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Backlash or Equality?

The Influence of Men's and Women's Rights Discourses on Domestic Violence Legislation in Ontario

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Through an examination of the public debates from Ontario's Bill 117, An Act to Better Protect Victims of Domestic Violence, this article explores the discourses that men's rights activists used to counter feminist constructions of domestic violence. Using a combined method, the author collapses the data into four important themes: protection, rights, and gender; funding and fairness; numerical and statistical truths; and resistance. By examining how they collectively construct the problem of domestic violence, the author exposes the ways in which men's rights advocates disqualify women's experiences and the responses to such claims.

Keywords: *domestic violence; men's rights backlash; policy*

Domestic violence legislation has been enacted in several Canadian jurisdictions, including Saskatchewan (1995), Prince Edward Island (1996), Alberta (1999), Manitoba (1999), and Yukon (1999) (Statistics Canada [StatsCan], 2003). Nova Scotia (2003) later followed suit, whereas other jurisdictions such as New Brunswick, Quebec, and the Northwest Territories have considered the adoption of similar legislation (Roberts, 2001). The purpose of creating provincial legislation was to increase recognition of domestic violence as an important social issue and to complement Canada's federal Criminal Code, not replace it.

In 2000, politicians, justice professionals, and representatives of various social action groups came together in response to Mike Harris's Progressive Conservative (PC) government's attempt to create similar legislation in Ontario through Bill 117: An Act to Better Protect Victims of Domestic Violence. Also known as the Ontario Domestic Violence Protection Act, this bill was framed as "one more step we are taking to protect victims of domestic violence and hold offenders accountable" (MPP Gerry Martiniuk, PC, October 3, 2000, 15h10) through the strengthening of protection

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or intervention orders. It was also the first time the Ontario provincial government attempted to put forth a definition of domestic violence. As outlined in the bill, domestic violence—a gender neutral construct—includes

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; An intentional or reckless act or omission that causes bodily harm or damage to property; An act or omission or threatened act or omission that causes the applicant to fear for his or her safety; Forced physical confinement, without lawful authority; Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation; 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. (Bill 117, First Session, 37th Parliament)

This article addresses the nongovernmental discourses involved in the creation and eventual demise of Ontario's Domestic Violence Protection Act. Specifically, the article explores the discourses that men's rights activists used to counter feminist constructions of domestic violence in the Bill 117 legislative debates and committee hearings. By examining how men's advocates collectively constructed the problem of domestic violence, I aim to expose the ways in which they endeavored to disqualify women's experiences and feminist responses to their claims. My analysis proceeds through an examination of the claims advanced by competing special interest groups (men's, women's, and children's rights groups), including individual citizens who did not disclose their group affiliation. Drawing broadly on both governmentality and feminist perspectives, I focus my analysis on how discourses constructed by nongovernmental actors in this government setting reflect and shape how others, including the police, courts, and the general public, interpret and understand the problem of domestic violence. This aim is situated within my commitment as a feminist researcher to advance understandings of how to effectively build and support policy initiatives that foster the advancement of women in Canadian society.

Feminism and Backlash in Canada

Efforts to establish gender-sensitive domestic violence legislation in Ontario and efforts by men's advocates to resist and block such legislation build on more than a century of feminist activism and "malestream" resistance (Burgess-Proctor, 2006; Minaker & Snider, 2006). Feminist perspectives and debates have continued to shape domestic violence policy in Canada throughout the late 20th and early 21st centuries. This was facilitated by feminism's somewhat uncomfortable entrance into "relations of ruling" through the creation of Status of Women (Walker, 1990; also see Mann, 2007; Smith, 1999).¹ With a representative voice in the Canadian government, one common but controversial theme across feminist discourses is the need for appropriate and strong

criminal justice sanctions. However, there is considerable and persistent disagreement among feminists on the impacts of increased reliance on criminal justice strategies, especially for women and men in socially and economically marginalized communities (Mann, 2007; McMahan & Pence, 2003; Snider, 1994, 1998). As Walker (1990) pointed out, a criminal justice focus is consistent with the law-and-order orientation of conservative politicians, a political affiliation with which feminists have had a long, sometimes hostile history (Young, 1996). Thus, it is not surprising that antifeminist organizations often align themselves closely with law enforcement in their attempts to block the advancement of feminist equality-seeking initiatives.

Although there has always been resistance against women's equality-seeking initiatives, in Canada a men's rights backlash movement increased its public visibility after the establishment of Status of Women and has drawn on this representation in lobbying directed at federal and provincial bodies (Boyd & Young, 2002; DeKeseredy & Schwartz, 2003; Laing, 1999; Mann, 2005, 2007). Men's advocates argue that in contrast to women's groups, which have Status of Women as a vehicle and a voice, men's groups are unfairly excluded from policy circles, denied a right to be heard, and perhaps most important denied public funding to advance their voices and needs. In addition to fathers' rights to custody and access and freedom from what fathers' advocates argue is excessive child and spouse support obligations, a principal area of men's rights activism is domestic violence policy (Lucal, 1995; Mann, 2005; also see Messner, 1997). Drawing on family violence research, men's advocates insist that gender-sensitive definitions and policy falsely frame the problem and unfairly blame men (e.g., McNeely & Robinson-Simpson, 1987). The major claim is 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.

Consequently, although Canadian feminists claim victories in the establishment of women's shelters and in the inclusion of gender equality in the Canadian Charter of Rights and Freedoms (the Charter), these victories are contested and unstable (Erwin, 1988). Indeed, as Sheehy (2002) documented, the right to gender equality is used as a weapon to advance men's rights claims of gender bias. It is in the context of this intensive men's rights activism that the Harris government introduced Bill 117 in 2000.

Governmentality, Feminism, and Domestic Violence

My analysis of the Bill 117 debates draws broadly on governmentality and feminist perspectives. Feminism is a political movement aimed at comprehending and changing the inequalities that women experience as members of society (Comack, 1999; also see Mann, 2005). Drawing on the later work of Michel Foucault (e.g., Foucault, 1991), a governmentality perspective recognizes that power relations are not just confined to the power that the state possesses, nor are they confined to the power of citizens to influence their governors. Power is everywhere, and all forms of

power and governance are linked discursively (Macleod & Durrheim, 2002). This interplay in power relations makes it difficult for governments to govern in a solely top-down fashion because both state and nonstate entities participate in legislation and policy initiatives.

Although feminism and governmentality are two distinct perspectives, there are many ideas within governmentality literature that feminists incorporate into their discourses. As Elizabeth (2003) noted, the inclusion of governmentality and feminist frameworks offers new ways of thinking about language, power, and resistance that neither perspective had necessarily taken into consideration on previous occasions. For instance, Hartsock (1990) argued that a theory of power for women calls for change and participation in altering power relations. Dorothy Smith (1999) pointed out, however, that women's participation in power relations or "relations of ruling" is not equivalent to a feminist standpoint on women's interests or needs (also see Comack, 1999).

In combination, these perspectives sensitize feminist discourse to the ways in which the state and competing actors in civil society shape sociopolitical-economic developments relevant to the regulation of domestic violence. For instance, two decades ago Linda MacLeod (1987) argued that a criminal justice response could help battered women but that the justice system is not the only strategy that should be used to eliminate domestic violence because it does not address some of the greater issues within society. Mechanisms outside the state apparatus, such as shelters, should be incorporated to form a holistic approach to address the issue of domestic violence.

The Canadian state, various agencies, and rights groups exercise power through their participation in policy initiatives. As Susan Boyd (1994) noted, the state is not a segregated institution; it is a set of arenas in which and through which women's oppression is both imposed and resisted, under the influence of varying and competing social interests and lobbies that ultimately differently affect diverse groups of women. For instance, Canadian feminists have used the feminist movement to gain a voice within government, exemplified in Canada by the creation of Status of Women. However, recent cuts to Status of Women have been associated with an increase in antifeminist backlash, particularly by groups such as REAL Women,² who have been lobbying for the dismantling of Status of Women for years, demonstrating that power is never "held" in an absolute sense. Rather, it is a constantly shifting and changing set of relations and outcomes. Drawing on both feminism and governmentality, I link the problem of domestic violence and its regulation to sociopolitical-economic developments in which state and nonstate actors exercise power.

Study Design and Sample

The principal data source is the Hansard verbatim transcripts of the Bill 117 hearings, held from October 3 to December 5, 2000.³ During the second of three phases of the Bill 117 debates, it was decided that the bill would be sent to the Standing Committee on

Justice and Social Policy to hear citizen and interest group testimony with questioning by Members of Provincial Parliament (MPPs). On October 24, 30, and 31, twenty organizations and five individuals made presentations to the Standing Committee. Among these were representatives of eight women's antiviolenence groups and organizations who testified on behalf of abused women and their children. The term *women's antiviolenence groups and organizations* is used to differentiate between those women who support a feminist framework and work to end violence against women and other women's groups represented in the debates who supported a men's rights ideology.

In opposition to feminist voices, also testifying on these days were representatives and supporters of eight pro-men's groups, who testified on behalf of men and women who feel disenfranchised or abused by a system that allegedly favors women. It should be noted that among these are two women's groups: Second Spouses and Mothers for Kids. In addition, five individuals claimed to speak on their own behalf rather than as interest group representatives, including Mr. Brian Jenkins, Mr. Walter Fox, Mr. Gene Colosimo, Senator Anne Cools, and Liberal Member of Parliament (MP) Roger Gallaway. Criminal lawyer Walter Fox, Senator Anne Cools, and MP Roger Gallaway were also strong supporters of fathers' rights in the 1998 federal debates on child custody and access (see Bala, 1999; Mann, 2005).

My method uses both content and discourse analyses. I used content analysis first to count the number of times words or phrases appeared in the documents and collapsed my data into a set of four dominant themes based on these counts. However, as Wood and Kroger (2000) stated, "Discourse analysts are not uninterested in content but . . . their aim is to go beyond content to see how it is used flexibly to achieve particular functions and effects" (p. 6). Recognizing this, I moved beyond the content to examine how competing discourses on domestic violence were created and deployed within these particular thematic categories.

Both content and discourse analysis are useful because once themes are created and organized into content categories, they can be used to examine the discourses created and employed within these particular thematic frames. This strategy is particularly suited to research that draws on feminist and Foucauldian insights because these perspectives focus on how knowledge is created and deployed within specific discursive contexts. It is a research strategy that sensitizes the researcher to how socially created discourses connect to the ways individual experiences come to be regarded (Gubrium & Holstein, 2003). Through this combined methodology, I examined the different versions of the "world" of domestic violence produced by competing actors who sought to advance or counter efforts by the Harris government to solve the problem of domestic violence through Bill 117.

Findings

In the following discussion, I present the perspectives of feminist antiviolenence and antifeminist men's rights organizations and individuals' constructions of domestic

violence as gleaned from the Hansard debates under the four themes of protection, rights, and gender; funding and fairness; numerical and statistical truths; and resistance. PC and opposing MPPs' statements are incorporated where appropriate to emphasize positions of competing interest groups.

Protection, Rights, and Gender

Protection and rights were key themes that were entangled with gender. Throughout the debates there was contention over the relevance and bias of protection and rights in relation to gender and victimization. Tensions over these issues speak to the impetus behind Bill 117, a series of domestic femicides in Ontario between 1998 and 2000, including several high-profile murder–suicides in the summer of 2000:⁴

MPP Michael Bryant, Liberal: We had a spring and a summer of horrors: deaths reported in the newspapers, 11 women killed over five months, many maimed and many abused. (October 3, 2000, 16h20)

The importance of this excerpt is to demonstrate the gender-specific language used and to point out the impact media have on government decision making. It was not that the year 2000 saw a significant increase in domestic murders—in fact, the year 2000 saw the lowest rates of domestic femicide in Canada since recording began in 1974 (StatsCan, 2005)—but that the media decided to draw attention to the issue and the government responded in turn is significant.

Many of the representatives of women's antiviolence groups also used gender-specific terminology to focus on ways that government responsibility for protecting victims could be enhanced. In particular, they emphasized the need for a holistic approach that includes offender accountability, protection of victims, and community services that promote women's equality, a concern that marks their discourse as "feminist":

Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group: [Bill 117] needs to be part of a series of actions that promote women's equality in Ontario. . . . This summer . . . we've witnessed brutal, unrelenting violence against women . . . their murders aren't random and they're not isolated acts of violence. These are deliberate acts of violence committed by men against women. On average, 40 women a year in Ontario are murdered by a partner or a former partner . . . more remain with an abusive partner because they lack the means to leave. I think it's really well established that violence against women is rooted in social, political and economic inequality. (October 30, 2000, 16h30)

Vivien Green, Woman Abuse Council of Toronto (WACT): I feel this bill is extremely important in attempting to meet the needs of all abused women and is a necessary addition to providing urgently needed supports necessary to protect victims of abuse. (October 30, 2000, 16h10)

Pamela Cross, Metropolitan Action Committee on Violence Against Women and Children: Good laws that are well enforced are important . . . that's why we're supporting this bill—those laws should be part of a many-faceted approach to solving the problem of wife abuse. (October 31, 2000, 15h40)

Although men's rights advocates also held the government responsible for some of the problems, they tended to lay blame at the feet of all levels of government. They argued that rather than prevent domestic violence, the system in fact perpetuates it:

Brian Jenkins (Fathers Are Capable Too [FACT] affiliate): 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. (October 24, 2000, 16h30)

Maxine Brandon, Mothers for Kids: There must be changes within our legal system itself and in federal and provincial legislation to reduce domestic violence and not perpetuate it. (October 30, 2000, 18h10)

David Osterman, Freedom for Kids: We're willing to allow 10 men to suicide, roughly, for every woman who gets murdered. (October 31, 2000, 15h50)

Dori Gospodaric, Second Spouses of Canada: What do we all tell our sons? That their father is bad and that men can't be trusted? That mothers and women have all the rights and men none? . . . Girls, on the other hand, get to learn how to use, abuse and manipulate the system. Do you see how this perpetuates itself? (October 31, 2000, 16h10)

The men's rights organizations and supporters used facts on men's suicide rates and allegations of bias within the legal system to argue that no body of government—federal, provincial, or municipal—cares what happens to men or protects them from violence or from the adverse effects that they allege this type of legislation can have on men and boys.

Although men's advocates rarely made reference to protection, reflecting the ways in which "protection" is a gendered concept, when they did they argued that men also needed protection, that it was women they needed protection from, and that governments have a responsibility to ensure the safety of all victims. The following excerpts advance their key argument that domestic violence is a human, rather than a gender, issue and that it is not about men's violence against women but rather about all violence against intimate partners:

Maxine Brandon, Mothers for Kids: Men and women who have left marriages due to reasons of psychological abuse find that now they are being re-abused in trying to obtain a divorce and the custody of their children. (October 30, 2000, 18h10)

MP Roger Gallaway, Liberal: I'd like to say that society in general and parliamentarians have a duty to protect all Canadians—and I want to stress "all"—from this phenomenon. (October 31, 2000, 17h10)

Senator Anne Cools: This condition is rendered more difficult by official government disinclination to accept the obvious fact that violence and aggression are human problems, not gender problems. I shall ask you to examine the proposition that men and

women are equally capable of vice and equally capable of virtue, and that virtue is a human characteristic, not a gender one . . . the issue of domestic violence has been falsely framed or wrongly framed as violence against women. (October 31, 2000, 17h20)

The more radical view that men need special protection from women who constitute a major danger was advanced solely by men's advocates. On the other hand, both government (Conservative) and opposition MPPs (Liberal and New Democratic Party) and women's antiviolence organizations focused their discourses on women and children as victims and men as perpetrators.

Protection and rights discourses were further intertwined in the construction of domestic violence through the use of the Charter as a means of protecting individual and group rights. The central concern for the women's antiviolence organizations was on the battered woman's needs and rights according to the Charter.

Eileen Morrow, Ontario Association of Interval and Transition Houses (OAITH): The government of Ontario must . . . 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. (October 30, 2000, 15h31)

Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group: We need immediate direction to crown attorneys to argue women's charter rights to life, liberty and personal security in all bail debates. (October 30, 2000, 16h40).

Donna Babbs, Durham Region Custody and Access Project: 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. (October 30, 2000, 17h40)

Similarly, men's rights organizations focused on the infringement of Charter rights with a specific look at men as victims.

Peter Cornakovic, FACT: 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. It will increase opportunities for false allegations by providing positive reinforcement to dysfunctional behavior. (October 24, 2000, 16h50)

Bill Flores, Children's Voice: 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. (October 24, 2000, 17h00)

Walter Fox, criminal lawyer (lawyer for FACT): It seems that the ideological winds are blowing so strongly that they're going to sweep away basic protections that every Canadian expects to have living in this country in the name of some ideological objective

which has no basis in statistics or in anything to do with the real world. (October 31, 2000, 17h10)

Men's rights advocates were passionate in their belief that current laws discriminate against men, in favor of feminist ideology, and that the passing of Bill 117 would advance this discrimination. There was heavy reliance by men's rights advocates on the equality provision of the charter, a provision women's rights activists fought for and hailed as a women's victory. Women's rights advocates thought the Charter would further protect women from discrimination; however, in recent years it has been extensively used by men's rights advocates to further the backlash movement (Sheehy, 2002).

Funding and Fairness

Funding issues were referred to repeatedly throughout the debates. In fact, this theme overshadowed much of the discussion on domestic violence. How money is distributed, cut, and withheld was discussed by both antifeminist and feminist participants alike, but in very different ways. Men's advocates argued that funding is dispersed in a discriminatory manner.

Eric Tarkington, Human Equality Action and Resource Team (HEART): I would also like to point out that there is a total absence of funding for men's issues currently in this province or in any other province of this nation. (October 24, 2000, 16h10)

Bill Flores, Children's Voice: 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. (October 24, 2000, 17h00).

Gene Colosimo (FACT affiliate): What's the agenda? Why isn't there funding for men's groups? FACT has been around five years, they spoke, they didn't even ask for funding. (October 24, 2000, 17h50)

The wording of these excerpts illustrates their claim that women hold power because they have funding, whereas men are discriminated against because they are denied public resources. Men's organizational affiliates and supporters portray men's groups as the victims because they neither get nor seek public funding, whereas women's organizations are continuously asking for more and using public funds to "manipulate" their research in ways that infringe on men's charter rights. These sentiments were echoed by women's organizations that advocate for men's rights.

Dori Gospodaric, Second Spouses of Canada: The funded women's groups and organizations claim to represent women. "Which women?" I ask. I guess only certain women. . . . Why is it that those women's groups, funded all the way, silence women's voices? This information has been suspiciously absent by these women's groups. (October 31, 2000, 16h09)

It is clear that men's rights organizations claim to be discriminated against by a government that supports women's issues at the expense of men's rights.⁵ Women's antiviolence organizations, on the other hand, prefer a discourse that resembles the words spoken by the opposition parties. They emphasize the need to restore funding and the damage that has been caused by all the provincial cuts since 1995.⁶

Joanne Krauser, Alliance of Canadian Second Stage Housing Programs (Ontario Caucus): Though second-stage housing programs may vary in size, configuration, and management style, the mandate of all programs is to deliver services which contribute to keeping women and their children safe. We need funding from the Ontario government in order to continue to provide efficient and cost-effective programs. (October 24, 2000, 15h50)

Dorothy Bakos, WACT: It is increasingly challenging to continue to provide these services and to meet the demands, as well as work with committees such as the Woman Abuse Council, due to a lack of funding, cutbacks that stem from 1995. . . . Many agencies have had their funding reduced by 5% since 1995, forcing agencies to cut back on counselling programs. (October 30, 2000, 16h20)

Eileen Morrow, OAITH: In 1995, \$9 million in annualized funding was cut from direct violence-against-women services. After five years at that rate, the government would have accumulated a total of \$45 million from these funding cuts. The money is there. (October 30, 2000, 15h40)

Congruence between the opposition parties and women's antiviolence group representatives strengthened the argument each advanced on the need for more funding, whereas the men's rights argument for funding for men's organizations and alternative women's organizations was virtually ignored, even by Conservative MPPs.

Numerical and Statistical Truths

Statistics are the bullets of this war, and all sides use them like snipers. Often there is no way of knowing where the shot came from, or if it was accurate. (Brown, 2000, p. 1)

David Brown's (2000) interesting quote about the Bill 117 debates reflects the numerous ways both men's and women's advocates used statistics and other numerical reports to reflect their construction of the problem of domestic violence. Many presenters appeared with statistics, reports, journal articles, and information from police, judges, and other community experts. They used these reports to back up their claims on the extent or nature of domestic violence, including especially claims on whether or not domestic violence is gender specific. These statistics were used throughout the debates as a way to demonstrate "the facts" of domestic violence.

The women's antiviolence organizations used statistics much like the opposition parties to demonstrate the gendered nature of domestic violence, to show where the Conservative provincial government had failed abused women, and to demonstrate where funding was still sorely needed.

Beryl Tsang, Cross-Sectoral Violence Against Women Strategy Group: Inequalities between men and women have led—and I quote the following 1995 statistics: in 1994 woman abuse created the loss of over \$10 million in tax revenues nationally due to early death, premature death, missed days of work, and incarceration. In 1995 the national cost of woman abuse to the health care system was almost \$1.6 billion. (October 30, 2000, 16h30)

On the other hand, men's rights advocates used statistics more often to criticize the reports and statistics presented by women's organizations during the debates and feminist literature more generally. These criticisms were central to demonstrating a variety of inequalities that men face.

Eric Tarkington, HEART: Here are some truths about violence that I can demonstrate to you with good statistics . . . (1) The rate of real domestic violence is very low . . . (2) Women do more than men. . . . I can demonstrate that to you with very good statistics from government sources. (October 24, 2000, 16h10)

David Osterman, Freedom for Kids: We have a women's directorate, women's issues, and women's gender analysis, but we have no equivalent for men. . . . Some government-funded studies will cut out pieces of statistics that are about men. (October 31, 2000, 16h00)

Dori Gospodaric, Second Spouses of Canada: Figures commonly quoted in the media always refer to males as being the problem, that's the comfort zone, yet when Stats Canada recently reported that domestic violence is caused almost equally by men and women, what happened? Nothing. (October 31, 2000, 16h10)

One thing that both the women's antiviolence organizations and advocates for men had in common was their reliance on numbers to state their claims. However, the women's antiviolence organizations relied less on discrediting the facts presented by men's supporters and continued to argue their claim to truth regarding the extent and nature of violence against women and the effects that continued government cuts, especially since 1995, have had on service provision. In contrast, the advocates for men frequently claimed that women's antiviolence groups' statistics were falsely framing the issue and unfairly blaming men. As the above excerpts also demonstrate, men's advocates made pleas with the government to collect better and more accurate statistics and research, which could also be read as men's groups wanting reports that show women's responsibility for domestic violence.

Also important are the gendered ways numbers were used throughout the debates. Statements on percentages of women, the coalition of 95 women's organizations,⁷ the May-Iles and Hadley murder-suicides,⁸ and the number of shelters were all discussed in reference to women and the effects abuse has on female victims. Yet opposition MPPs and women's antiviolence representatives were not the only ones to cite these reports to substantiate their claims.

David Osterman, *Freedom for Kids: The Luft and Hadley familicides* can only be seen as suicides first. This is what was happening in this summer of violence. . . . They were suicides first, and that's because we don't care about men. (October 31, 2000, 15h50)

Osterman was the only speaker to focus specifically on the suicide aspect of these homicides. As Boyd and Young (2002) documented, male suicide is a key fathers' rights theme. It is also noteworthy that Osterman purported to be at these debates representing children when his comments more accurately reflected a men's rights agenda.

Resistance

For women's antiviolence organizations, one way power was exercised in the Bill 117 debates was by bringing silenced voices into the discussion. The inclusion of silenced women's voices was another respectful way these organizations demonstrated their concerns for diverse groups of women who are victims of domestic violence. This strategy was used to communicate their concern that previously silenced women, including ethnically diverse, lesbian, rural, and disabled women, must be included in policy development. Unfortunately, any articulation of the experiences of marginalized groups of women, or of the combined effects of race, class, sexual orientation, and ability on female victims, was minimal.

Although women's antiviolence groups invoked many silenced voices, most male rights groups focused on the needs of men who argued that they are also silenced. Much like some MPPs, men's rights advocates strayed from domestic violence and focused on their silencing through other concerns including custody and access, education, and health issues.

Erik Tarkington, *HEART: The radical imbalance of custody and access awards* against the father is plain evidence of the way society is treating its men unfairly. (October 24, 2000, 16h10)

Grant Wilson, *Canadian Children's Rights Council: Boys in particular* have had all sorts of discrimination. We don't have enough male teachers in primary grades. (October 30, 2000, 17h00)

David Osterman, *Freedom for Kids: Do we really believe men are so worthless?* We know they die six or seven years younger than women do, and yet we don't put any additional emphasis and research on men's health issues. (October 31, 2000, 15h50)

Men's advocates also felt that the creation of laws they saw as gender biased discriminated against them through false allegations and their alleged focus on feminist ideology.

Eric Tarkington, *HEART: I would like to say that hatred against men is nearing the end of its course, in my view.* (October 24, 2000, 16h20)

Bill Flores, *Children's Voice*: 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. (October 24, 2000, 17h00)

Dori Gospodaric, *Second Spouses of Canada*: Isn't it amazing that these women who want to be independent turn into a bowl of Jell-O when they're unhappy with their men? They appeal to society, welfare, the politicians, and the legislators for money. They can't manage a thing. Their grief is always someone else's fault, and someone else should fix it. (October 31, 2000, 16h10)

As reiterated throughout this article, men's advocates resisted Bill 117 because of its implicit focus on women as victims. They participated in a backlash discourse that employed false allegations, discriminatory laws, and gender bias as key constructs.

The women's antiviolence organizations, on the other hand, maintained a "professional" presence throughout the debates, focusing solely on the issue of domestic violence, the importance of adequately combating this problem, and its effects on women and children fleeing abuse. As previous researchers have noted, the women's antiviolence groups' presentations appeared purposefully clear, focused, and organized (see Boyd & Young, 2002; Mann, 2005). As the following quote demonstrates, their tone also tended to be decidedly friendly and respectful:

Dorothy Bakos, *WACT*: We are very excited and enthusiastic with the work that we continue to do with diverse communities as well as education and prevention initiatives. . . . This is why we have come together today as colleagues and community organizations, to raise awareness of these limitations and challenges that we face and to ask the government to continue to work with us on finally preventing this epidemic of family violence. (October 30, 2000, 16h20)

Throughout the debates, men's advocates increasingly put down women's organizations, their funding, and their research and projected a much angrier presence than did women's antiviolence representatives. It is important to reiterate that the anger and hostility expressed by the men's rights advocates was at the expense of the discussion on domestic violence.

Discussion

In the Bill 117 debates, individual women and men participated from a variety of perspectives and advanced a variety of positions: as MPPs, women's antiviolence advocates, and men's rights supporters. They all participated in power relations by drawing on and promoting various discourses that operated as sources and manifestations of a

particular knowledge of the problem of domestic violence and the implications of efforts to better protect victims through criminal and civil measures as proposed in Bill 117.

In the debates, PC MPPs wielded power as participants in a majority government. They therefore exercised a dominant influence on how the bill was shaped through the process of debate and amendment. On the other hand, opposition MPPs, along with individuals representing women's, children's, and men's groups, had a hand in how this legislation was perceived and received outside the halls of parliament. Thus, although the Harris government had the power to refuse opposition MPPs' proposed amendments or to qualify or disqualify men's or women's advocates' experiences, it did not have the power to make its proposed legislation acceptable to the various stakeholders involved. The career of Bill 117 was arguably shaped as much by the Harris government's embrace of neoconservative techniques of governance as by the opposing voices of men's and women's groups.

Domestic violence has rarely been without some sort of state intervention. Therefore, it is necessary to account not only for the direct power of the state in governing domestic violence, but as important for how and to what extent the state is involved in governing at nonstate levels (Rose & Miller, 1992). The dismantling of the welfare state brought increased government cutbacks and left abused women with fewer options. Instead of increased funding or other nonstate alternatives, the government responded with Bill 117.

Many feminists, including those represented in the Bill 117 debates, have argued for a response to domestic violence that incorporates both criminal justice and social supports to attend to the individual needs of each woman, batterers, and their children (McMahon & Pence, 2003; Snider, 1994, 1998). Many feminists do not want the state to remove itself from domestic violence intervention entirely. Rather, they see a combination of authoritarian state, civil society, and individual self-governance techniques as essential to a coherent strategy to govern domestic violence, as we saw in the women's antiviolence discourses presented in the Bill 117 debates and are currently seeing, to some degree, in Ontario with the Domestic Violence Action Plan (Ministry of Citizenship and Immigration, 2005).⁹

Bill 117 demonstrates how governments now use both state and nonstate forms of governance concurrently. Although Harris used a neoconservative focus on law and order, there was also emphasis on placing responsibility on victims to come forward. The purpose of Bill 117 was to protect victims by making punishments stronger and enforcement of intervention orders better. Having victims come forward themselves to obtain an intervention order means that victims are made responsible for ensuring their own protection and that of their children. Although stronger laws could take responsibility away from victims of domestic violence, victims would have to take primary responsibility for enforcing the orders themselves, taking a significant degree of responsibility away from the government and various agencies that are legally responsible for holding abusive partners accountable.

The overlapping themes identified in the analysis and the various ways claims to truth were vocalized (through heated language and the inability to forge a consensus on many areas) demonstrate the complexity of domestic violence and the difficulty in creating a one-size-fits-all piece of legislation. As with any social problem, there will be a variety of voices making claims. The development of policy, like the creation of a social problem, reflects a process of claims making.

In Bill 117, there were diverse groups making various claims as a way of constructing the problem of domestic violence. The women's antiviolence advocates were attempting to use the state to help them counter patriarchal power at the community level through support for shelters and organizations attempting to end violence against women (Snider, 1998). As Boyd (1994) noted, this is also a key arena where patriarchal power is resisted. Many women's groups identify the criminal justice system, the state, and their policies as oppressive, including policies that are designed to protect women and children. Interest group participation in policy debates has increased feminist voices and presence in Canadian family violence initiatives from the 1970s forward (Walker, 1990). By bringing the issue of battered women's experiences to the table and emphasizing the significance of this problem and the need to have it dealt with swiftly, carefully, and efficiently, many feminists have demonstrated the importance of combating violence against women.

Men's groups, on the other hand, also bring their voices into debates on domestic violence. The Bill 117 debates provided an opening for an explicitly antifeminist, and arguably antiwoman, agenda to enter into "relations of ruling" (Walker, 1990). Parliamentarians' responses demonstrate how this oppositional voice fits with the rhetoric and agendas of the various political parties, as mediated by participating MPPs. The increased media, scholarly, and political attention to the antifeminist men's rights backlash movement has the potential to dismantle some of the hard fought struggles by feminist advocates (Bala, 1999; DeKeseredy, 1999; O'Hanlon, 2006), something that requires further research and feminist activism.

Notably, each theme in the Bill 117 debates touched on contestation over the gendered nature of domestic violence. Whether it was women's antiviolence organizations speaking to the need for better supports for victimized women and children or men's advocates fighting against antimale bias, everyone had an agenda. It is worth noting that there was substantially more gender-specific terminology used throughout the debates than neutral language, contrary to what research has demonstrated in other government debates (see Bala, 1999; Laing, 1999). Although the bill itself employed gender-neutral language, both men's and women's rights activists found this problematic. Men's rights advocates felt that the intent and spirit of the bill were still gender-specific, whereas women's antiviolence organizations insisted that the gender-neutral language obscured the fact that the majority of victims of domestic violence are women.

Overall, these findings suggest that policy change is often about money. The focus on funding frequently expressed by participants in the debate essentially suggests that money is a key factor in policy development, implementation, and effectiveness,

regardless of the broader issue being considered. These findings also suggest that policy generally reflects dominant voices, silencing others. The women who were able to make a presentation at the debates were not representative of all women across Canada. This reinforces the argument that creating new legislation does not protect all women from all forms of male-perpetrated violence. Furthermore, it seems that debates about policy often provide a forum for multiple issues, some of which are only loosely connected or completely outside the issue of focus. In this case, debates about child custody, false allegations, suicide, funding, rights, and research, although important issues, can be seen as extraneous to the primary issue of domestic violence. The debates suggest that these concerns, however related to the issue of domestic violence, became a prominent feature of the debates themselves.

Conclusion

This study has highlighted the impact of different discourses on the creation of legislation and the problem of domestic violence. It demonstrates the contributions to policy in general and domestic violence legislation in particular. It is now apparent that many discourses contribute to the creation, and also the destruction, of legislative and policy initiatives. Although it is impossible to determine the exact influence that each discourse had on the eventual demise of Bill 117, this article demonstrates that it is not just a matter of the state telling the public what to do but of various stakeholders telling the state what it should do.

The aim of this research was to explore the men's and women's rights discourses on the creation of legislation and the impacts of power exercised by these competing interest groups in Canadian, and specifically Ontarian, domestic violence policy arenas. Through this exploration I hope to contribute to understandings of how policy is forged, to debates on the strengths and limitations of efforts to assist assaulted women to resist domestic violence through criminal justice sanctions, and to related debates on the strengths and limitations of criminal justice empowerment strategies.

Notes

1. Status of Women is a Canadian federal government agency created to promote gender equality through research and advocacy for policy changes to advance women's position in Canadian society (Walker, 1990).

2. REAL Women (Realistic, Equal, Active, for Life) is a Canadian organization whose members argue that the Judeo-Christian notion of the family is the most important unit in Canadian society. They do not challenge patriarchal discourses; in fact, they advocate them. For instance, REAL Women rejects the equality provisions in the charter, does not support universal daycare, and opposes equal pay for work of equal value (Erwin, 1988; Steuter, 1992).

3. Hansard, named after Thomas Hansard, are verbatim transcripts of all public proceedings of federal and provincial parliamentary hearings that capture debate and deliberation during the creation of laws

in Canada. They are an incredibly valuable source of information regarding the legislative process and include the names, affiliations when given, and testimony of all government and nongovernment individuals and groups who present their positions on a proposed law.

4. In 2000, there were 52 female victims of domestic femicide across Canada (Statistics Canada, 2005).

5. Yet the funding that was fought for through the women's movement is scarce and continuously being cut. Many of the women's antiviolenace organizations continue to operate through donations, like the men's rights groups, although that is not the focus of attention here.

6. In 1995, the Progressive Conservative provincial government, the same government that introduced Bill 117, drastically cut funding to many community-based services that provided resources to victims of domestic violence, including the complete elimination of second-stage housing. More Conservative cuts occurred in 2006-2007; however, these cuts were at the federal level.

7. The 95 women's organizations that are discussed in the debates represent women's groups throughout Ontario that put together a list of measures presented to the government to help eradicate domestic violence.

8. The May-Iles and Hadley murder-suicides were two cases in Ontario that received extensive media and government attention. Arlene May was shot in March 1996 after three of her children escaped from their home where they and their mother were being held hostage. Randy Iles, who had been charged with assaulting Arlene more than once, was out on bail. Arlene's murder started a representative inquest into murders of women in Ontario that resulted in 213 recommendations for change. Gillian Hadley was shot to death in June 2000 by her ex-partner, Ralph Hadley, who dragged her back into her house after neighbors took her child to safety, then killed her and himself. Ralph Hadley had breached several court orders and was out on bail on charges of assault, criminal harassment, and breaching orders.

9. Ontario's Domestic Violence Action Plan (Ministry of Citizenship and Immigration, 2005) was created, in the midst of government cutbacks, to eliminate violence against women through a collaborative effort backed by provincial spending. Situated within the Family Violence Initiative, the Domestic Violence Action Plan encourages everyone, including all levels of government, community agencies, volunteers, and academics, to work together to end violence against women in Ontario. Although funding for such an initiative is necessary, a lack of clarity outlining how best to work together and the oscillation between gender-neutral language such as family violence and gender-specific violence against women are also problematic.

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