasize individual responsibility and a dispersion, or downloading, of accountability and responsibility while claiming we all have ‘rights’ and responsibilities, and yet many people remain excluded from these perspectives. Interestingly while many systems have shifted towards individual neo-
liberal practices, constructions of domestic violence have not shifted in that direction completely.

At the end of the day the domestic violence debate in the first decade of the twenty-first century could easily be constructed as one of a fight for long-term stable supports and services - beyond criminal justice solutions - making funding, much like law, a capital ‘T’ truth in the construction of domestic violence. While the broader construction of domestic violence and its eradication may not have been completely high jacked by funding discussions and debates, it surely plays a prominent role. The focal point of most discussions revolved around the issues of funding, rights and responsibilities, solutions and deserving victims including - who gets it, how much, for whom, for how long and under what conditions. Therefore those groups, individuals and organizations that receive funding gain a higher status due to their recognition as experts in the field and are treated as a significant piece of the puzzle to end violence. While the construction of domestic violence involves funding, and requires funding to protect victims fleeing violence and support services to prevent violence from happening in the first place, it is and should be about more than resources, particularly for narrow criminal justice initiatives. Will funding for social services aid in the eradication of violence? Many of the women’s anti-violence advocates, MPPs and men’s rights advocates definitely agreed that funding is necessary to help victims (variously defined). However government money in the form of stable base budget funding alone cannot end abuse. As advocates and non-governing MPPs often alluded to in the documents and interviews
analyzed, we also need to consider the complexity of domestic violence and other services that would aid women to lead violence free, independent lives (education, child care, stable permanent employment and housing). Who has it, how much and for how long dictates how victims and perpetrators are constructed, how we ‘deal’ with the problem through state and non-state supports and services and, ultimately, who is deemed to have rights, responsibilities and who is considered accountable for ending abuse. According to the DVAP we are all considered to have a role to play in ending domestic violence, a role whose rights, responsibilities and accountabilities are not always clear. What is clear is that without addressing the things that cause a society to be violent in the first place, we will never truly end violence in intimate relationships. My findings echo decades of critiques by anti-violence advocates, issues that remain unheard and unaddressed. These issues are not new. If violence against women is to be addressed in a way that response to a diversity of needs, provincial governments need to stop creating superficial one-size-fits-all law-and-order solutions, using social problems as a tactic to advance their claims and start addressing the underlying issues that lead to violence in the first place.
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Appendix A

Texts Analyzed

**Primary Documents:**


Secondary Documents:


Minister Responsible for Women’s Issues. Retrieved from


Secondary Websites:

Ministry Community and Social Services:


Ontario Women’s Directorate:
ml; www.neighboursfriendsandfamilies.on.ca ; www.equalityrules.ca ; www.loveyougive.org

Ontario Association of Children’s Aid Societies:

http://www.oacas.org/

Government of Ontario:


Non-State Websites:
Fathers Are Capable Too (FACT):

www.fact.on.ca

Ontario Women’s Justice Network:

www.owjn.org

Ontario Association of Interval and Transition Houses (OAITH):

http://www.oaith.ca

Equal relationships teacher kit: springtide resources:

www.springtideresources.org

Metropolitan Action Committee on Violence Against Women and Children (METRAC):

http://www.metrac.org
Appendix B

Bill 117 Debate Speakers

PC – Progressive Conservative
L – Liberal
NDP – NDP

Second Reading
Tuesday 3 October 2000

Mr. Gerry Martiniuk (Cambridge - PC)

Mr. Joseph Tascona (Barrie-Simcoe-Bradford - PC)

Mr. Doug Galt (Northumberland - PC)

Mrs. Lyn McLeod (Thunder Bay-Atikokan - L)

Ms. Frances Lankin (Beaches-East York - NDP)

Mr. Garfield Dunlop (Simcoe North - PC)

Mr. David Caplan (Don Valley East - L)

Mr. Michael Bryant (St Paul’s - L)

Mrs. Marie Bountrogianni (Hamilton Mountain - L)

Mr. Michael Gravelle (Thunder Bay-Superior North - L)

Mr. David Tilson (Dufferin-Peel-Wellington-Grey - PC)

Wednesday 4 October 2000
Ms. Frances Lankin (Beaches-East York - NDP)
Mr. David Tilson (Dufferin-Peel-Wellington-Grey - PC)

Mr. Gerry Phillips (Scarborough-Agincourt - L)

Mr. Tony Martin (Sault Ste Marie - NDP)

Mr. John R. Baird (Nepean-Carleton - PC)

Ms. Marilyn Mushinski (Scarborough Centre - PC)

Mr. Dominic Agostino (Hamilton East - L)

Mr. Joseph Spina (Vaughan - PC)

Mr. Gilles Bisson (Timmins-James Bay - NDP)

Mrs. Claudette Boyer (Ottawa-Vanier - L)

Mr. Doug Galt (Northumberland - PC)

Mr. James Bradley (St. Catharines - L)

Mr. Garry Guzzo (Ottawa West-Nepean - PC)

Mr. Dwight Duncan (Windsor-St. Clair - L)

Mr. Bart Maves (Niagara Falls - PC)

Mrs. Sandra Pupatello (Windsor West - L)

**Thursday 5 October 2000**

Mr. Rosario Marchese (Trinity-Spadina - NDP)

Mrs. Julia Munro (York North - PC)

Mr. David Caplan (Don Valley East - L)

Ms. Marilyn Mushinski (Scarborough Centre - PC)

Mr. Dwight Duncan (Windsor-St. Clair - L)
Mr. Gary Stewart (Peterborough - PC)
Mr. Gerry Phillips (Scarborough-Agincourt - L)
Mr. Frank Mazzilli (London-Fanshawe - PC)
Ms. Caroline Di Cocco (Sarnia-Lambton - L)
Mr. James Bradley (St. Catharines - L)
Mr. Frank Klees - (Oak Ridges - PC)
Mr. Dave Levac (Brant - L)
Mr. Bart Maves (Niagara Falls - PC)
Mr. Garfield Dunlop (Simcoe North - PC)
Mr. Joseph Spina (Vaughan - PC)
Mrs. Leona Dombrowsky (Hastings-Frontenac-Lennox-Addington - L)
Mr. John Gerretsen (Kingston-the Islands - L)

Standing Committee on Justice and Social Policy
Mr. Carl DeFaria (Mississauga East - PC)
Mr. Marcel Beaubien (Lambton-Kent-Middlesex - PC)
Mr. Michael Bryant (St Paul's - L)
Mrs. Brenda Elliott (Guelph-Wellington - PC)
Mr. Garry J. Guzzo (Ottawa West-Nepean - PC)
Mr. Peter Kormos (Niagara Centre - NDP)
Mrs. Lyn McLeod (Thunder Bay-Atikokan - L)
Ms. Marilyn Mushinski (Scarborough Centre - PC)
Substitutions

Mrs. Marie Bountrogianni (Hamilton Mountain - L)
Mr. John O'Toole (Durham PC)
Mr. David Tilson (Dufferin-Peel-Wellington-Grey - PC)
Mr. Toby Barrett (Haldimand-Norfolk-Brant - PC)
Mrs. Tina Molinari (Thornhill - PC)
Mr. Jim Flaherty (Whitby-Ajax - PC)
Mr. Joseph Spina (Brampton Centre - PC)
Mr. Ted Chudleigh (Halton - PC)
Mr. Michael Gravelle (Thunder Bay-Superior North - L)
Mr. Garfield Dunlop (Simcoe North - PC)

Also taking part on October 30th

Ms. Frances Lankin (Beaches-East York - NDP)

Also taking part on November 27th


Special Interest Group, Representatives and Private Citizens

Monday 23 October 2000

Mr. David Tilson, parliamentary assistant

Ms. Joana Kuras, executive lead, victims' services

Ms. Anne Marie Predko, counsel
Tuesday 24 October 2000

Mr. Butch Windsor, Equal Parents of Canada

Ms. Donna Hansen and Ms. Joanne Krauser, Alliance of Canadian Second Stage Housing Programs (Ontario Caucus)

Mr. Eric Tarkington, Human Equality Action and Resource Team (secretary)

Mr. Brian Jenkins, Fathers are Capable Too (Parenting Association) member, however, he claimed to be representing himself

Mr. Peter Cornakovic, Fathers are Capable Too (Parenting Association)

Mr. Bill Flores, Children’s Voice

Mr. Walter Fox, criminal lawyer, representing himself but he has acted as counsel for FACT at the Hadley Coroner Inquest

Mr. Gene Colosimo, Fathers are Capable Too (Parenting Association), however, he claimed to be representing himself

Monday 30 October 2000

Ms. Eileen Morrow, Ontario Association of Interval and Transition Houses

Mr. Scott Newark, counsel, Office for Victims of Crime

Ms. Vivien Green, Ms. Dorothy Bakos, Ms. Suzanne Young, and Ms. Sandra Booth-McKelvie, Woman Abuse Council

Ms. Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group

Mr. Grant Wilson, Canadian Children’s Rights Council
Ms. Marion Wright, legal advocate, Women’s Place of St. Catharines
Ms. Deborah Sinclair, Ms. Helen Brooks, Ms. Kate Schillings, and Ms. Donna Babbs, Durham Region Custody and Access Project
Ms. Maxine Brandon, Mothers for Kids

Tuesday 31 October 2000

Ms. Pamela Cross, legal director, Metropolitan Action Committee on Violence Against Women and Children
Mr. David Osterman, Freedom for Kids, Past FACT president 2002
Ms. Dori Gospodaric, Second Spouses of Canada
Ms. Cynthia Wasser and Ms. Judith Huddart, Canadian Bar Association (Ontario)
Ms. Mary Reilly and Ms. Melanie Sager, Family Lawyers’ Association
Ms. Francine Sherkin and Mr. Anthony Moustacalis, Advocates’ Society; Criminal Lawyers’ Association.
Senator Anne Cools and Mr. Roger Gallaway (Sarnia-Lampton - L)

Time Allocation Debate

Tuesday 5 December 2000

Mr. David Tilson (Dufferin-Peel-Wellington-Grey - PC)
Mrs. Marie Bountrogianni (Hamilton Mountain - L)
Mr. Peter Kormos (Niagara Centre - NDP)
Mr. Bert Johnson (Perth-Middlesex - PC)
Mr. Michael Bryant (St Paul's - L)

Ms. Marilyn Churley (Toronto-Danforth - NDP)

Mrs. Leona Dombrowsky (Hastings-Frontenac-Lennox-Addington - L)

Mrs. Claudette Boyer (Ottawa-Vanier - L)
Appendix C

Letter of Information

My name is April Girard-Brown and I am a doctoral candidate in the department of Sociology at Queen’s University in Kingston, Ontario. I am conducting a research project titled: (Re)cycling Through Domestic Violence Policies: How Ontario Constructs the Problem of Domestic Violence as part of the requirements for my doctorate under the supervision of Dr. Laureen Snider. The main purpose of the study is to explore different perspectives on the creation of domestic violence policy in Ontario. As part of my research, interviews are being conducted in which the participant will be asked to state their opinion on questions related to the topic under study.

If you choose to participate, the interview would last approximately one and a half to two hours at a location of your choosing. There will be no follow-up interviews or further requirements on your part.

There are no known or expected risks associated with this study. Participation is completely voluntary, there is no form of remuneration and responses will remain confidential. If you participate, your interview will be digitally recorded, unless otherwise specified, and you can refuse to answer any questions or withdraw from the study at any time. If you choose to withdraw your information and relevant research materials will be completely destroyed. Information about participants will remain anonymous. Pseudonyms will be used in future publications resulting from this study, unless
participants specifically request otherwise. All research information will be kept in a safe secure location that only I will have access to.

This research project shall be part of the PhD dissertation funded by the Social Sciences and Humanities Research Council and will be submitted to Queen’s University upon completion. The academic community and any other person interested in it shall have access to it through Queen’s University. It may also be published in the form of a book or journal articles at a later stage and can thus be available to the general public or as a secondary source for other researchers.

A follow-up phone call will be made within the next week; however, if you know that you would like to participate or have any questions, comments or concerns regarding the nature or manner of this research project you can forward your queries to the following persons/bodies at any time:

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<thead>
<tr>
<th>April Girard-Brown</th>
<th>Laureen Snider</th>
<th>General Research Ethics Board</th>
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<tbody>
<tr>
<td><a href="mailto:6ag29@queensu.ca">6ag29@queensu.ca</a></td>
<td><a href="mailto:sniderl@queensu.ca">sniderl@queensu.ca</a></td>
<td><a href="mailto:chair.GREB@queensu.ca">chair.GREB@queensu.ca</a></td>
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Sincerely,

April Girard-Brown
PhD Candidate
Appendix D

Written Consent to Participate in Research

You are being asked to participate in a research study conducted by April Girard-Brown from the Department of Sociology at Queen’s University, Kingston, Ontario. I am conducting a research project titled: (Re)cycling Through Domestic Violence Policies: How Ontario Constructs the Problem of Domestic Violence as part of the requirements for my doctorate under the supervision of Dr. Laureen Snider. The main purpose of the study is to explore different perspectives on the creation of domestic violence policy in Ontario. As part of my research, interviews are being conducted in which the participants are being asked to state their opinion on questions related to the topic under study.

The interview will last approximately one and a half to two hours. There will be no follow-up interviews or further requirements on the part of the participant.

There are no known or expected risks associated with this study. Participation is completely voluntary, there is no form of remuneration and responses will remain confidential. Your interview will be digitally recorded and you can refuse to answer any questions or withdraw from the study at any time. If you choose to withdraw your information and relevant research materials will be destroyed. Information about participants will be anonymous. Pseudonyms will be used in future publications resulting from this study, unless participants specifically request otherwise. All research information will be kept in a safe secure location that only I have access to.
This research project shall be part of the PhD dissertation funded by the Social Sciences and Humanities Research Council and will be submitted to Queen’s University upon completion. The academic community and any other person interested in it shall have access to it through Queen’s University. It may also be published in the form of a book or journal articles at a later stage and can be thus available to the general public or as a secondary source for other researchers.

Any questions, comments or concerns regarding the nature or manner of research can be forwarded to the following persons/bodies:

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<td><a href="mailto:sniderl@queensu.ca">sniderl@queensu.ca</a></td>
<td>Chair: Dr. Joan Stevenson</td>
</tr>
<tr>
<td>Department of Sociology</td>
<td>613-533-6000 ext. 75091</td>
<td><a href="mailto:chair.GREB@queensu.ca">chair.GREB@queensu.ca</a></td>
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<tr>
<td>Queen’s University</td>
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I, ______________________ have read the consent form and have had all questions regarding it answered to my satisfaction. I am aware of the aims of this research project and the nature and extent of my involvement in the same and have consented to the use of digital tape recorder to record my interview.

I am aware that I can contact April Girard-Brown, her supervisor Dr. Laureen Snider or the Chair of General Research Ethics board at Queen’s University, Dr. Joan Stevenson, regarding any questions, concerns or comments with respect to the research.
I am assured that the researcher shall protect the confidentiality of my identity by not using my name or any other identifying information in the research and will keep my information in a safe and secure location that only April Girard-Brown will have access and that I have been given a copy of this form.

Name: ____________________________  Date: ____________________________

Signature: ______________________

Signature of Investigator:

These are the terms under which I will conduct my research.

Signature: ____________________________  Date: ____________________________
Appendix E

Interview Guide

Part I: Introduction

1) Tell me about your organization?

2) What role do you play in your organization?

Part II: The meaning of domestic violence

1) How would you define domestic violence?

2) Who, or what, is included in your definition of domestic violence? For instance, what terminology do you prefer (victim vs. survivor; family violence/partner violence vs. wife abuse)?

3) Do you think domestic violence is a problem in Ontario? Why or why not?

4) What do you consider to be the causes of domestic violence?

5) How do you think governments should respond to domestic violence?

6) Do you see any similarities or differences between how Liberal, Conservative and NDP provincial governments/parties have approached domestic violence (or currently approach in the case of the Liberals)?

Part III: Based on my themes

Funding:

1) Is your organization funded by the provincial government?
a. If so, can you tell me what percentage of your funding comes from government sources?

1. Would your organization be able to remain open without government funding?

b. If not, how are you able to remain open?

2) Do you think government funding influences what does or does not happen in your organization? Why or why not?

3) How much of your organizations’ time would you say is devoted to funding issues? (i.e. applying for grants, reports to funding bodies, etc.).

Rights, Responsibility and Accountability:

1) What rights do you believe victims of abuse should have?

a. In your opinion, do they have these rights now? Why or why not?

2) What parties do you think should be responsible for ending violence?

Types of D.V. Remedies:

1) What kind of response do you think is needed to address domestic violence?

2) What are your thoughts on the criminal justice system and its involvement in addressing violence?

3) What role do community services and supports play in ending violence?

Deserving and ‘undeserving’ victims:

1) What kinds of victims, if any, are not addressed by the current government response to domestic violence?
a. What do you think can be done to change this?

2) What are your thoughts on men as victims?

3) What are your thoughts on the governments’ more recent focus on children who witness domestic violence?

4) What are your thoughts on how to adequately address violence in same-sex relationships?

**Part 4: The introduction of domestic violence legislation in Ontario – Bill 117**

1) Are you familiar with Bill 117: An Act to Better Protect Victims of Domestic Violence?

2) In your opinion, do you think Bill 117 would have protected victims of domestic violence?

3) What do you think of Bill 117’s subsequent failure?

4) What message do you believe the provincial government was sending with the introduction of Bill 117?

5) In your opinion, was anything or anyone missing from Bill 117?

**Part IV: The Liberal strategy – the DVAP**

1) Are you familiar with the Ontario Domestic Violence Action Plan?

2) In your opinion, do you think the DVAP protected victims of domestic violence?

3) In your opinion, what are the factors that provided the impetus for Ontario’s Domestic Violence Action Plan?

4) What do you think of the DVAP now that its four year term has expired?
5) In your opinion, did the DVAP accomplish what it set out to do? Why or why not?

6) What message do you believe the provincial government was sending with the introduction of the DVAP?

7) In your opinion, was anything/anyone missing from the DVAP?

Part V: The future of Domestic Violence Policy in Ontario

1) What direction, if any, should future provincial governments take in relation to domestic violence?

2) Do you know if government funding has changed significantly for other related services (i.e. social assistance, housing, employment, education, etc.) over the last decade?

3) Do you think that anything has changed in Ontario to address domestic violence? What?

4) What do you think needs to happen to really eliminate domestic violence?

Part V: Conclusion

1) Do you have any final thoughts or comments?